



January 12th, 2017

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 18th January 2017** at **10:00 am** in the **Boardroom Monaghan Row Newry**.

The Members of the Planning Committee are:-

**Chair: Councillor W Clarke**

**Vice Chair: Councillor J Macauley**

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

# Agenda

## 1. Apologies.

## 2. Declarations of Interest.

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*Minutes for Adoption*

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## 3. Minutes of Planning Committee Meeting held on Wednesday 21 December 2016. (Attached).

*Planning Minutes - 21 December 2016.pdf*

*Page 1*

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*For Discussion/Decision*

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

*Addendum list - 18-01-2017.pdf*

*Page 13*

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*Development Management - Planning Applications for determination*

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## 5. LA07/2015/0747/0 - Niall Brannigan - proposed dwelling on a farm - approx. 88m east of 184 Lacken Road, Kilcoo. (Case Officer report attached).

Rec: REFUSAL

*LA07-2015-0747-0 - Niall Brannigan.pdf*

*Page 15*

## 6. LA07/2016/0621/0 - Mr & Mrs Rooney - new dwelling and garage - between 4 and 8 Magheralone Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

*LA07-2016-0621-0 - Mr & Mrs Rooney.pdf*

*Page 24*

**7. LA07/2016/0665/F - Tony Greenan - change of use from agricultural shed to agricultural and domestic tyre service - 20m north of No. 1 Letalian Road, Kilcoo. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-0665-F Tony Greenan.pdf](#)

Page 33

**8. LA07/2016/0847/0 - Mr R Hamilton - infill dwelling - adjoining 80 Teconnaught Road, Crossgar. (Case Officer report attached).**

Rec: REFUSAL

- Planners have advised that this application has been withdrawn by the applicant.

[LA07-2016-0847-O R Hamilton.pdf](#)

Page 37

**9. LA07/2016/0874/F - Cedar Integrated Primary School - erection of 2.4m high security fence to the partial perimeter - 29 Kilmore Road, Crossgar. (Case Officer report attached).**

Rec: REFUSAL

- Planners have advised this application is being removed from the agenda as outstanding information has been submitted by the applicant.

[LA07-2016-0874-F Cedar Integrated P.S.pdf](#)

Page 47

**10. LA07/2016/0908/F - Nuala O'Connor - proposed agricultural shed and access to Shore Road - approx. 130 m SW of 97 Shore Road, Kilclief. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Matt Kennedy, Agent, in support of the application. **(Submission attached).**
- An email of support has been received from Councillor Dermot Curran on the basis "that this application has great potential for economic growth within the farming industry. I am forwarding on her email to me in which she has set out clearly her needs in this area. Not alone for her business potential but under animal welfare I think that the decision regarding this application should be reconsidered".

[LA07-2016-0908-F Nuala O'Connor.pdf](#)

Page 53

[Item 10 - submission of support \(O'Connor\).pdf](#)

Page 60

**11. LA07/2016/0972/F - Mr S McCormick & Ms Z Thompson - removal of existing garden fence and garage and erection of new garden fence - I Loughview, Killyleagh. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-0972-F S McCormick and Ms Thompson.pdf](#)

Page 62

- 12. LA07/2016/1147/0 - Noel Ross - infill site for 2 dwellings and associated domestic garages - between 1 Drumgiven Road and 37 Creevyargon Road, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr David Burgess, Agent and Mr Noel Ross, Applicant, in support of the application. **(Submission attached).**

[LA07-2016-1147-O Noel Ross.pdf](#)

Page 68

[Item 12 - submission of support \(Noel Ross\).pdf](#)

Page 78

- 13. LA07/2016/0973/0 - Mrs M Maw & Mr A Russell - proposed dwelling and garage on a farm - lands 85m east of 26 Claragh Road, Clough, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-0973-O Mrs M MAw and Mr A Russell.pdf](#)

Page 83

- 14. R/2015/0066/F - James Wilson - erection of a single wind turbine with 30m hub, 33.1m blade diameter, 225kw and associated access and 2 no. electricity cabinets - approx. 335m NW of 34 Downpatrick Road, Killough. (Case Officer report attached).**

Rec: REFUSAL

[R-2015-0066-F James Wilson.pdf](#)

Page 90

- 15. R/2015/0069/F - Uel Watson - erection of wind turbine, associated access and 2 No. electricity cabinets - approx 522m SE of 30 Castleward Road, Strangford. (Case Officer report attached).**

Rec: REFUSAL

[R-2015-0069-F Uel Watson.pdf](#)

Page 96

- 16. P/2013/0234/F - William Bethel - erection of 225kw wind turbine with 30.4 m hub height and 29.1 metre blade diameter (amended noise assessment received 24-10-2014) - approx. 360m N of 6 Island Road, Newtownhamilton. (Case Officer report attached).**

Rec: REFUSAL

**17. LA07/2015/0725/F - Mr Emmett Watters - erection of dwelling - 40m NW of 6 Old Road, Creevekeeran, Crossmaglen. (Case Officer report attached).**

Rec: REFUSAL

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

LA07-2015-0725-F - Emmett Watters.pdf

Page 117

Item 17 - submission of support (Watters).pdf

Page 123

**18. P/2013/0242/F - Lotus Group and KPMG - Proposed residential housing development of 200 no. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements and widening of existing Watsons Road and Dorans Hill, introduction of new roundabout and distributor road, planting of acoustic barrier along distributor road, proposed landscaping, open space, car parking, site and access works. - lands at Watson Road/Dorans Hill, Newry including lands to the east of Watsons Road. (Case**

Rec: APPROVAL

- A request for speaking rights has been received from Desmond O'Loan on behalf of the Watsons Road residents group objecting to the application.
- A request for speaking rights has been received from Barcroft Community Association objecting to the application.
- A request for speaking rights has been received from Colin O'Callaghan, Planning Consultant, who will be speaking in support of the proposal and in response to any third party objections

P-2013-0242-F Lotus Group and KPMG.pdf

Page 127

**19. LA07/2015/1171/F - Mr J Hughes - proposed two storey dwelling and detached garage (renewal of current approval P/2010/0629/F) - 30m NE OF 6 Main Street, Camlough, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Conor Hughes, Planning Consultant, and Mr J Hughes, applicant. **(Submission attached).**

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

Page 139

Item 19 - submission of support (J Hughes).pdf

Page 143

**20. LA07/2016/1042/F - Mr & Mrs T Hannaway - two storey kitchen and bedroom extension to gable of dwelling - 18 Milltown Road, Lislea. (Case Officer report attached).**

Rec: APPROVAL

[LA07-2016-1042-F T Hannaway.pdf](#)

Page 145

**21. LA07/2016/0693/F - Kevin Murphy - erection of agricultural shed and slurry tank - 120m NW of No. 105 Blaney Road, Tullyard, Crossmaglen. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Stephen Hughes, Agent, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor T Hearty, in support of the application.

[LA07-2016-0693-F Kevin Murphy.pdf](#)

Page 150

[Item 21 - submission of support \(K Murphy\).pdf](#)

Page 158

**22. LA07/2016/1045/F - Mr & Mrs A Quinn - demolition of existing dwelling and outbuildings and erection of new replacement dwelling and detached garage - 32 Aughanduff Road, Mullaghbawn. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2016-1045-F Mr and Mrs A Quinn.pdf](#)

Page 179

[Item 22 - submission of support \(Mr & Mrs Quinn\).htm.pdf](#)

Page 183

**23. LA07/2016/1591/0 - Camlough Community Association - community centre - lands accessed immediately south of No. 2 Quarter Road, Camlough including lands to the rear of 2-20 Carrick Meadow to the rear of 17-35 Main Street and to the rear of 3A Chapel Road (site known locally as the 10 acre field Camlough). (Case Officer report attached).**

Rec: APPROVAL

[LA07-2016-1591-O Camlough Community Association.pdf](#)

Page 190

**24. P/20111/0802/F - Mr K Agnew - Erection of wind turbine with a tower height of 40 metres and a rotor diameter of 29 metres (extending to a**

**total height of 56 metres to tip) with a maximum output not exceeding 225kW, associated transformer / control room building (at 230 metres to north-west of turbine, connected by underground cable), site works and access provision. Access via existing agricultural laneway, off Drummond Road, from a point 50 metres west of No. 6 Drummond Road with extended section to serve**

Rec: REFUSAL

[P-2011-0802-F K Agnew.pdf](#)

Page 195

- 25. P/2015/0173/F - Don Travers - change of house type from that previously approved under planning reference P/2006/1376/RM - 100m south of 51 Ballymoyer Road, Newtownhamilton. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Martin Bailie, Agent; Colin O'Callaghan, Planning Consultant, and the applicant. **(Submission attached).**

[P-2015-0173-F Don Travers.pdf](#)

Page 200

[Item 25 - submission of support \(Travers\).pdf](#)

Page 205

- 26. P/2010/1212/F - Edward Markey - 225kw wind turbine on a 30m mast - 450m from 38 Carrivekenny Road, Bessbrook. (Case Officer report attached).**

Rec: REFUSAL

[P-2010-1212-F Edward Markey.pdf](#)

Page 219

- 27. P/2012/0901/F - Tom Cull - erection of 250kw wind turbine with 29 rotor diameter on 30m mast (noise assessment received) - 620m south of 10 Keady Road, Newtownhamilton. (Case Officer report attached).**

Rec: REFUSAL

[P-2012-0901-F Tom Cull.pdf](#)

Page 225

- 28. LA07/2015/1264/F - Malachy Rodgers - reorientation of previously approved dwelling ref: P/2006/2278 which is for dwelling and detached garage in traditional construction with dark tiled roof and white finished walls externally - adj. to 38 Stewarts Road, Annalong. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2015-1264-F - Malachy Rodgers.pdf](#)

Page 231

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

Page 240

**29. LA07/2016/0075/F - Mr D Haughian - proposed change of house type to that previously approved under P/2007/0530/RM - 120m SE of No. 7 Grove Road, Moneydarragh, Annalong. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2016-0075-F - Mr D Haughian.pdf](#)

Page 257

[Item 29 - submission of support \(Haughian\).pdf](#)

Page 265

**30. LA07/2016/0091/F - Mr Peter Clarke - proposed dwelling with amendments to access fro No. 14 & 14A - to the front of No. 14 Upper Dromore Road, Warrenpoint. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Aiden Cole, Agent, in support of the application.

[LA07-2016-0091-F - Peter Clarke.pdf](#)

Page 272

**31. P/2014/0214 - McKinley Contracts - erection of 7 No. dwellings - 3 blocks of semi detached and 1 detached dwelling (amended drawings) - lands to the rear of Nos 13, 15 and 17 Forth Road and 10m NW of Nos 7-13 Rathmore, Clonallon Road, Warrenpoint. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Conor Hughes, Planning Consultant, who will be speaking in support of the proposal and in response to any third party objections.

[P-2014-0214-F McKinley Contracts.pdf](#)

Page 283

**32. LA07/2016/0401/0 - Margaret Kane - farm building without underground**



**tanks - 135 ESE of 42 Levallyreagh Road, Rostrevor. (Case Officer report attached).**

Rec: REFUSAL

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

*LA07-2016-0401-F - Margaret Kane.pdf*

*Page 289*

*Item 32 - submission of support (Kane).pdf*

*Page 295*

**33. LA07/2016/0843/F - Stephen Boyle - Shop (retail clothing) - 47 The Mall, Newry. (Case Officer report attached).**

Rec: APPROVAL

*LA07-2016-0843-F Stephen Boyle.pdf*

*Page 312*

**34. LA07/2016/1486/0 - Mr & Mrs Jonathon Matthews - proposed corner infill site for a new dwelling and garage - lands immediately south of No. 24 Lower Carrogs Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Damian Morris, Architect/Agent, in support of the application. **(Submission attached).**

*LA07-2016-1486-O Mr and Mrs Jonathan Matthews.pdf*

*Page 318*

*Item 34 - submission of support (Matthews).pdf*

*Page 324*

**35. P/2014/0071/F - Mr John Perry - change of use to part of commercial (pre-cast concrete works) yard to a waste management facility for the depollution and dismantling of End of Life Vehicles (ELVs) and the sorting and bulking of scrap metal. Works will include the use of existing vehicle workshop for the ELV depollution process, external storage of ELVs (unpolluted and polluted) and erection of walled enclosure for storage of non-ferrous scrap metal, roofing of existing enclosure for the storage of ferrous m**

Rec: APPROVAL

- A request for speaking rights has been received from Gordon Bell & Son, Solicitors (James Anderson BL) objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Michelle McCready objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Wesley McMurray objecting to the application. **(Submission attached).**

*P-2014-0071-F John Perry.pdf* *Page 329*

*Item 35 - submission of objection from G Bell (J Perry).pdf* *Page 336*

*Item 35 - submission of objection from M McCready (J Perry).pdf* *Page 338*

*Item 35 - submission of objection from W McMurray (Perry).pdf* *Page 341*

**36. P/2014/0276/0 - Robert Francis Spence - site for dwelling and detached garage - approx. 275m NW of 79 Aughnahoor Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

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

*P-2014-0276-O Robert Francis Spence.pdf* *Page 342*

*Item 36 - submission of support (Spence).pdf* *Page 349*

**37. P/2014/1041/0 - Matthew Mallon - site for dwelling and detached garage - 20m NE of 30a Edentrumely Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

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

*P-2014-1041-O Matthew Mallon.pdf* *Page 370*

*Item 37 - submission of support (Mallon).pdf* *Page 379*

**38. P/2012/0743/F - Brian Cunningham - part change of use to tourism park incorporating 47 No. touring caravan pitches, 2 No. log cabins, tent pitching areas, gate house, pump house, toilets and showers and new micro hydropower system - Valley Business Park, 48 Newtown Road, Rostrevor. (Case Officer report attached).**

Rec: REFUSAL

*P-2012-0743-F Brian Cunningham.pdf* *Page 388*

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*Consultation Documents*

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**39. Consultation on Review of Permitted Development Rights for Mineral Exploration. (Details attached and response from Planning Section to**

follow).

[General distribution letter - consultation on review of permitted development rights for mineral exploration.pdf](#)

Page 404

- 40. Consultation paper on proposals to amend the Planning (Environmental Impact Assessment) Regulations (NI) 2015. (Details attached along with response from Planning Section to follow).**

[EIA Consultation Dist Letter.pdf](#)

Page 406

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For Noting

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- 41. December 2016 Planning Committee Performance Report. (Attached).**

[DECEMBER 2016 Planning Committee Performance Report.pdf](#)

Page 408

- 42. Record of Meetings between Planning Officers and public representatives. (Attached).**

[Record of Meetings.pdf](#)

Page 415

- 42a. Contact from Public Representatives - 1 October - 31 December 2016. (Attached).**

[Contact from Public Reps - Committee 12 January 2017 - Q3 October -December 2016.pdf](#)

Page 418

- 43. December 2016 Appeals and Decisions. (Attached).**

[Appeals and Decisions.pdf](#)

Page 424

- 44. Dates for future Planning Committee Meetings - January 2017-May 2018. (Attached).**

N.B. This schedule is subject to review at the end of March 2017 and additional meetings may be added.

[Dates of Planning Committee Meetings from January 2017-May 2018 \(for website and portal\).pdf](#)

Page 454

# Invitees

Cllr Terry Andrews	<a href="mailto:terry.andrews@downdc.gov.uk">terry.andrews@downdc.gov.uk</a>
Cllr Naomi Bailie	<a href="mailto:naomi.bailie@nmandd.org">naomi.bailie@nmandd.org</a>
Cllr Patrick Brown	<a href="mailto:patrick.brown@nmandd.org">patrick.brown@nmandd.org</a>
Cllr Robert Burgess	<a href="mailto:robert.burgess@nmandd.org">robert.burgess@nmandd.org</a>
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Lorraine Burns	<a href="mailto:lorraine.burns@newryandmourne.gov.uk">lorraine.burns@newryandmourne.gov.uk</a>
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Cllr charlie casey	<a href="mailto:charlie.casey@newryandmourne.gov.uk">charlie.casey@newryandmourne.gov.uk</a>
Cllr William Clarke	<a href="mailto:william.clarke@downdc.gov.uk">william.clarke@downdc.gov.uk</a>
Cllr Garth Craig	<a href="mailto:garth.craig@downdc.gov.uk">garth.craig@downdc.gov.uk</a>
Cllr Dermot Curran	<a href="mailto:dermot.curran@downdc.gov.uk">dermot.curran@downdc.gov.uk</a>
Ms Alice Curran	<a href="mailto:alice.curran@nmandd.org">alice.curran@nmandd.org</a>
Cllr Laura Devlin	<a href="mailto:laura.devlin@downdc.gov.uk">laura.devlin@downdc.gov.uk</a>
Ms Louise Dillon	<a href="mailto:louise.dillon@newryandmourne.gov.uk">louise.dillon@newryandmourne.gov.uk</a>
Cllr Sean Doran	<a href="mailto:sean.doran@newryandmourne.gov.uk">sean.doran@newryandmourne.gov.uk</a>
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Cllr Glyn Hanna	<a href="mailto:glyn.hanna@nmandd.org">glyn.hanna@nmandd.org</a>
Mr Liam Hannaway	<a href="mailto:liam.hannaway@nmandd.org">liam.hannaway@nmandd.org</a>
Cllr Valerie Harte	<a href="mailto:valerie.harte@newryandmourne.gov.uk">valerie.harte@newryandmourne.gov.uk</a>
Cllr Harry Harvey	<a href="mailto:harry.harvey@newryandmourne.gov.uk">harry.harvey@newryandmourne.gov.uk</a>
Cllr Terry Hearty	<a href="mailto:terry.hearty@newryandmourne.gov.uk">terry.hearty@newryandmourne.gov.uk</a>
Cllr David Hyland	<a href="mailto:david.hyland@newryandmourne.gov.uk">david.hyland@newryandmourne.gov.uk</a>
Cllr Liz Kimmins	<a href="mailto:liz.kimmins@nmandd.org">liz.kimmins@nmandd.org</a>
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Cllr Kevin Mc Ateer	<a href="mailto:kevin.mcateer@nmandd.org">kevin.mcateer@nmandd.org</a>
Mr Johnny Mc Bride	<a href="mailto:johnny.mcbride@newryandmourne.gov.uk">johnny.mcbride@newryandmourne.gov.uk</a>
Colette McAteer	<a href="mailto:collette.mcateer@newryandmourne.gov.uk">collette.mcateer@newryandmourne.gov.uk</a>
Cllr Declan McAteer	<a href="mailto:declan.mcateer@newryandmourne.gov.uk">declan.mcateer@newryandmourne.gov.uk</a>
Mr Anthony McKay	<a href="mailto:anthony.mckay@nmandd.org">anthony.mckay@nmandd.org</a>
Cllr Andrew McMurray	<a href="mailto:andrew.mcmurray@nmandd.org">andrew.mcmurray@nmandd.org</a>
Eileen McParland	<a href="mailto:eileen.mcparland@newryandmourne.gov.uk">eileen.mcparland@newryandmourne.gov.uk</a>
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Cllr Roisin Mulgrew	<a href="mailto:roisin.mulgrew@nmandd.org">roisin.mulgrew@nmandd.org</a>
Cllr Mark Murnin	<a href="mailto:mark.murnin@nmandd.org">mark.murnin@nmandd.org</a>
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Cllr Barra O Muiri	<a href="mailto:barra.omuiri@nmandd.org">barra.omuiri@nmandd.org</a>

Cllr Pol O'Gribin	<a href="mailto:pol.ogribin@nmandd.org">pol.ogribin@nmandd.org</a>
Mr Canice O'Rourke	<a href="mailto:canice.orourke@downdc.gov.uk">canice.orourke@downdc.gov.uk</a>
Cllr Brian Quinn	<a href="mailto:brian.quinn@newryandmourne.gov.uk">brian.quinn@newryandmourne.gov.uk</a>
Cllr Henry Reilly	<a href="mailto:henry.reilly@newryandmourne.gov.uk">henry.reilly@newryandmourne.gov.uk</a>
Cllr Michael Ruane	<a href="mailto:michael.ruane@newryandmourne.gov.uk">michael.ruane@newryandmourne.gov.uk</a>
Cllr Gareth Sharvin	<a href="mailto:gareth.sharvin@downdc.gov.uk">gareth.sharvin@downdc.gov.uk</a>
Cllr Gary Stokes	<a href="mailto:gary.stokes@nmandd.org">gary.stokes@nmandd.org</a>
Sarah Taggart	<a href="mailto:sarah-louise.taggart@downdc.gov.uk">sarah-louise.taggart@downdc.gov.uk</a>
Cllr David Taylor	<a href="mailto:david.taylor@newryandmourne.gov.uk">david.taylor@newryandmourne.gov.uk</a>
Caroline Taylor	<a href="mailto:Caroline.Taylor@downdc.gov.uk">Caroline.Taylor@downdc.gov.uk</a>
Cllr Jarlath Tinnelly	<a href="mailto:jarlath.tinnelly@nmandd.org">jarlath.tinnelly@nmandd.org</a>
Cllr John Trainor	<a href="mailto:john.trainor@nmandd.org">john.trainor@nmandd.org</a>
Cllr William Walker	<a href="mailto:william.walker@nmandd.org">william.walker@nmandd.org</a>

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

Ref: PL/DM

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**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 21 December 2016 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor W Clarke**Vice Chair:** Councillor J Macauley**In Attendance:****(Committee Members)**

Cllr G Craig	Cllr G Hanna
Cllr V Harte	Cllr M Larkin
Cllr K Loughran	Cllr D McAteer
Cllr M Murnin	Cllr M Ruane

**(Officials)**

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Manager
Ms C McAteer	Democratic Services Officer

**P/141/2016: APOLOGIES/CHAIRMAN'S REMARKS**

Apologies were received from:

Councillor L Devlin  
Councillor C Casey

**P/142/2016: DECLARATIONS OF INTEREST**

**Councillor Murnin** declared an interest in planning application LA07/2016/0736/F and advised he would be withdrawing from the meeting during discussion/decision on this application.

**P/143/2016: MINUTES OF PLANNING COMMITTEE MEETING  
- WEDNESDAY 7 DECEMBER 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 7 December 2016. **(Copy circulated)**

**AGREED: On the proposal of Councillor McAteer seconded by Councillor Ruane, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 7 December 2016 as a true and accurate record.**

**P/144/2016: ADDENDUM LIST**

Read: Addendum list of planning applications with no representations received or requests for speaking rights – Wednesday 21 December 2016.  
**(Copy circulated)**

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

- **Item 5** – LA07/2015/0093/F – Maurice Walsh – change of use of existing shed from light industrial use for storage and distribution associated with oyster/mussel farming (retrospective) – 14a Belfast Road, Dundrum. **REFUSAL**
- **Item 7** – LA07/2015/0406/F – Mr N Kirkwood – a single 250kw wind turbine with a base height of 40m and a blade length of 22m – approx 687m NE of 7 Lisinaw Road, Derryboye. **REFUSAL**
- **Item 9** – LA07/2015/1230/F – Mr Ciaran O'Hare – dwelling to the rear of 125 Ballylough Road, Ballywillwill, Castlewellan. **REFUSAL**
- **Item 12** – R/2014/0444/F – Colin Jones – 4 No. dwelling (2 pairs of semis) with shared parking to the front – 14-18 Lisburn Road, Ballynahinch. **REFUSAL**
- **Item 17** – LA07/2015/0148/F – Owen Murphy – new vehicular access to existing dwelling – to the rear of 36 Chapel Road with access off Chapel Lane, Meigh. **REFUSAL**
- **Item 18** – LA07/2016/0296/F – Sean Markey – domestic garage/shed with loft – 76 Maytown Road, Bessbrook. **REFUSAL**
- **Item 23** – LA07/2016/0988/F – Gaye Ferris & Jim Hannan – change of use and alterations of redundant building and extension to form dwelling – opposite 9 Searce Lane, Jerrettspass, Newry. **REFUSAL**

- **Item 25** – LA07/2015/0369/F – Newry and Mourne District Council – Proposed redevelopment of the Warrenpoint Baths including refurbishment and extension of existing Adventure Centre, Community Function Room, Seaweed baths/spa, Coffee shop and external venue space, Public toilets and all associated site works – Warrenpoint Baths 35m NE of 6 Radharc na Mara, Warrenpoint. **APPROVAL**
- **Item 26** – LA07/2016/0500/F – Newry, Mourne and Down District Council – bridge on pedestrian path/mountain bike trail, over the Yellow Water river approx 1000m east of the Newtown Road, Rostrevor. **APPROVAL**

**P/145/2016: APPLICATIONS FOR DETERMINATION**

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

- **Item 6** – LA07/2015/0273/F – Drew Henry – conversion of existing outbuilding with alterations and extension to provide ancillary habitable accommodation (retrospective) linked to existing dwelling by means of extension approved under LA07/2015/0387/F (amended) – 51 Ardigon Road Killyleagh Downpatrick. **REFUSAL**  
**(Planning Department advised this application be withdrawn for further consideration)**
- **Item 8** - LA/07/2015/039/F- Mr & Mrs P McMillan – replacement dwelling and conversion of former mill to ancillary accommodation – site 45m E of 55 Rossglass Road Killough. **REFUSAL**  
**(Planning Department advised this application be withdrawn for further consideration)**
- **Item 10** – LA07/2015/0185/F – Joyce Graham – proposed dwelling and garage in substitution of planning approval R/2011/0001/F for a dwelling on a farm under Policy CTY10 – 70m SE of 1 Rowallane Close Saintfield. **REFUSAL**  
**(Planning Department advised this application be withdrawn for further consideration)**
- **Item 14** – LA07/2015/0402/F – Glyn Mitchell – proposed erection of a dwelling – opp and 25m E of 16 Chancellor's Hall Chancellor's Road Newry. **REFUSAL**  
**(Planning Department advised this application be withdrawn for further consideration as issues have arose which may have a potential impact on this application)**



- **Item 15 – LA07/2015/0669/F – Rodney Devine – agricultural shed (retrospective permission) – 150 metres south east of 3 Desert Road Mayobridge.  
(REFUSAL)  
(Planning Department advised this application had been withdrawn at the request of the Agent)**

The following applications were then determined by the Committee:-

**(1) LA07/2016/0736/F – Mr Noel Ritchie**

The Chairperson, Councillor W Clarke, said the Committee had agreed, on the proposal of Councillor Ruane seconded by Councillor Craig, that presentations regarding (Item 11) Planning Application LA07/2016/0736/F, would be heard 'in closed session' and that discussion/decision thereafter would be heard 'out of closed session'.

It was also agreed this application would be heard on the basis that the Applicant's presentation would be heard first, without the objectors being present in the Chamber, followed by the objectors presentation being heard, without the applicant being present in the Chamber.

**AGREED:** On the proposal of Councillor Macauley seconded by Councillor Hanna it was agreed to exclude the public and press from the Meeting during discussion on this matter which related to exempt information by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information).

**Location:**

To the rear 102 Drumsnade Road, Drumaness, BT24 8NJ

**Proposal:**

Retrospective application for retention of timber frame domestic dwelling on site of storage shed.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Noted:**

An addition to the Case Officer's report, which contained personal information, was forwarded to Members under separate cover.

**Speaking rights:**

Mr Noel Ritchie, applicant, and his wife, requested speaking rights in support of the application.

Mr Sean Ritchie and Angela Ritchie requested speaking rights in objection to the application.

(10.45am – Objectors left the meeting)

Mr Noel Ritchie, applicant, and his wife, presented in support of the application.

(11.00am – Applicants left the meeting)

(11.00am – Objectors re-joined the meeting)

Ms N Largy Legal Services, gave a summary of the presentation given by Mr Noel Ritchie and Mrs Attracta Ritchie in support of the application.

Mr Sean Ritchie and Ms Angela Ritchie presented in objection to the application.

(11.10am – Objectors left the meeting)

(11.10am – Applicants re-joined the meeting)

Ms Largy Legal Services, gave a summary of the presentation given by Mr Sean Ritchie and Ms Angela Ritchie in objection to the application.

(Objectors re-joined meeting)

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Ruane it was agreed to come `out of closed session`.**

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a refusal in respect of Application LA07/2016/0736/F, for the reasons recommended, as per the Development Management Officer Report.**

**Abstentions 0**

## **(2) LA07/2015/0087/F – Martin Ward**

### **Location:**

Rockmount Convenience Complex 32 Rathfriland Road, Newry

### **Proposal:**

Varying of condition 3 of P/2010/0171/F which currently reads “The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays” to read “The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, deliveries of fuel and other goods, as well as the preparation for opening shall not occur outside the hours of 0600 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and not servicing or deliveries shall occur on Sundays.”

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr David Cunningham presented on behalf of residents objecting to the application. Barney Dinsmore, Agent, presented in support of the application. A representative from Environmental Health Department was in attendance.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Harte it was agreed to exclude the public and press from the Meeting during discussion on this matter which related to exempt information by virtue of Paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to come 'out of closed session'.

Ms Largy explained that the Committee had gone into 'closed session' as she wanted to provide information to the Committee which may be exempt under Paragraph 5, information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

The Chairperson reported the following decision had been taken:

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed issue a refusal in respect of Application LA07/2015/0087/F, for the reasons recommended, as per the Development Management Officer Report.

**Abstentions 0**

**(3) LA07/2016/0523/F – Niaomh Morgan****Location:**

Adjacent to No. 13 Crieve Road, Newry, BT34 2JT

**Proposal:**

Dwelling house

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Joe Lynam, Architect, presented in support of the application.

Councillor Craig proposed and Councillor Hanna seconded to issue a refusal in respect of Application LA07/2016/0523/F, for the reasons recommended, as per the Development Management Officer Report.

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

For	7
Against	3
Abstentions	0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to issue a refusal in respect of Application LA07/2016/0523/F, for the reasons recommended, as per the Development Management Officer Report.

**(4) LA07/2015/0303/F – Arthur Kenny**

**AGREED:** On the proposal of Councillor Ruane seconded by Councillor Harte it was agreed to exclude the public and press from the Meeting during discussion on this matter which related to exempt information by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information).

**Location:**

45m south of No. 19 Aghadavoyle Road, Jonesborough, Co. Armagh

**Proposal:**

Erection of dwelling and garage on farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Stephen Hughes, Agent, presented in support of the application.

Councillor Hearty presented in support of the application.

**Noted:**

Agent's submission was circulated to Members under separate cover.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Macauley it was agreed to come 'out of closed session'.

When the Committee came out of closed session, the Chairperson advised that Councillor Larkin proposed and Councillor Loughran seconded to issue an approval in

respect of Application LA07/2015/0303/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances as on health and safety grounds it has been established there is no alternative site identified for the proposed development.

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

For	5
Against	3
Abstentions	2

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Loughran it was agreed to issue an approval in respect of Application LA07/2015/0303/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances as on health and safety grounds it has been established there is no alternative site identified for the proposed development.

It was also agreed Planning Department be granted authority to impose any technical related conditions on Planning Application LA07/2015/0303/F which may be necessary.

- (5) LA07/2016/0226/F – Mark Devlin
- (6) LA07/2016/0227/F – Mark Devlin
- (7) LA07/2016/0228/F – Mark Devlin

**Location:**

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)

**Proposal:**

Erection of residential development comprising of 19 dwellings

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Request for speaking rights was received from Councillor Terry Hearty on behalf of objectors, objecting to the application.

Request for speaking rights was received from Michael Martin, Architect, in support of the application.

**AGREED:** It was unanimously agreed to defer Application LA07/2016/0226/F, LA07/2016/0227/F and LA07/2016/0228/F as an aspect of these applications related to social housing and therefore required further discussion between Planning Department and the applicant.

**(8) LA07/2016/1014/F – Seamus McKinley****Location:**

Adjacent to and North of 3 Cashel Road, Silverbridge and land immediately east of No. 2 Cashel Road

**Proposal:**

Erection of replacement dwelling and detached garage 30m north of No. 3 Cashel Road to be replaced off site on land immediately adjacent to and east of No. 2 Cashel Road, Silverbridge

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Martin Kearney Architect, presented in support of the application.

**AGREED: On the proposal of Councillor Craig seconded by Councillor Macauley it was agreed to issue a refusal in respect of Application LA07/2016/1014/F, for the reasons recommended, as per the Development Management Officer Report.**

**FOR DISCUSSION/DECISION****P/146/2016: DEPARTMENT FOR INFRASTRUCTURE**

**- PLANNING APPLICATION: LA07/2015/0702/F**

**- FARM SHED, NEWCASTLE ROAD, CASTLEWELLAN**

Read: Correspondence dated 1 December 2016 from Department for Infrastructure regarding Planning Application LA07/2015/0702/F which was granted approval by Council on 10 November 2016 and seeking clarification regarding the circumstances which led to the decision of granting approval in this case as it involves a new access on to a protected route. (Copy circulated)

It was noted that in granting approval for Planning Application LA07/2015/0702/F it was the view of the Committee that parking across a footpath would create a hazard for pedestrians and risk had been identified regarding large vehicles unloading along the edge of a road and it was therefore felt that both these risks were much greater than the risk of intensification on to a protected route hence the reason why the Committee granted approval for this application.

Ms Largy cautioned the Committee of the need to have demonstrable evidence when overturning decisions recommended by Planning Department and said such decisions should be supported by a report from the relevant expert as justification for departing from Policy.

**AGREED:** It was agreed the Council issue a response to the Department for Infrastructure providing clarity on a decision taken at the Planning Committee on 10 November 2016 to grant approval for Planning Application LA07/2015/0702/F, and advising that the decision was taken on the basis of risks identified with the parking of vehicles along a footway and vehicles unloading along the edge of a road as these were the main reasons for Council departing from Policy in this instance.

**P/147/2016: PLANNING REFORM IN NORTHERN IRELAND:  
PROGRESS ECONOMIC DEVELOPMENT AND FORWARD  
STRATEGY**

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Read: Email correspondence from Policy Forum for Northern Ireland giving details of a Seminar on Planning Reform in Northern Ireland: Progress Economic Development and Forward Strategy, to be held on Thursday 23 March 2017 in Belfast, at a cost of £210 plus vat. (Copy circulated)

**AGREED:** It was agreed to note the above Seminar details.

**FOR NOTING**

**P/148/2016: PLANNING COMMITTEE PERFORMANCE REPORT  
NOVEMBER 2016**

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Read: Planning Committee Performance Report for November 2016.  
(Copy circulated)

**AGREED:** It was agreed to note Planning Committee Performance Report for November 2016.

**P/149/2016: RECORD OF MEETINGS BETWEEN  
PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

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Read: Record of Meetings between Planning Officers and Public Representatives. (Copy circulated)

**AGREED:** It was agreed to note report on Record of Meetings between Planning Officers and Public Representatives.

**P/150/2016: APPEALS AND DECISIONS  
- NOVEMBER 2016**

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Read: Report on Appeals and Decisions for November 2016.  
(Copy circulated)

**AGREED:** It was agreed to note Report on Appeals and Decisions for November 2016.

**P/151/2016: PLANNING APPEALS COMMISSION  
RE: REGIONALLY SIGNIFICANT PLANNING APPLICATIONS  
- SONI LIMITED (ENQUIRY: NORTH/SOUTH INTERCONNECTOR)**

Read: Correspondence dated 29 November 2016 from Planning Appeals Commission regarding regionally significant Planning Applications by SONI Limited:  
Proposed electricity sub-station on land to the rear of 152 Trewmount Road Turleenan Moy Co Tyrone and erection of 400-kilovolt overhead electrical transmission line from there to the town lands of Crossreagh and Crossbane Co Armagh with amendments to existing 275-kilovolt line – O/2009/0792/F  
And associated works including site levelling and preparation, new access points and access lanes, working and stringing area, guarding, fencing and related mitigation works – O/2013/0214/F. (Copy circulated)

**AGREED:** It was agreed to note correspondence dated 29 November 2016 from Planning Appeals Commission regarding regionally significant Planning Applications by SONI Limited regarding enquiry into the North South Interconnector, and to note the Council had previously made representations on this matter.

**P/152/2016 PLANNING COMMITTEE MEETINGS**

It was noted it had been previously agreed to hold the Planning Committee Meeting twice per month until December after which this arrangement would be reviewed.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Ruane it was agreed to continue with the current arrangement of holding the Planning Committee twice per month.

The Chairperson, Councillor Clarke, wished everyone a happy Christmas and a peaceful New Year.

He also added his recognition for the work and co-operation of staff in managing the Planning Committee.

There being no further business the Meeting concluded at 1.45pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 18 January 2017.



Signed: ----- **Chairperson**

Signed: ----- **Chief Executive**

## Item 4 – Addendum List

### Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 18 January 2017

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

- **Item 5** - LA07/2015/0747/0 - Niall Brannigan - proposed dwelling on a farm - approx. 88m east of 184 Lacken Road, Kilcoo. **REFUSAL**
- **Item 6** - LA07/2016/0621/0 - Mr & Mrs Rooney - new dwelling and garage - between 4 and 8 Magheralone Road, Ballynahinch. **REFUSAL**
- **Item 7** - LA07/2016/0665/F - Tony Greenan - change of use from agricultural shed to agricultural and domestic tyre service - 20m north of No. 1 Letalian Road, Kilcoo. **REFUSAL**
- **Item 11** - LA07/2016/0972/F - Mr S McCormick & Ms Z Thompson - removal of existing garden fence and garage and erection of new garden fence - I Loughview, Killyleagh. **REFUSAL**
- **Item 13** - LA07/2016/0973/0 - Mrs M Maw & Mr A Russell - proposed dwelling and garage on a farm - lands 85m east of 26 Claragh Road, Clough, Downpatrick. **REFUSAL**
- **Item 14** - R/2015/0066/F - James Wilson - erection of a single wind turbine with 30m hub, 33.1m blade diameter, 225kw and associated access and 2 no. electricity cabinets - approx. 335m NW of 34 Downpatrick Road, Killough. **REFUSAL**
- **Item 15** - R/2015/0069/F - Uel Watson - erection of wind turbine, associated access and 2 No. electricity cabinets - approx 522m SE of 30 Castleward Road, Strangford. **REFUSAL**
- **Item 16** - P/2013/0234/F - William Bethel - erection of 225kw wind turbine with 30.4 m hub height and 29.1 metre blade diameter (amended noise assessment received 24-10-2014) - approx. 360m N of 6 Island Road, Newtownhamilton. **REFUSAL**
- **Item 20** - LA07/2016/1042/F - Mr & Mrs T Hannaway - two storey kitchen and bedroom extension to gable of dwelling - 18 Milltown Road, Lislea. **APPROVAL**
- **Item 23** - LA07/2016/1591/0 - Camlough Community Association - community centre - lands accessed immediately south of No. 2 Quarter Road, Camlough including lands to the rear of 2-20 Carrick Meadow to the rear of 17-35 Main Street and to the rear of 3A Chapel Road (site known locally as the 10 acre field Camlough). **APPROVAL**
- **Item 24** – P/2011/0802/F - Mr K Agnew - Erection of wind turbine with a tower height of 40 metres and a rotor diameter of 29 metres (extending to a total height of 56 metres to tip) with a maximum output not exceeding 225kW,

associated transformer / control room building (at 230 metres to north-west of turbine, connected by underground cable), site works and access provision. Access via existing agricultural laneway, off Drummond Road, from a point 50 metres west of No. 6 Drummond Road with extended section to serve turbine. Revised proposal date received 3 February 2014 showing an amended siting with accompanying shadow flicker assessment and amended noise impact assessment. **REFUSAL**

- **Item 26** - P/2010/1212/F - Edward Markey - 225kw wind turbine on a 30m mast - 450m from 38 Carrivekenny Road, Bessbrook. **REFUSAL**
- **Item 27** - P/2012/0901/F - Tom Cull - erection of 250kw wind turbine with 29 rotor diameter on 30m mast (noise assessment received) - 620m south of 10 Keady Road, Newtownhamilton. **REFUSAL**
- **Item 33** - LA07/2016/0843/F - Stephen Boyle - Shop (retail clothing) - 47 The Mall, Newry. **APPROVAL**
- **Item 38** - P/2012/0743/F - Brian Cunningham - part change of use to tourism park incorporating 47 No. touring caravan pitches, 2 No. log cabins, tent pitching areas, gate house, pump house, toilets and showers and new micro hydropower system - Valley Business Park, 48 Newtown Road, Rostrevor. **REFUSAL**

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

<b>ITEM NO</b>	2			
<b>APPLIC NO</b>	LA07/2015/0747/O	Outline	<b>DATE VALID</b>	8/7/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Niall Branagan C/O Agent		<b>AGENT</b>	Design 3 c/o 3 Cedar Grove Newry BT34 1SQ NA
<b>LOCATION</b>	Lands approx. 88 metres east of No. 184 Lackin Road Kilcoo Newry County Down			
<b>PROPOSAL</b>	Proposed dwelling on a farm			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses Signatures</b>	<b>Addresses Signatures</b>
			0 0	0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm; and is not accessed from an existing laneway.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm; and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted, be unduly prominent in the landscape; and the impact of ancillary works would damage rural character: and would therefore result in a detrimental change to the rural character of the countryside.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 Natural Heritage Policy NH6 in that it has not been demonstrated that the proposed siting is sympathetic to the special character of the Area of Outstanding Natural Beauty.



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

**Newry, Mourne  
 and Down**  
 District Council

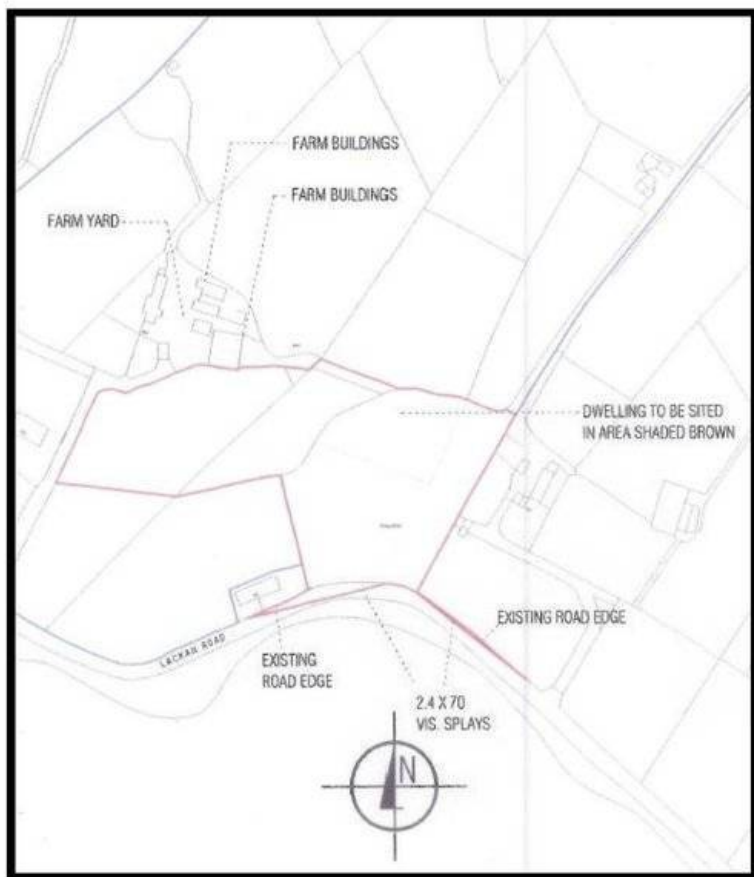
**Application Reference:** LA07/2015/0747/O

**Date Received:** 7<sup>th</sup> August 2015

**Proposal:** Proposed dwelling on a farm

**Location:**

The site is located approximately 88m east of 184 Lackan Road, Kilcoo. The site is approximately 5km to the southwest of Castlewellan and 22km to the southwest of Downpatrick.



**Site Characteristics & Area Characteristics:**Site Characteristics

The site is a section of an agricultural field located to the east of 184 Lackan Road. The site is located on a hillside elevated above Lackan Road located approximately 60m to the south. The site is bound to the north by a dry stone wall which ranges in height from approximately 60cm to 150cm. The western boundary has a low stone wall approximately 50cm in height and a post & wire fence. There are several small Thorn trees along this boundary. The site is currently used for grazing sheep. The site slopes downwards from north to south.

Area Characteristics

The area is characterised by open countryside with sparsely located farms and rural dwellings. The site is located on a hillside. Land to the north of the site rises whilst to the south of the site the land falls toward Lackan Road. Kilcoo Reservoir is located beyond Lackan Road to the south. Further south beyond the reservoir is the A25 Dublin Road. To the west of the site are the farm buildings and dwelling at 184 Lackan Road and 182 Lackan Road which is single storey bungalow accessed from the same laneway. The main farm dwelling at no184 is a 2 storey farmhouse with single storey side extension. To the east of the site is 192 Lackan Road which is a single storey traditional rural cottage and outbuildings. The land surrounding the site is agricultural and is elevated above the reservoir and the Lackan & Dublin Road.

**Site History:**

R/1989/0421 - NEAR 184 LECKAN ROAD SLIVENALARGY KILCOO - Retirement farm dwelling – granted  
R/1990/0701 - NEAR 184 LECKAN ROAD SLIVENALARGY KILCOO - Retirement farm dwelling – granted

**Planning Policies & Material Considerations:**

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards & Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

The site is within an Area of Outstanding Natural Beauty and Area of Constraint on Mineral Developments. The site is within proximity to an archaeological site and monument.

**Consultations:**

- Statutory                      Transport NI                      No objections
- Statutory                      NIEA HMU/WMU                  No objections
- Non-Statutory                NI Water                          No objections
- Statutory                      DARDNI                          Confirmed 6 years active business  
and payments claimed
- Advice and Guidance Environmental health - No objections in principle

**Objections & Representations**

The following neighbouring properties were notified on 24<sup>th</sup> September 2015:

- 182/184/188/192 Lackan Road, Kilcoo

The following neighbouring properties were re-notified on 25<sup>th</sup> July 2016:

- 188/192 Lackan Road, Kilcoo

The application was advertised on 17<sup>th</sup> August 2015.

No objections or representations have been received in response to this application.

**Consideration and Assessment:**

The application is for outline planning permission for a dwelling on a farm.

Under CTY1 of Policy PPS21 a dwelling on a farm will be permitted where it meets the criteria of CTY10, CTY 13, CTY14 and CTY16.

Under Policy CTY 10 of PPS21 a dwelling can be erected on a farm where it meets all the criteria.

The applicant has provided a DARD business ID. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. There is no evidence to suggest that the farm is not currently active and established for more than 6 years.

It is considered that criteria (a) have been met.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search on EPIC has not revealed any other planning applications in connections with the business ID, nor any other developments being sold off. There is no evidence to suggest that any development opportunities or dwellings have been sold off since 25<sup>th</sup> November 2008, therefore the proposal meets criteria (b)

Criteria (c) requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there

are either: Demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group (s).

A large red line with an area of 1.17ha has been submitted. The proposed siting of the dwelling is shown as being located approximately 70m to the east of the establish group of farm buildings on a site with an area of approximately 0.15h. The site for the dwelling is on the northern section of a larger field. The site would be accessed via a proposed new laneway from Lackan Road. No details have been provided as to the positioning of this lane except for the entrance point to the south of the site.

It is not considered that proposed site clusters with the establish group of buildings on the farm therefore consideration is given to whether the proposed dwelling would visually link with the established group of buildings on the farm.

Views of the site are achieved from Lackan Road to the south and southeast. Views from the southwest along Lackan Road are restricted by no182 when approaching from this direction. There are long views available from the Dublin Road and Bog Road to the south of the site. Due to the elevated position and lack of mature vegetation surrounding the site it appears relatively exposed when viewed from the south. It is not considered that the proposed site is visually linked with the established group of buildings on the farm due to the degree of separation between the site and the farm. The site appears closer to the neighbour farm at no192 than the farm buildings at no184.

The agent submitted additional information to support the application received by the Council on 10<sup>th</sup> June 2016 – this included

- A letter / supporting statement
- An email DARDNI acknowledging receipt of a Whole Farm Needs Assessment survey submitted by the applicant on 2<sup>nd</sup> April 2016.
- 3 photographs/photomontages showing the proposed dwelling when viewed from Dublin Road.

The agent has advised that the applicant intends to expand the farm business by building a new shed to the east of the existing farm buildings – an email has been submitted to demonstrate that a Whole Farm Needs Assessment survey has been submitted to DARD by the applicant on 2<sup>nd</sup> April 2016. Whilst the applicant may have intent to expand the farm buildings, this email is not considered to a verifiable plan to expand the farm business. The photomontage shows the proposed location ‘an approved new shed’ however there is no record of any certificate of lawful use or approved shed on this site.

The photomontages submitted show a single storey dwelling surrounded by mature landscaping, most of which does not currently exist. The siting of the dwelling as shown in the photomontage does not appear to correlate with the proposed site as shown on the site location plan. The field boundary to the west of the site would



constitute the extent of the site with the dwelling likely to be situated toward the centre of the site. The photomontage shows the majority of the proposed dwelling as being further west than this boundary wall. It is considered that if the dwelling were to be wholly located within the site as shown on the site location plan, it would be located further to the east than is shown on the photomontage. Furthermore it would not benefit from the mature landscaping shown.

While the agent argues that views from the Dublin Road are only available short lived, from a static position, and at 90 degrees from the road, I was able to obtain views of the site whilst travelling along the Dublin Road. Furthermore there are head on views of the site when travelling along Bog Road toward Dublin Road. The site can be viewed straight ahead and for a sustained period when travelling along this stretch of Bog Road. The agent argues that the site and the farm are visually linked. The site is located closer to the neighbouring farm at no192 and it is not considered that the site would visually link with the applicant's farm at no184.

The agent uses the example of no182 to illustrate that the proposed dwelling would be sited at a similar distance to the farm. The dwelling at no182 was approved in 1989 under a different policy context and bears no relevance to the proposed dwelling considered under the current policy context.

A new access lane is proposed and the proposal would not make use of the existing lane.

### CTY13

The proposed site is undefined to the south and east. The western and northern boundaries are demarked by low dry stone walls and post and wire fences with only 3 small thorn trees located on the western field boundary. The site is located in an elevated position above lands to the south. The rising land and hills further north of the site would provide a backdrop when viewed from the south however the elevated position and the lack of natural boundaries would mean the dwelling is likely to appear prominent and would fail to integrate suitably into the landscape. The proposed dwelling would rely primarily on the use of new landscaping for integration. The application is an outline and no detailed ancillary works or design has been submitted. The site would not visually link with the establish group of buildings on the farm.

The proposed laneway would come off Lackan Road. The existing farm laneway would not be utilised. The proposed lane is likely to be easily visible from the views to the south and would ascend up the hillside to the site. While the lane could follow the eastern hedge of the field and pass along the top of the field it is considered unlikely to suitably integrate into the countryside due to the elevated position and long views of the site.

### CTY14

The proposed dwelling would be prominent in the landscape by virtue of its elevated position and lack of natural boundaries and natural screening. The photomontage submitted show a dwelling set within mature landscaped gardens. These mature trees and hedges are not currently in existence. There are 3 small thorn trees along the western boundary of the site however these would not provide any screening of the site when viewed from the south from where the critical views are achieved.

### CTY16

The proposed dwelling would not be contrary to CTY16 subject to further consultation with NI Water & NIEA Water management Unit at the reserved matters stage.

### Access

The access is from a new proposed lane from the south of the site off Lackan Road. The course of the lane has not been shown however it is likely to ascend the hillside along the eastern boundary of the field along the border with 192 Lackan Road. Transport NI have been consulted on the application and have no objections.

### NH6

The proposed siting is not considered to be sympathetic to the special character of the AONB in general and of the particular locality. The dwelling would fail to integrate into the landscape due to a lack of natural screening and boundaries and would detract from the rural appearance of the surrounding area. The proposed new lane way is likely to be easily visible from surrounding views and it is considered it would also fail to integrate and be sympathetic to the surrounding AONB.

### **Recommendation:**

Refusal

### **Refusal Reasons/ Conditions:**

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

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees,

buildings, slopes and other natural features which provide a backdrop; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm; and therefore would not visually integrate into the surrounding landscape.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted, be unduly prominent in the landscape; and the impact of ancillary works would damage rural character: and would therefore result in a detrimental change to the rural character of the countryside.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 Natural Heritage Policy NH6 in that it has not been demonstrated that the proposed siting is sympathetic to the special character of the Area of Outstanding Natural Beauty.



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**Newry, Mourne  
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District Council

**Application Reference:** LA07/2015/0747/O

**Proposal:** Proposed dwelling on a farm

### Additional consideration

This application was deferred by the planning committee on 10<sup>th</sup> November 2016 to allow for discussions between the applicant and the planning department, to agree upon an alternative siting within the red line to address the recommended reasons for refusal.

An office meeting was held between the applicant, agent, and planners on 16<sup>th</sup> November 2016 and an alternative siting was discussed. Following this meeting the Council contacted Transport NI, who advised that the existing farm access could be used with improvements required to provide sightlines of 2.0m x 60m. A preferred site was sent to the agent on 24<sup>th</sup> November 2016 and it was advised that the existing access should be used.

In an email to the Council dated 16<sup>th</sup> December 2016 the agent considers that the planning departments preferred siting is only a small difference from the originally proposed site and the existing access is too steep and is considered unsafe.

The preferred siting chosen by the planning department is considered to provide the greatest visual link with the established farm buildings when viewed from the critical viewpoints. It would also benefit from the backdrop of the existing buildings.

It is not considered that the existing lane is significantly steeper than the proposed new access from Lackan Road which would also have a steep gradient due to the topography of the land. The use of a new access in the proposed location would also result in the removal of existing stone walls. The stone walls at the existing access could be rebuilt behind the sight lines.

The agent advised that they wish the application to be returned to the Planning Committee for a determination on the original siting and access.

The application is therefore returned to the planning committee without any amendments and with an unchanged recommendation.

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

<b>ITEM NO</b>	<b>8</b>			
<b>APPLIC NO</b>	LA07/2016/0621/O	Outline	<b>DATE VALID</b>	5/11/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr & Mrs Rooney 8 Magheralone Road Drumaness Ballynahinch BT24 8ND	<b>AGENT</b>	O'Neill Architecture 147 Main Street Dundrum Newcastle BT33 0LX 02843771876	
<b>LOCATION</b>	Between 4 and 8 Magheralone Road Drumaness Ballynahinch			
<b>PROPOSAL</b>	+-New dwelling and garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	1	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Strategic Planning Policy Statement and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage and would, if permitted, result in the creation of ribbon development along Magheralone Road.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.



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**Newry, Mourne  
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District Council

**Application Reference:** LA07/2016/0621/O

**Date Received:** 11<sup>th</sup> May 2016

**Proposal:** New dwelling and garage

**Location:** Between 4 and 8 Magheralone Road, Ballynahinch. The site is approx. 6.5 miles north-west of Downpatrick and appears to be within the Drumaness district electoral area.

Site depicted below, note red lines are indicative only, please see file (site location map LA07/2016/0621/01) for an accurate red line of the site.



**Site Characteristics & Area Characteristics:**

The site is a roadside site which appears to be part of a larger field. The south (SSE) boundary is shared with the Magheralone Road and is defined by a mature hedge. The south western, and north western boundary is undefined and details mature vegetation. The site has an undulating topography with mature vegetation and includes a man-made pond feature within the south western portion of the site. The eastern boundary is shed with No 8 Magheralone Road, a detached roadside dwelling, and there is no boundary definition between the site and the dwelling and it is noted the dwelling on situated on a higher ground level than that of the site.

Undefined Boundary between the site and No 8 Magheralone Road, No 8 has a higher ground level than that of the site.



View of the site from Magheralone Road adjacent to the access serving No 8 Magheralone Road



View of the site from the junction of the Magheralone Road and Crawfordstown Road



**Site History:**

No site specific history but a site search included history of neighbouring No 8: R/2013/0325/F Single storey Extension of 8 Magheralone Road Drumaness GRANTED 02.10.2013

**Planning Policies & Material Considerations:**

The proposal will be assessed in relation to the Ards and Down Area Plan 2015, the Regional Development Strategy, Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside and Building on Tradition a Sustainable Design Guide for Rural Northern Ireland, PPS3 Access, Movement and Parking, Parking Standards.

**Consultations:**

NI Water – responded with information for the applicant.

Transport NI – no objections and a condition proposed which details the requirement for visibility splays of 2m by full frontage set back

**Objections & Representations**

The application was advertised in the Mourne Observer and Down recorder on the 23rd of May 2016.

A total of 2 neighbours have been notified, which has been checked on site.

No objections have been received and Council notes an email of support from Cllr P Clarke is detailed on file.

**Consideration and Assessment:**

The proposal is for a dwelling within the countryside. PPS21 Sustainable Development in the Countryside and the Strategic Planning Policy Statement (SPPS) will be considered.

PPS21 Policy CTY 1 states that there is a range of types of development which in principle are considered to be acceptable in the countryside which will contribute to the aims of sustainable development and be sited and designed to integrate with their surroundings and to meet other planning and environmental considerations (drainage, access and road safety).

When considering the site and the information submitted, there is no evidence to support the proposal in terms of a farm business (CTY10), a replacement (CTY3), a cluster of buildings (CTY2a), a non-agricultural business (CTY7), special personal or



domestic circumstances (CTY6). Therefore the proposal will be considered in relation to the development of a small gap site and this relates to Policy CTY8 and is also detailed within the SPPS.

Policy CTY8 refers to ribbon development and identifies an exception to policy for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage. The proposal is for a single dwelling.

Policy also requires that such a development must also respect the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements.

The policy also provides a definition of a substantial and continuously built up frontage to include a line of 3 or more buildings along a road frontage without accompanying development to the rear.

It must be noted that the SPPS published September 2015 offers no conflict with PPS21 with regards to infill/ribbon development advising, as Policy CTY8 highlights, that a proposal that would create or add to a ribbon of development will be refused.

The site is a roadside site and therefore frontage is easily identified as the Magheralone Road.

No 8 Magheralone Road is a single storey detached dwelling with detached garage. The curtilage of the property is identified on the site location. The plot width of No 8 Magheralone Road is approx. 24m. Please note the measurements within this report are taken from the submitted site location plan LA07/2016/0621/01 stamp received 11 MAY 2016. The next dwelling along the northern section of the Magheralone Road, travelling towards the Crawfordstown road, is No 4 Magheralone Road. No 4 is a detached single storey dwelling width of 30m when measuring along the Magheralone Road. The neighbouring No 2 Magheralone Road has a frontage along both the Magheralone Road and the Crawfordstown Road, however the vehicular access and address are detailed as the Magheralone Road. This single storey detached dwelling has a plot width along the Magheralone Road of approx. 30m.

The gap between Nos 4 and 8 Magheralone Road measures at 114m along the Magheralone Road. This is a considerable distance. The site proposed has a plot width of 40m and is located within the larger gap of 114m. The agent supplied an indicative layout which included potential development of the remaining gap (approx. 74m plot width) with 1 dwelling. It must be noted that this is indicative only and there is no current or pending applications for the development of the remaining gap site.

The indicative site layout is for information only. It illustrates how the gap between No 4 and 8 Magheralone Road could potentially accommodate 2 dwellings fronting onto the Magheralone Road. The potential plot width of the plot that is outside of the applicants control would not respect the plot widths within the area and therefore I would not be of the opinion that the larger gap between Nos 4 and 8 Magheralone Road could accommodate 2 dwellings that would respect the existing development pattern along the Magheralone Road in terms of plot size.

The site proposed does not reflect the definition of a small gap site within substantially and continuously built up frontage as defined within Policy CTY8. Development of the site would not infill the gap, but create a ribbon of development along the Magheralone Road contrary to CTY8.

Policy CTY 14 refers to rural character and states that permission would only be granted for a building where it would not cause a detrimental change to or further erode the rural character of the area. As the proposal would create a ribbon of development, this in turn would create a localised sense of build-up detrimental to the rural character of the area. The proposal is therefore contrary to CTY14.

A recent planning approval for an infill dwelling directly opposite the site and approved under LA07/2016/0628/O was between 3 and 7 Magheralone Road. The site identified for a dwelling was a small gap site within a substantially and continuously built up frontage as defined within Policy CTY8. A dwelling on this site would slot neatly into the small gap between the dwellings and buildings of 3 and 7 Magheralone Road while respecting the existing development pattern along the Magheralone Road. The principle of a dwelling on this site was considered to be in keeping with PPS21 and the SPPS. This approval was granted on the 2<sup>nd</sup> of September 2016. The granting of this application would not impact the proposal as it did not create a cluster of development whereby the site, as proposed, would round off the cluster in keeping with the policy definition detailed within CTY2a of PPS21 and the SPPS.

If the principle for an infill dwelling was accepted conditions relating to boundary definition and reinstatement of the hedge to the rear of the 2m by full site frontage visibility splays, as recommended by Transport NI, as well as existing and proposed levels with a restricted under build would be necessary. A height condition may also be considered to ensure a dwelling would integrate into the site and reflect the size and scale of the neighbouring dwellings of 8, 4 and 2 Magheralone Road.

**Recommendation:**

*Refusal*

**Refusal Reasons/ Conditions:**

*Reasons as recommended by case officer and can be subject to change.*

The proposal is contrary to Strategic Planning Policy Statement and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage and would, if permitted, result in the creation of ribbon development along Magheralone Road.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to

the rural character of the countryside.

\_\_\_\_\_  
Case Officer DATE

\_\_\_\_\_  
Appointed Officer DATE



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0621/O

**Proposal:** New dwelling and garage

**Location:** Between 4 and 8 Magheralone Road, Ballynahinch. The site is approx. 6.5 miles north-west of Downpatrick and appears to be within the Drumaness district electoral area.

**Consideration of information supplied by agent on 7<sup>th</sup> December 2016**

The agent considered the details of the planning report and submitted a rebuttal in support of the proposal. This information has been considered and does not sway opinion. The proposal is for a dwelling within the countryside and refers to the consideration of an infill. Policy is clear within both the Strategic Planning Policy Statement for Northern Ireland and PPS21 Sustainable Development in the Countryside. The policy provides provision for the development of a small gap site within an otherwise substantial and continuously built up frontage. This provision also requires such developments to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.



The site identified within the planning application does not represent a small gap site. Policy justification and amplification within CTY8 of PPS21 paragraph 5.34 refers to many frontages in the countryside having breaks between houses or other buildings which provide a visual break and help maintain the character of the area. The site is a smaller portion within a significantly larger visual break between Nos 2, 4 and 6 Magheralone Road.

The site fails to represent a small gap within a substantial and continuously built up frontage but provides a relief and a visual break in the developed appearance of the locality. The extent of separation between dwellings at No 6 and No 4 Magheralone Road is clearly apparent when travelling in either direction along the Magheralone Road.

Development of this site would lead to the creation of a ribbon of development and consolidate built development along the Magheralone Road.

The planning agent has queried the Councils assessment along the Magheralone Road and presented details relating to the immediate vicinity of the site rather than either side of the site itself. This would be at odds with policy and supported by Planning Appeals Commissions (PAC) assessment which is detailed within PAC decision 2015/A0154 proposed infill/gap site of 2 storey and 1.5 storey double garage at 60m south of 1 The Birches, Whitesides Road, Ballymena. Within paragraph 6 of this decision the PAC commented that dwellings on opposite sides of the lane, ie frontage, cannot form part of the continuously built up frontage, regardless of any visual linkage that may exist between them (PAC 2015/A0154).

The information provided for consideration and during the processing of the application refers to land outside of the applicants control and ownership but identified within the indicative site area plan as 'future site B' and has a frontage of 70m along the Magheralone Road which is detailed within this indicative plan. The site proposed as the small gap site is not included within this area and has a frontage of approx. 38m along the Magheralone Road (measuring from the site location plan to scale 1:2500). This clearly identifies that there is a significant gap between the dwellings of 2 and 4 Magheralone Road and the dwelling at 6 Magheralone Road.

### **Conclusion**

Having considered the supporting rebuttal submitted by the applicants planning agent opinion remains unchanged, recommendation for refusal remains applicable and I refer to the previous reasons identified within the planning officers report.

\_\_\_\_\_  
Case Officer DATE

\_\_\_\_\_  
Appointed Officer DATE

<b>ITEM NO</b>	<b>9</b>			
<b>APPLIC NO</b>	LA07/2016/0665/F	<b>Full</b>	<b>DATE VALID</b>	5/20/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Tony Greenan 28 Ardmore Drive Hilltown BT34 5UF	<b>AGENT</b>	Studio 13 Design 31 Castlekeele Martins Lane Newry BT35 8GH 07872591594	
<b>LOCATION</b>	20 metres North of No. 1 Letalian Road Kilcoo Co. Down			
<b>PROPOSAL</b>	Change of use from agricultural shed to agricultural and domestic tyre service. The shed will be used for the fixing and storage of tyres for agricultural vehicles and domestic.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0

- 1 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.
- 2 The proposal is contrary to PED 2 of Planning Policy Statement 4, Planning and Economic Development and SPPS in that the proposal fails to comply with any of the stated policies namely PED 3, PED 4, PED 5 and PED 6 nor has it been demonstrated that the proposal is associated with a farm diversification scheme or have any exceptional circumstances been put forward to justify it.



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**Application Reference: LA07/2016/0665/F**

**Date Received: 20<sup>th</sup> May 2016**

**Proposal: Change of use from agricultural shed to agricultural and domestic tyre service.**

**Location: 20M north of no 1 Letalian Road, Kilcoo, Co Down.**



#### **Site Characteristics & Area Characteristics:**

The site in question is located adjacent to the Letalian Road and is a relatively flat site of an shed of an agricultural appearance with a small forecourt and open access to the road. The lands to the side and rear are rough lands that do not appear to have any particular use and are in rough grass at present and rise to the rear of the site.

The area in question is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is located in close proximity to a road junction and a dwelling. The site is within a Countryside Policy Area.

#### **Site History:**

R/2010/0761/O – Immediately to south of 5 Letalian Road – 1 ½ storey infill dwelling – granted – 16-03-2011.

R/2007/1247/O – Adjacent to and NE of 1 Letalian Road – erection of dwelling to replace existing granite stone barn – withdrawn.

LA07/2015/0206/CA – Adjacent to 1 Letalian Road – alleged change of use of barn to tyre business, signage and infilling – on going.

### **Planning Policies & Material Considerations:**

The application is considered against Ards and Down Area Plan 2015 and PPS 21 Sustainable development in the Countryside, PPS 4 Planning and Economic Development and SPPS.

### **Consultations:**

NI Water – no objections

Environmental Health – no objections provided conditions are attached.

Transport NI – initially responded with a request for additional information, upon re – consultation with amended drawings Transport NI responded with no objections however conditions attached.

### **Objections & Representations**

The application was advertised on 8<sup>th</sup> June 16 which expired 22<sup>nd</sup> June 16. 4 neighbours were notified on the application on 2<sup>nd</sup> June 16 which expired 16<sup>th</sup> June 2016. No letters of objection were received in relation to the application.

### **Consideration and Assessment:**

As this site is not located within any development settlement limits as defined in the Ards and Down Area Plan 2015 the site the initial policy context is CTY 1 of PPS 21 Sustainable Development in the Countryside. In terms on non-residential development there are a number of cases in which planning may be granted. In relation to this proposal consideration is given to farm diversification proposals in accordance with CTY 11 and the re use of an existing building in accordance with CTY 4 and industry and business uses in accordance with CTY 4.

The application was made with no supporting statement or justification as to how the applicant/agent feels the application meets with current policy provision.

In considering CTY 4 of PPS 21 The Conversion and Reuse of Existing Buildings the policy has a number of requirements all of which must be met. The proposal does not meet with this section of policy as the re use of this building does not enhance form and character, and when read with the policy requirements of SPPS the building is required to be locally important. As this is a standard and very common building with no specific architectural merit without any local importance this policy has not been met.

Policy CTY 11 – Farm Diversification could also be considered however the applicant has submitted no information in relation to this, during the site inspection the applicant was asked if this was a farm diversification project but indicated that it was not, there has not been enough information submitted to demonstrate that the application meets with the criterion of CTY11.



In relation to PPS 4 Planning and Economic Development PED 2 Economic Development in the Countryside is considered, the application falls within none of the criterion for this section of policy, furthermore the policy indicates that economic development associated with proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside'.

It has not been demonstrated that this application is a farm diversification project nor have any exceptional circumstances been put forward to justify the application.

This application for a change of use is not considered to meet with policy provision.

**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 PED 2 of Planning Policy Statement 4, Economic Development in the Countryside and SPPS in that the proposal fails to comply with any of the stated policies namely PED 3, PED 4, PED 5 and PED 6 nor has it been demonstrated that the proposal is associated with a farm diversification scheme or have any exceptional circumstances been put forward to justify it.

**Case officer:**

**Authorised by:**

**Date:**

**ITEM NO** 12  
**APPLIC NO** LA07/2016/0847/O Outline **DATE VALID** 6/27/16  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr R Hamilton 85 Teconnaught Road Crossgar BT30 9HH  
**AGENT** Ewart Davis 14 Killynure Avenue Carryduff Belfast BT8 8ED  
 NA

**LOCATION** Adjoining 80 Teconnaught Road Crossgar BT30 9HH  
**PROPOSAL** Infill dwelling

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	Addresses	Signatures	Addresses	Signatures
	6	0		0	0	0	0	0
					0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the building would, if permitted create a ribbon of development; the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to the rural character of the countryside.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Brown's Lane.



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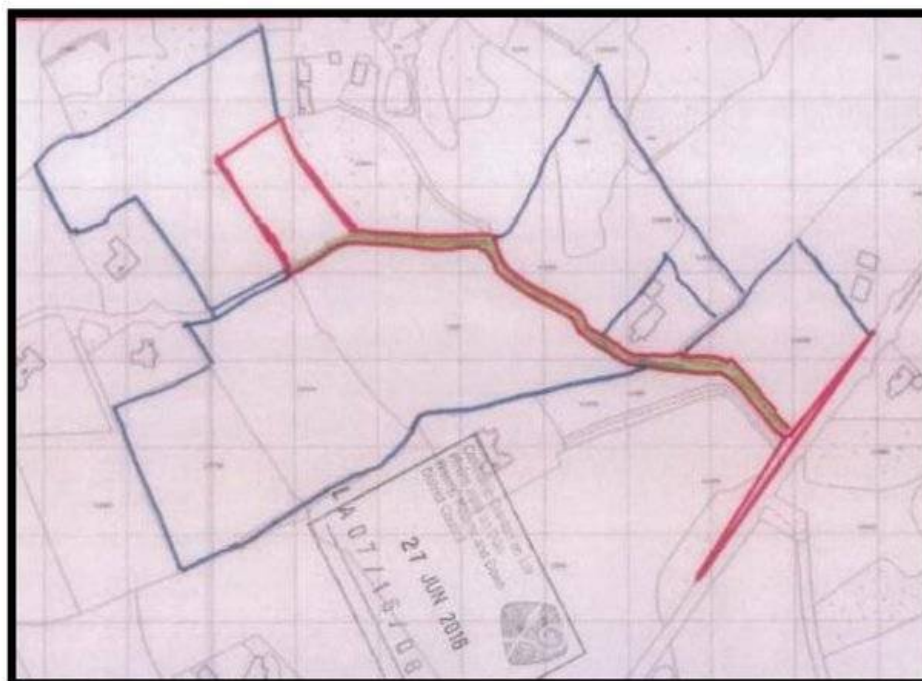
**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0847/O

**Date Received:** 27<sup>th</sup> June 2016

**Proposal:** Infill dwelling

**Location:** The site is located at land adjoining 80 Teconnaught Road, Crossgar. It is located 2.4km to the southwest of Crossgar and 7.4km to the northwest of Downpatrick.



**Site Characteristics & Area Characteristics:**

The site contains a section of a larger agricultural field located to 350m to the north-west of Teconnaught Road. The site is currently accessed from an agricultural gate from the existing lane. The site is bound along the north-eastern boundary by an existing mature hedgerow. The north-western and south-western boundaries are undefined. The southern boundary of the site is defined by a 1m post and wire fence.

The topography of the site is relatively flat.

The area is generally in agricultural use with sparsely located rural dwellings. The site is located off a long lane which serves up to 10 dwellings. The lane is partially laid with concrete with mature hedges along much of each of the sides.

To the northeast of the site is a large detached dwelling located no80 Teconnaught Road. To the north and south of the site is open countryside. To the west of the site there is an area of agricultural land and further west is a single storey hipped roof dwelling at no80a. Directly to the east of the site is an area of woodland with mature trees and vegetation.

### Site History:

R/1996/0927	90M WEST OF 84 TECONNAUGHT ROAD DOWNPATRICK Bungalow APPLICATION WITHDRAWN
R/1997/0070	90M WEST OF 84 TECONNAUGHT ROAD KILMORE Dwelling PERMISSION GRANTED
R/2000/1215/O	180m South West of 80 Teconnaught Road, Crossgar Site for Dwelling (outline). Permission granted 23.02.2001
R/2001/0105/O	90 metres West of 84 Teconnaught Road, Kilmore, Crossgar, Co Down. Site for dwelling PERMISSION GRANTED 02.02.2002
R/2001/0939/O	80m south of 80 Teconnaught Road, Tullynacree, Crossgar, Northern Ireland, BT30 9HH Site for dwelling Permission Granted 22.10.2001
R/2002/0051/F	180M South West of 80 Teconnaught Road, Crossgar. New Dwelling. Permission granted 25.03.2002
R/2002/0347/O	250m South West of 80 Teconnaught Road, Kilmore, Crossgar. Site for dwelling. Permission Granted 28.01.2003
R/2002/0527/O	80m south of 82 Teconnaught Road, Tullynacree, Crossgar, Northern Ireland, BT30 9HH Rural style dwelling and garage PERMISSION GRANTED 24.07.2002
R/2002/1548/O	300m North of 74 Teconnaught Road, Kilmore, Crossgar Site for Dwelling Permission granted 04.02.2003
R/2002/1550/O	100 metres east of 82 Teconnaught Road, Tullynacree, Crossgar, Northern Ireland, BT30 9HH Replacement dwelling. PERMISSION GRANTED 16.01.2004

R/2003/0520/RM	80 Metres south of 80 Teconnaught Road, Tullynacree, Crossgar. Proposed new dwelling. Permission Granted 16.07.2003
R/2003/1225/F	80 Teconnaught Road, Tullynacree, Crossgar, Northern Ireland, BT30 9HH New bedroom extension & alterations. PERMISSION GRANTED 04.12.2003
R/2004/0162/O	60m South of 82 Teconnaught Road, Tullynacree, Crossgar. Rural style dwelling and garage. Permission Granted 14.07.2004
R/2004/1927/O	280m south of 82 Teconnaught Road, Crossgar, Co Down. Dwelling and garage PERMISSION REFUSED 19.01.2006
R/2005/0212/F	90M West of 84 Teconnaught Road, Crossgar New Dwelling PERMISSION GRANTED 11.09.2006
R/2005/0284/O	140M South of 78 Teconnaught Road, Crossgar, BT30 9HH Site for dwelling & garage accessed from Teconnaught Road Permission granted 04.10.2006
R/2005/1064/F	300m North of 74 Teconnaught Road, Kilmore, Crossgar New dwelling and domestic garage Permission granted 06.02.2006
R/2005/1069/RM	60m south of 82 Teconnaught Road, Tullynacree, Crossgar, Northern Ireland, BT30 9HH Single rural dwelling and garage based upon vernacular cottage and outbuildings Permission Granted 26.04.2006
R/2005/1435/F	250m South-West of 80 Teconnaught Road, Kilmore, Crossgar. New Dwelling and Detached Domestic Garage. Permission granted 28.06.2006
R/2011/0499/F	140m south of 78 Teconnaught Road, Crossgar, Amended access to dwelling approved 3 June 2011 Permission Granted 03.04.2012

#### **Planning Policies & Material Considerations:**

- The Regional Development Strategy (RDS)
- The Strategic Planning Policy Statement (SPPS)
- The Ards & Down Area Plan 2015
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

**Consultations:**

Statutory	Transport NI	No objections in principle
Statutory	NIEA – WMU	No objections
Non-Statutory	NI Water	No objections

**Objections & Representations**

Objections letters have been received from the following properties with summary of issues raised:

- 80 Teconnaught Road, Crossgar dated 1<sup>st</sup> August 2016
  - Site location plan does not show up-to-date situation at no80 – large kennels removed and pond area planted with trees and shrubs
  - Buildings marked C&D (on objection letter) are shown as 2 buildings but are now one building
  - Building marked E is a stick shed made of corrugate iron
  - Apart from the rear of the stick shed none of the building can be seen from any apart of the main lane
  - Stick shed only visible in winter
  - No visibility of 80 Teconnaught Road – questions substantial and continuously built up frontage
- 80 Teconnaught Road, Crossgar dated 28<sup>th</sup> June 2016
  - Proposed site suffers from flooding
  - Water flows from the site into no80
  - Development would reduce landscapes ability to hold this water
  - Run off from site would impact no80s septic tank and quality of the soakaway
  - Site often waterlogged
  - Loss of privacy
  - Boundary between no80 and site has been recently reduced
  - Overlooking
  - Create additional noise issues
  - Too many houses using lane which is one car length making passing difficult
  - Visual impact and change to character changing countryside into an urban area
- Carson McDowell Solicitors dated 27<sup>th</sup> July 2016
  - Proposal contrary to PPS21 & PPS 3
  - Doesn't fall within any type of developments as listed in CTY1
  - Not a small gap site as would accommodate more than 2 houses
  - Not located within an otherwise substantial and continuously built up frontage
  - Previous PAC decisions have ruled that 110m is not a small gap site
  - Does not fall within the exception contained within CTY8
  - Contrary to policy CTY1 & CTY8
  - Intensification of existing access / narrow lane 2.5m serves 9 properties and 2 more approved
  - Increase will prejudice road safety
  - Safety concerns and risk of injuries/fatalities
  - Contrary to policy AMP2 of PPS3
  - Access to the lane is critical for emergency medical services for client
  - Loss of privacy and amenity to no80b

- Development would create overlooking & overshadowing
- Badgers observed on site
- Grazing land recently levelled and livestock removed which may have caused damage to the badgers habitat
- 80b Teconnaught Road, Crossgar dated 26<sup>th</sup> July 2016
  - There are no 3 buildings that front the road or lane in this case
  - No80 and garage do not front the lane as they cannot be viewed from the lane
  - No gap site if one of the ends cannot be seen to create a gap
  - Intervening features of mature trees and undulating ground together with substantial distance mean these buildings cannot be described as having a direct frontage onto the lane
  - Not a continuously built up frontage as between no80 and the site land rises uphill and is bound by a steep rock bank
  - Visual barrier between lane and no80 access
  - Not a small gap
  - Gap of 170m between entrance to no80 and no80A
  - Site could accommodate more than 2 houses in context of existing development pattern
  - Contrary to CTY8 and principle aims of PPS21
- 80b Teconnaght Road, Crossgar, dated 28<sup>th</sup> June 2016
  - Approval would result in additional infill site directly beside the proposal
  - Approval would place additional strain on infrastructure of a narrow private lane
  - Detrimental to rural nature of the area
  - Recent approval to the southeast of site resulting in further infill opportunity
  - Accumulation leading to detriment of the area
  - Overdevelopment
  - 11 houses and 3 foundations on lane – could equate to 50 residents and 30 resident cars on a farm lane
  - Accumulation of houses resulting in impact on landscape and ribbon development

There have been objections received by 3 separate addresses.

### **Consideration and Assessment:**

The site is a section of agricultural land located between no 80 and 80a Teconnaught Road. There is a recently constructed dwelling 90m to the west of no80a approved under R/2005/1435/F – this dwelling is uninhabited and the landscaping and access remains uncompleted.

PPS21 policy CTY1 states that permission will be granted for an individual dwelling house in the countryside where the proposal is for the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY8.

CTY8 states that permission will be refused for a building which creates or adds to a ribbon of development. The exception is where the development is a small gap site

sufficient to accommodate up to 2 houses within a 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 the policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without any accompanying development to the rear.

### **Principle**

Consideration will be given to whether the site represents a small gap site within an otherwise substantial and continuous built up frontage in accordance with policy CTY8.

The proposal is for a single dwelling and the site represents half of the proposed gap, however it should be assessed as to whether the proposed gap is sufficient to accommodate a maximum of 2 dwellings whilst respecting the existing development pattern, plot sizes and frontages.

The first step in determining whether an 'infill' development exists is to identify if there is a substantial and continuously built up frontage present.

No80a to the west of the proposed gap site does have a frontage to the main lane and its access, garden and curtilage about the lane. There is a small timber garden shed of a temporary construction to the rear of the dwelling which does not present as being a separate building fronting onto the lane. It is considered that there is one building at no80a that fronts onto the lane.

The recently constructed dwelling and garage located to the north of no80d remains uninhabited. Whilst the dwelling and garage appear to have been substantially completed, the curtilage, landscaping and access have not been completed. There is a rough lane leading to the dwelling from Browns Lane via 2 agricultural gates. There is a large area of rough ground surrounding this dwelling and between no80a. This uninhabited dwelling approved under R/2005/1435/F has not been completed in accordance with the approved drawings in that the access has not been constructed in the approved location and the curtilage has not yet been defined as approved. This has been reported to enforcement. The approval permits a triangular wedge for the dwellings curtilage and leaves a large gap between no80a and dwellings curtilage as approved under R/2005/1435/F. Therefore while the dwelling located to the west of no80a does have a frontage to the lane, there is a large gap between its approved frontage and the frontage of no80a. Therefore this dwelling to the west of no80a does not form part of a continuous and substantial built up frontage.

No80 Teconnaught Road is accessed from a secondary lane/driveway with a length of approximately 125m. The lane/driveway is accessed through existing timber access gates where it meets the main lane. There is a small area of kept lawn along



the lane to the west of the driveway. However the remainder of the driveway leading up to the dwelling is bound on one side by a 1m timber fence and on the other by mature trees and hedge. When approaching the proposed site past no80's access, the hedge along the right hand side of the main lane increases in height and the area behind it becomes overgrown, with mature trees and vegetation for approximately 40m. I was unable to obtain any view of no80 from the lane due to its set back nature and mature setting among trees and mature vegetation. No80 is set back from the lane by approximately 75m at its closest point. There is no physical appreciation of any buildings at no80 when travelling along the main lane. However a small triangular area of grass is maintained at the access to no80 which does in my opinion represent part of the curtilage and a frontage to the lane. The site location plan submitted with the application is inaccurate as buildings shown within the curtilage of no80 are no longer in-situ. There is a corrugate iron timber shed located opposite the main dwelling however this does not present as a separate building from the lane and is of a temporary construction. It is considered that no80 has one building with a frontage to the lane.

Therefore there are only 2 buildings considered along this frontage – no80 and no80a. It is not considered that the proposed site is a small gap within a continuous and substantial built frontage.

The proposed plot size and frontage of the site is considered to respect the existing development pattern of the area and is comparable to surrounding plots sizes. However, in the absence of a substantial and continuous built frontage, the proposal fails to meet the exception of CTY8 and is contrary to CTY1.

The approval of this dwelling would effectively approve the principle of a second dwelling in the second half of the field. As there is no continuous and substantial built frontage and the site is not considered to be a gap site, the development would result in the creation of a ribbon of development along Browns Lane.

### CTY13

Whilst the site is elevated above Teconnaught Road there is sufficient surrounding mature trees and vegetation on intervening land which would screen a single storey dwelling from this direction. The trees to the north of the site would provide a backdrop when viewed from the south. Brown's Lane serves upward of 10 dwellings and as such represents a public view. The eastern boundary of the site with no80 consists of tall mature trees which would provide a backdrop when viewed from the southwest along the lane. The site contains a small hillock which rises away from Browns Lane. A dwelling with a low ridge height and suitably sited to ensure it is sited off the hillock would not appear prominent. Whilst there would be views of the

dwelling from the lane these would be temporary. It is not considered that the proposal would be contrary to CTY13.

#### CTY14

It is not considered that the dwelling would appear prominent. The site is bound to the south and east by existing boundaries which would provide a degree of enclosure. It is acknowledged that Brown's Lane is under significant development pressure. There are several extant approvals along the lane and a number of dwellings constructed in recent years. It is considered that in approving a dwelling in this location and potentially a second dwelling to fill the remainder of the gap would result in a suburban style build-up of development when viewed from existing and approved buildings along Browns Lane, namely no80a, and 78, 80d Teconnaught Road. The development would result in the creation of a ribbon of development. It is considered that the proposal would result damage the rural character of the area through the creation of a ribbon of development and the loss of a visual break between properties along Browns Lane.

The proposed development is considered to be contrary to CTY14.

#### CTY16

The proposal is not considered contrary to CTY16 – NIEA WMU have been consulted and raised no objections. The proposed drainage a septic tank location would be determined at reserved matters stage.

#### Other environmental issues

An objector raised the issue of badgers being observed on the site. Whilst it was observed on site that vegetation had been cut down and piled on the site, I did not observe any badger setts or trails. However, as the principle of the development has not been accepted it is not considered necessary to request additional information from the applicant to this effect.

An objector raised issues with flooding and run off from the site. When on site I did not observe any flooding however this was during summer months. There was no indication of pluvial or surface flooding on planning records. Any reserved matters application would need to demonstrate adequate soakaways and drainage. However the principle of the development has not been established.

#### Access

Whilst it is acknowledged that the objectors have raised issues regarding the access and the difficulty with the volume of traffic on the lane. Transport NI have been duly consulted and raised no issues with the proposal with regards to policy AMP2 and the intensification of the existing access lane in accordance with the submitted access layout.

## Amenity

Whilst loss of privacy and noise was raised as an objection, I do not consider that a dwelling in this location would result in overlooking or noise that would unduly affect the neighbouring properties due to the sufficient distance between the site and neighbouring dwellings. A dwelling could be adequately sited and designed to ensure no windows overlook any neighbour dwellings or private amenity space.

### **Recommendation:**

Refusal

### **Refusal Reasons/ Conditions:**

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

The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the building would, if permitted create a ribbon of development; the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to the rural character of the countryside.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Brown's Lane.

<b>ITEM NO</b>	<b>13</b>				
<b>APPLIC NO</b>	LA07/2016/0874/F	Full	<b>DATE VALID</b>	6/30/16	
<b>COUNCIL OPINION REFUSAL</b>					
<b>APPLICANT</b>	Cedar Integrated Primary School 29 Kilmore Road Crossgar BT30 9HJ		<b>AGENT</b>	Education Authority 16 Grahamsbridge Road Dundonald BT16 2HS 02890566200	
<b>LOCATION</b>	Cedar Integrated Primary School 29 Kilmore Road Crossgar				
<b>PROPOSAL</b>	Erection of 2.4m high wire mesh fence to partial perimeter				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	0	1	0	0	
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>
			0	0	0

- 1 Having notified the agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Flood Risk Assessment) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.
- 2 The Proposal is contrary to Policy FLD 1 of Planning Policy Statement 15 in that the required Flood Risk Assessment has not been submitted.
- 3 The Proposal is contrary to Policy FLD 2 of Planning Policy Statement 15 in that if approved this development would impede the operational effectiveness of flood defence and drainage infrastructure and hinder access to enable any necessary maintenance work.

**Application Reference:** LA07/2016/0874/F

**Date Received:** 30.06.16

**Date of site visit:** 08.08.16



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

**Proposal:**

The Council has received an application seeking planning permission to erect a 2.4m high security fence to the partial perimeter of the school grounds for security purposes.



**Location:** Cedar Integrated Primary School, 29 Kilmore Road, Crossgar

**Characteristics of site:**

The site is comprised of the partial perimeter of grounds to a medium sized local Primary School. The large grounds of this primary school contain the school itself, access road and associated pre-fabricated classrooms and hard and soft play areas. The Glasswater River runs the entire length of the Western site boundary and between this river and service road within the grounds of the school is extensively and densely planted with semi-mature trees, shrubs and other vegetation. The rear gardens of two private residences (No's. 25 and 27 Kilmore Road) back onto the north eastern corner of the site. The eastern site boundary is directly adjacent to the public footpath alongside the Kilmore Road and the southern boundary is adjacent to an access road to Council owned playing fields. The perimeter of site is defined by various types of fencing, mature hedging all interspersed with mature trees and new sapling plantations.

**Characteristics of area:**

The majority of the site is located on the western edge but just within the settlement limit and partly (mainly the length along the river bank) lies just outside of the settlement limit of Crossgar. The river itself and strip of land to each side of river bank forms a Local Landscape Policy Area (Glasswater River Corridor) as stated in the Ards and Down Area Plan 2015 and shown on Map No.3/010 - Crossgar. It is located in an area of educational facilities and associated large grounds and Council owned playing fields.

**Site History:**

R/2005/1326/F Cedar Integrated Primary School, 29 Kilmore Road, Crossgar. Erection of perimeter security fencing and gates.

Permission granted - 14.01.2006

R/1995/0379 Land Between 27 Kilmore Road Crossgar and Track To Crossgar Playing Fields New Primary School including new mini treatment works.

Permission granted.

R/2002/1749/F 21 Kilmore Road, Crossgar, Crossgar, Northern Ireland.

Construction of new vehicular access to public road, turning and parking area and new boundary fence 1.5 M high.

Permission granted - 08.03.2003

R/1986/0523 Rear of 45 Kilmore Road, Crossgar.

New Playing Fields.

Permission granted.

**Planning Policies & Material Considerations:**

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 2 – Natural Heritage (July 2013)

Policy NH 5 – Habitats, Species or Features of Natural Heritage Importance sets out the main considerations that the Council will take into account in assessing proposals likely to have an impact on the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as “the diversity of our habitats, species, landscapes and earth science features”.

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

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

Planning Policy Statement 21 – Sustainable Development in the Countryside (June 2010)

Policy CTY 1 – Development in the Countryside and Policy CTY 14 – Rural Character set out the main considerations that the Council will take into account in assessing proposals for development in the countryside. The countryside being defined as land lying outside of any settlement limit as identified in development plans. The provisions of this document apply to all areas of Northern Ireland’s countryside.

The provisions of these policies will prevail unless there are any other overriding policies or material considerations that outweigh them and justify a contrary decision.

**Consultations:**

The Rivers Agency were consulted in regard to this application on 14.07.16 and responded on 01.08.16 stating that as the site lies within the 1 in 100 year fluvial flood plain such development is contrary to PPS 15, Planning and Flood Risk, FLD 1 and but for it being deemed an exception or Overriding Regional importance by the Planning Authority, Rivers Agency would object to any such development taking place.

If the Planning Authority deem this application to be an exception or overriding regional importance, then to allow proper consideration of flood risk to the site Rivers Agency would recommend that a Flood Risk Assessment (appropriate to the scale of the development) is undertaken by the applicant.

The Rivers Agency also stated that it is essential that a working strip of minimum width 5m is retained to enable Rivers Agency to fulfil their statutory obligations/responsibilities unless the watercourse can be maintained from the opposite bank by agreement with the landowner. The applicant/agent should contact the local Rivers Agency area staff to establish their needs.

**Objections & Representations:**

13 No. neighbouring properties within proximity to this site were notified on 18.07.16. This application was advertised in the local press on 20.07.16 and to date no objections have been received. Two representations have been made in support of this application from Margaret Ritchie MP and Councillor Terry Andrews.

**Consideration of the proposal:**

This submitted application involves the erection of a new security fence around the partial perimeter of large grounds to existing primary school. This new fence is to be erected 275m in length along part of the eastern boundary of site (to the rear of neighbouring properties No's 19, 25 & 27 Kilmore Road) 65m in length along the entire northern boundary and 280m in length along the entire western boundary (adjacent to the Glasswater River). Total length of new fencing is to be 625m. There is an existing 2.45m high matching security fence erected along the southern boundary and part of eastern boundary adjacent to the Kilmore Road. This new fencing is to replace existing 1.2m fencing and hedging at these locations and will connect to, complement and augment existing 2.45m high boundary fence to the rest of the site.

There is currently good mature hedge planting, mature trees and some new saplings planting along the boundary and these are to be retained where possible. This new fence will be 2.45m high 'NK lbex' sports type fencing with rigid mesh panels fixed to 60x60mm posts. Both fencing panels and posts are to be galvanised and polyester powder coated green. The locations of any gates are not indicated on the submitted drawings.

The Council is satisfied that this proposal is in keeping with the existing primary school facilities, no unacceptable damage will be caused to the local character and environmental quality of this area. The proposal is not considered to offer any negative impact to surrounding properties or any nearby archaeological site or monument. With regard to policy NH 5 as set out in PPS 2 Natural Heritage (July 2013) it is considered that this proposal is not likely to have any significant adverse impact on any priority species and/or habitat contained along the adjacent river bank. It is considered that this

new fence will visually integrate with the existing landscape and will have a minimal impact on the critical views of and from the site.

With regard to Policy CTY 1 – Development in the Countryside and Policy CTY 14 – Rural Character as set out in Planning Policy Statement 21 – Sustainable Development in the Countryside (June 2010) it is considered that this proposal will cause no adverse impact on features of importance to nature conservation, archaeology or built heritage. There is not considered to be any potential adverse impact on the visual amenity or the character of the local landscape. It is further considered that this proposed boundary fence can be readily absorbed into the landscape by taking advantage of the existing vegetation and topography.

In reference to the consultation response from Rivers Agency the agent was asked (on the 18.08.16) to provide a flood risk assessment and amend the proposal to ensure that the line of proposed fence was set back a minimum of 5.0m from the edge of the river and suitable (upon discussion with local Rivers Agency staff) gates/access arrangements be provided within fence. The applicant was again contacted by this Department on 26.09.16 and reminded that as the proposal is in the Flood Plain it requires the submission of a Flood Risk Assessment as required by Planning Policy and Rivers Agency. Also a 5m maintenance strip is required between the fence and the river to allow Rivers Agency to maintain the River.

To date no amended plans or a Flood Risk Assessment have been received and no indication has been provided from the agent that the submission of requested material is imminent.

With regard to Policy FLD 1 – Development in Fluvial (River) and Coastal Flood Plains of Planning Policy Statement 15 – Planning and Flood Risk (Revised September 2014) The Council considers that this proposal is classed as Minor Development. The Policy FLD 1 states that minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment being carried out. The required Flood Risk Assessment has been requested but to date has not been submitted.

With regard to Planning Policy Statement 15, Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure the justification and amplification of this policy states that *'Where a new development proposal is located beside a flood defence, control structure or watercourse it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times. The retention of a working strip along watercourses will have added benefits, including general amenity, enhanced biodiversity and increased control over water pollution, the latter assisting in the implementation of the Water Framework Directive'*.

The agent was requested on 18.08.16 to amend the line of proposed fence where adjacent to river bank to be a min of 5.0m set back from the edge of the river and show the size and location of gates providing access necessary for maintenance. To date no such amendments have been received. As such this current proposal is contrary to Policy FLD 1 and FLD 2 of PPS 15.



**Recommendation:**

After consideration of all relevant planning policies and other material considerations this proposal fails to satisfy the requirements of the policies (specifically Policies FLD 1 and FLD 2 of Planning Policy Statement 15 – Planning and Flood Risk, Revised September 2014) and it is therefore recommended that this application be refused due to absence of requested information (Flood Risk Assessment) and amended design (fence to be offset min 5.0m from river bank and suitable gates provided to allow access for maintenance purposes).

Signed: \_\_\_\_\_ Date:

Signed: \_\_\_\_\_ Date:

**Refusal Reasons:**

1. Having notified the agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Flood Risk Assessment) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.
2. The Proposal is contrary to Policy FLD 1 of Planning Policy Statement 15 in that the required Flood Risk Assessment has not been submitted.
3. The Proposal is contrary to Policy FLD 2 of Planning Policy Statement 15 in that if approved this development would impede the operational effectiveness of flood defence and drainage infrastructure and hinder access to enable any necessary maintenance work.

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**ITEM NO** 14

**APPLIC NO** LA07/2016/0908/F Full **DATE VALID** 7/5/16

**COUNCIL OPINION REFUSAL**

**APPLICANT** Miss Nuala S O'Connor 36  
Castleward Road  
Strangford

**AGENT** MKA Planning Ltd  
32 Clooney  
Terrace  
Waterside  
Derry  
BT47 6AR

NA

**LOCATION** Site off Shore Road  
Kilclief

**PROPOSAL** Co Down Located 130m south west of 97 Shore Road  
Proposed agricultural shed and access to Shore Road

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	0	0		0	0
			<b>Addresses Signatures</b>		<b>Addresses Signatures</b>
			0	0	0 0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the existing agricultural holding is not currently active and established and it has not been demonstrated that it is not necessary for the efficient use of the active and established agricultural holding.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

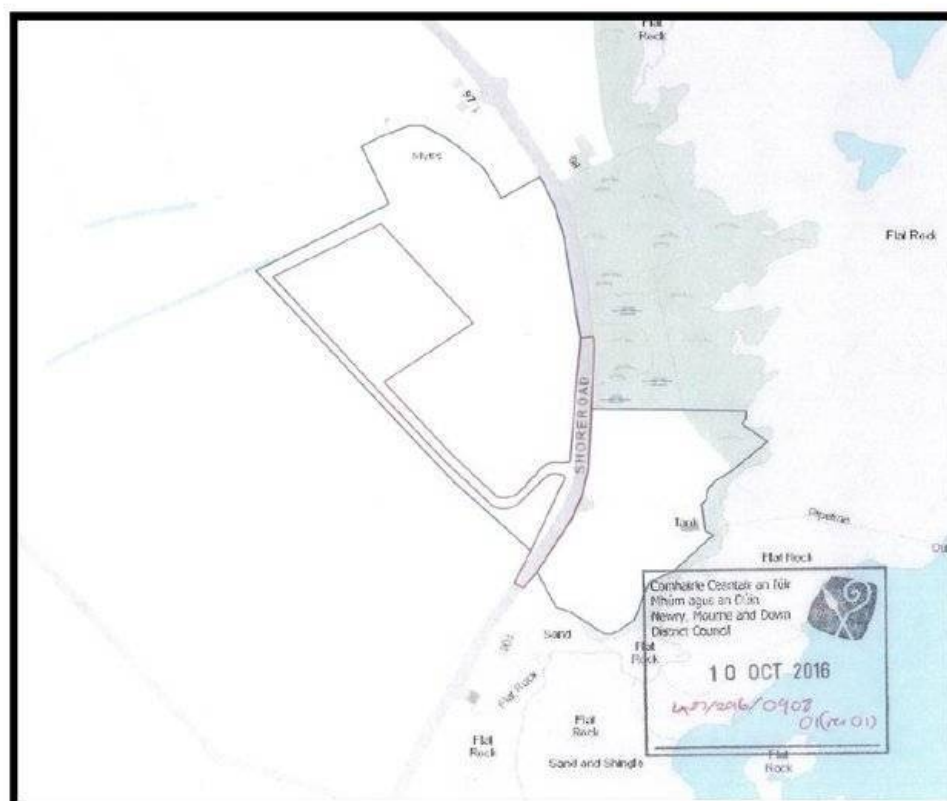
**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0908/F

**Date Received:** 5<sup>th</sup> July 2016

**Proposal:** Proposed agricultural shed and access to Shore Road

**Location:** The site is located approximately 130m to the south west of 97 Shore Road, Kilclief. The site is 550m to the north of the small settlement of Kilclief and 10.4km to the east of Downpatrick.



### **Site Characteristics & Area Characteristics:**

#### Site Characteristics

The site contains a section of agricultural land. The north western and north eastern boundaries of the site are defined by 2m hedgerows mainly consisting of Thorn. The

land is currently in use for grazing. The topography of the site is relatively flat however there is a downward slope toward the access point from Shore Road. There is a mature hedge row along the north western boundary of the proposed boundary. The boundary of the site and Shore Road is defined by mature hedges with several tall mature trees. There is an existing agricultural gate leading onto the shore road from the field. Due to the sloping land to the southwest of the site there are no views of the shed location when travelling along Shore Road.

#### Area Characteristics

The area is mainly in agricultural use with sparsely located rural dwellings located along Shore Road. The coastline is approximately 240m to the east of the proposed shed. There is a single storey dwelling located approximately 130m to the northeast of the site and another dwelling located approximately 245m to the southeast of the proposed shed. The site is approximately 350m to the north of Kilclief Castle.

#### **Site History:**

<u>R/1975/0833</u>	Kilclief, Strangford – Bungalow - Refusal
<u>R/1976/0095</u>	Kilclief, Strangford, Replacement Dwelling Permission Granted
<u>R/1978/0845</u>	Kilclief, Strangford – Bungalow - Refusal
<u>R/1979/0734</u>	Shore Road, Kilclief – Replacement farm dwelling - Approved
<u>R/1984/0785</u>	Between 101 & 109 Shore Road, Kilclief – Bungalow – Refusal
<u>R/2015/0054/F</u>	Site off Shore Road, Kilclief, Strangford, Co Down - Proposed agricultural shed and access to Shore Road – Invalid Appeal 25.04.2016

#### **Planning Policies & Material Considerations:**

- The Regional Development Strategy (RDS)
- The Strategic Planning Policy Statement (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 2
- Planning Policy Statement 3
- Planning Policy Statement 6
- Planning Policy Statement 21
- Building on Tradition

The site is located within an Area of Outstanding Natural Beauty and within an Area of Constraint on Mineral Developments. The site is in proximity to archaeological site and monuments DOW039:006, DOW039:001, MRD225:004, DOW039:008. The site is located within a Local Landscape Policy Area shown on Map 3/033b in Ards and Down Area Plan.

#### **Consultations:**

Statutory      Transport NI    No objections

Statutory	DARDNI	Business not established for 6 years
/ No Payments Claimed		
Statutory	Historic Environment Division	No objections w/ conditions
Advice	Environmental Health	No objections
Non-Statutory	NI Water	No objections

### Objections & Representations

The following properties were notified on 18<sup>th</sup> July 2016:

- 101 Shore Road, Kilclief, Strangford, Down, BT30 7NW
- 106 Shore Road, Kilclief, Strangford, Down, BT30 7NW
- 97 Shore Road, Kilclief, Strangford, Down, BT30 7NW
- 98 Shore Road, Kilclief, Strangford, Down, BT30 7NW

The application was advertised on 8<sup>th</sup> July 2016. No objections or representations have been received in relation to this application. The red line was reduced therefore it was not considered necessary to re-notify neighbours.

### Consideration and Assessment:

During the site inspection it was noted that a timber structure has been erected on the applicants land across the road and opposite to the application site. While the structure is open on 2 sides an enforcement case has been opened for further investigation.

The proposal is for an agricultural shed and access. A similar proposal was recently refused by the Council under R/2015/0054/F. This refusal was appealed however the appeal 2015/A0171 was found to be invalid as the application had not been correctly re-advertised. The application was advertised as 26m south of 101 Shore Road, and should have been south of 97 Shore Road.

This application has been advertised as 'Site off Shore Road, Kilclief, Co Down Located 130m south west of 97 Shore Road'.

CTY1 of PPS21 states that planning permission will be granted for an agricultural and forestry development in accordance with policy CTY12. CTY12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it can be demonstrated that 6 requirements are met.

For the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY10.

### Principle

The holding has a total area of 3.85ha (9.5 acres). DAERA has been consulted and in their response state that the Business ID provided has not been in existence for more than 6 years. Also payments have not been claimed by the farm business within the last 6 years (see DAERA consultation response dated 5<sup>th</sup> August 2016). The DAERA notes in epic state that the business was formed in 2015.

When the previous application was assessed the applicant did not have any livestock grazing on the land. It was observed during my site inspection on 24<sup>th</sup> August that there were approximately 30 sheep grazing on the land – no evidence

has been submitted regarding the ownership of these sheep such as a herd book, receipts or livestock inventory. There were horses grazing on field no11. There has been no information submitted in relation to an equine business.

The applicant has submitted along with the application a letter from DAERA which states that the applicant has claimed fields 10 & 11 in respect of the 2015 Basic Payment Scheme - while this indicates, along with the livestock currently grazing, that the land is being actively farmed. However, it must be demonstrated that the business has been active and established for the required period as stated in para 5.56 of CTY12. This refers to policy CTY10 in order to assess whether a farm business is currently active and established over the required period.

The SPPS para 6.73 states that 'provision should be made for development on an active and established (for a minimum of 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.'

The applicant argues that, whilst the applicant only purchased the land in December 2014 and her farm business was established in 2015, the land in question was actively farmed prior to the applicant purchasing the land. This claim is supported by the accompanying letter from DAERA dated 25<sup>th</sup> March 2016 stating that payments were claimed on the land between 2005-2014. However, these payments were claimed under a separate holding and farm business. The proposal has been applied for under the applicant's farm business which was established in 2015, therefore has not been established for 6 years, nor has it been active for at least 6 years. The applicant has submitted several appeal decisions to support their case; however recent appeal decisions such as 2015/A0136 and 2016/A0007 are clear that the farm business must be active and established for the required period. As such the proposal fails to get over the initial policy test of CTY12. Therefore the principle of the development is not established.

Policy CTY12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it can be demonstrated that:

- (a) It is necessary for the efficient use of the agricultural holding or forestry enterprise.

The holding is not active and established. The proposed shed would have a main ridge of 5.7m above ground level with a length of 14.1m and a width of 12.48m. This would provide an overall floor area of 174.8m<sup>2</sup>. This has been reduced since the previous application R/2015/0054/F from 259sqm. While the overall scale of the shed has been reduced it is still a considerable size in relation to the size of the holding which is 3.85ha. The Design and Access Statement states that the proposed shed would provide accommodation for animals during winter months and in the spring during lambing season. It would also provide space to securely hold valuable agricultural equipment, machinery, silage, hay and sheep feed. The applicants address is approximately 5 ½ km from the application site. There is no land at the applicants address registered under the farm business. Due to the small scale of the farm holding it is not considered that a shed of this size is necessary for the efficient use of the agricultural holding.

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

The site is located within an AONB and a LLPA. As discussed above the shed is a considerable size, however it has been sited toward the northwest corner of the field where there would be limited public views due to the topography of the surrounding land. The proposed access lane (which in the previous application crossed the middle of the field) has been amended to follow the western boundary of the field. The access would be located south of the existing agricultural access with a new hawthorn hedge planted behind visibility splays. It is not considered the shed would adversely impact the LLPA or the AONB due to the proposed siting on land with limited public viewpoints. The shed would be finished with dark green profiled cladding and would integrate suitably into the surrounding landscape.

(c ) integrates into the landscape and additional landscaping is provided as necessary

The shed would benefit from existing hedge boundaries to the north and west which would provide an element of screening when viewed from a distance from the southwest. The proposed access lane would follow the existing field boundary and would integrate suitably. The existing hedge along Shore Road would be removed to provide visibility splays and a new hedge to be planted behind the sight lines. The mature trees along this hedge are to be retained. Overall, it is considered the shed would integrate suitably and would not appear prominent.

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

The site is located within an AONB. It falls outside the ASSI, SAC, SPA, and RAMSAR designation.

The site is located within proximity to several archaeological monuments including DOW 039:006, DOW 039:001, MRD 225:004, DOW 039:008. It is located in proximity to Kilclief Tower House (DOW 039:002) which is a monument in state care. Historic Environment Division has been consulted and is content that the proposal is satisfactory in terms of SPPS and PPS6. The red line as originally submitted included the scheduled area DOW039:001 which is located within the northern section of the field. The red line has since been reduced significantly and this scheduled area (as defined on the map supplied by HED 4<sup>th</sup> August 2016) is no longer within the red line. There are no ground works that would intrude within the scheduled area as part of this proposal.

The proposal would not result in the loss of any mature trees but would be constructed on agricultural land. A small section of existing hedge would be removed to create access; however it is not considered that the proposal would result in the any significant adverse impact on the natural or built heritage.

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

The proposed shed would be located approximately 130m to the southwest of no97 Shore Road and approximately 240m to the northwest of no106 Shore Road. Due to the topography of the land and the proposal being located to the rear of this field it is

not considered, given the separation distance between the neighbouring dwellings, that there would be any detrimental impact on the amenity of residential properties outside the holding, including noise, smell, and pollution.

#### Policy CTY13 & CTY14

Issues of design and integration have been addressed above. It is not considered that the proposal would be contrary to CTY13 & CTY14. The proposed shed has been reduced in scale and the access relocated to follow existing field boundaries. The proposal is considered to comply with these policies.

#### Policy NH6 of PPS2

The proposed shed is located within Strangford and Lecale AONB. The proposed shed would be of a typical shed design, coloured dark green. The proposed shed is not considered contrary to NH6 as the design, scale and size are in keeping with the locality which is rural and agricultural in nature.

The principle of the proposed development has not been established as the farm holding and business have not been established for 6 years. The proposal is therefore contrary to CTY12 and therefore also CTY1.

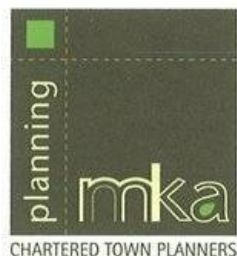
#### **Recommendation:**

Refusal

#### **Refusal Reasons/ Conditions:**

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the existing agricultural holding is not currently active and established and it has not been demonstrated that it is not necessary for the efficient use of the active and established agricultural holding





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MKA Planning is a Limited

11<sup>th</sup> Jan 2017

Planning Section  
Newry, Mourne and Down  
Downshire Civic Centre  
Downshire Estate  
Ardglass Road  
Downpatrick  
BT30 6GQ

Dear Sir/Madam,

**Re: Planning Committee Meeting 18<sup>th</sup> January- Planning Application Ref No: LA07/20160908/F.**

Please find below a summary of points to be raised at committee meeting Wednesday 18<sup>th</sup> January 2017.

In terms of Policy CTY 12 the 6 year rule is being inappropriately interpreted by the council, the emphasis is being placed on the business but in fact it should be on the length of time a farm holding has been active. In this case activity on the farm hold can be proven for well in excess of the 6 years deemed necessary by planning. Where ambiguity exists in the interpretation of this, favour should be found on the side of the applicant.

Secondly the planning section has suggested that the agricultural shed in question is not necessary for efficient running of the farm enterprise. I strongly object to this argument. Ewes will be forced to lamb down outdoors on land that can provide no natural protection from the elements which in this area are harsh. Lambs will be lost due to limited supervision which exists with outdoor lambing as well as harsh conditions that small lambs will have to endure.

Profitability on any breeding sheep farm will be closely linked with lamb numbers. Hence why I strongly argue that profitability and the viability of this enterprise will be hit heavily as a result of no winter accommodation for the 44 ewes requiring housing.

No handling facilities exists on this ground, making general animal inspection, vaccination, worming, foot trimming and all necessary tasks more difficult. Housing although not necessary for this reason would aid these tasks and leave them less time consuming for the farmer, given that our client is a part time farmer, like many nowadays and works on the farm alone. Furthermore our client cannot rent sheds nearby due to cross contamination issues.

Principal: Matthew Kennedy [MRTPI] - matt@mkaplanning.co.uk

Office Manager: Mary Kennedy - mary@mkaplanning.co.uk

Town Planners: Claudine Christy [MRTPI] - claudine@mkaplanning.co.uk  
Lee Kennedy - lee@mkaplanning.co.uk  
Leeanne Hegarty - leeanne@mkaplanning.co.uk

Co. Reg. No.: NI 046486 | VAT No.: 77370 1817



**RTPI**

mediation of space - making of place

Finally, out wintering took place in 2015/2016 and severe poaching of ground occurred. This resulted in the need for further investment in reseeding and fertilizer costs to restore land to production. This also resulted in a loss of several weeks where land was recovering and thus not producing grass at optimum levels.

Yours faithfully,

A handwritten signature in cursive script that reads "Matt Kennedy".

Matthew William Kennedy  
Principal Planning Consultant

MKA PLANNING LTD

<b>ITEM NO</b>	<b>15</b>			
<b>APPLIC NO</b>	LA07/2016/0972/F	Full	<b>DATE VALID</b>	7/20/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr S McCormick and Ms Z Thompson 1 Loughview Killyleagh BT30 9UG	<b>AGENT</b>	8A Architects 8a Catherine Street Killyleagh BT30 9QQ NA	
<b>LOCATION</b>	1 Loughview Killyleagh Co Down BT30 9UG			
<b>PROPOSAL</b>	Removal of existing garden fence and garage and erection of new garden fence			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0

- The proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (a) in that if approved it will detract from the appearance and character of the surrounding open plan residential area, and is contrary to the condition imposed on the original planning approval (R/1988/1062 & R/1993/0460) that required that: 'no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, between the roadways and any building within or having boundaries along any cul-de-sac which is a Type 5 Roadway with no footways'.

**Application Reference:** LA07/2016/0972/F

**Date Received:** 20.07.16

**Date of site visit:** 03.08.16



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

**Proposal:**

The Council has received an application seeking planning approval for the removal of unapproved fence and garage and the erection of new garden fence.



**Location:** No. 1 Loughview, Killyleagh

**Characteristics of site:**

The site is comprised of a single storey domestic bungalow and associate domestic curtilage including small sheds to the rear. This property is within a large residential development and on a corner site between Inishmore and Loughview. The existing dwelling sits slightly higher than the road, is set back approximately 10.0m from the road and sits gable side facing the road. Prior to the erection of this fence site was open to both sides and front with no boundary treatment between the lawn of this property and the adjacent public footpath. The rear boundary treatment (the boundary between this property and adjacent property No. 12 Inishmore) is comprised of a 2.0m high vertical timber boarded fence and 2.5m mature hedge.

**Characteristics of area:**

The site is located on the outskirts but within the settlement limit of Killyleagh as stated in the Ards and Down Area Plan 2015 and shown on Map No.3/014a. It is located in a medium density residential development to the R.H.S of the Downpatrick Road entering Killyleagh with neighbouring properties of the same period (circa 1995) and all sharing a similar style.

**Site History:**

LA07/2015/1042/F 1 Loughview, Killyleagh Co Down BT30 9UG  
Retrospective application for boundary fence/gates together with single storey detached garage.  
Permission refused - 25.03.2016

R/2008/0195/F 10 Inishmore, Killyleagh, Downpatrick, BT30 9TP  
Extension to include lounge on front elevation and extending existing bedroom to rear.  
Permission Granted – 02.09.2008

R/2008/0467/F 4 The Nursery, Killyleagh. Single storey sun room extension to rear.  
Permission Granted – 10.07.2008

R/2007/0310/F Land to SE of existing development at Inishmore, Killyleagh. Revised layout of residential accommodation approved in previous application R/2004/0745/F (amended plans).  
Permission Granted – 26.09.2011

R/2006/0063/F 2 The Nursery, Killyleagh, Co Down, BT30 9UQ  
Proposed single storey sun room to rear. Permission Granted – 08.04.2006

R/2005/0867/F 3 Loughview, Corporation, Killyleagh, Northern Ireland, BT30 9UG  
Roofspace Conversion. Permission Granted – 10.09.2005

R/2003/0273/F 8 Loughview, Corporation, Killyleagh, Northern Ireland, BT30 9UG.  
Proposed single storey extension to side of dwelling.  
Permission Granted – 29.04.2003

R/2002/0035/O Land to South East of existing development at Inishmore, Killyleagh.  
Residential development. Permission Granted – 16.10.2002

R/2002/1663/F 8 Inishmore, Corporation, Killyleagh, Northern Ireland, BT30 9TP  
Attached domestic garage with roofspace conversion.  
Permission Granted – 21.01.2003

R/2000/0151/F 6 Inishmore Road, Killyleagh New garage, new sun room and extension  
Permission Granted – 28.03.2000

**Planning Policies & Material Considerations:**

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3, Development Access, Movement and Parking.

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:**

Transport NI were consulted on 27.07.16 with regard to this application and responded on 17.10.16 with no objections.

**Objections & Representations:**

12 No. neighbouring properties within proximity to this site were notified on 27.07.16. This application was advertised in the local press on 03.08.16 and to date no objections or representations have been received.

**Consideration of the proposal:**

A recent application on this site (LA07/2015/1042/F) sought retrospective approval for the erection of a boundary fence and single storey detached modular garage. This application was refused on 25.03.2016 as the proposal was contrary to Policy AMP 1- Creating an Accessible Environment in that if permitted it would prejudice the safety and convenience of road users since it would impede convenient movement along the shared surface carriageway. This retrospective application was also contrary to the original planning approval that was granted for this housing development under R/1988/1062 & R/1993/0460. A condition was imposed on both applications stating:

Notwithstanding the provisions of the Planning (General Development) Order (NI) 1973, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, between the roadways and any building within or having boundaries along any cul-de-sac which is a Type 5 Roadway with no footways as defined in the Department's layout of Housing Roads Design Guide 1988.

This current application (LA07/2016/0972/F) proposes the complete removal of the existing single storey detached modular garage located to the North of existing dwelling and on a parcel of land belonging to this property that is between the rear boundary of No. 12 Inishmore and the turning circle of this cul-de-sac (Loughview). This application (LA07/2016/0972/F) also proposes the removal of existing unapproved garden fence and the erection of a new garden fence.

The rear boundary between this property and adjacent property No. 12 Inishmore is to remain as existing. The existing fence along the southern boundary of the site directly adjacent to the public footpath alongside the road of Inishmore is to remain in its current position the full length of the footpath.

Currently at vehicular entrance to the property from Loughview a set of 7.8m wide galvanised mild steel double swinging gates and galvanised posts have been installed directly adjacent to the side of the road. The existing fence along the boundary with the road of Loughview is set back 1.5m from the side of the road to each side of this vehicular entrance. Under this application it is proposed to remove the gates and posts to existing vehicular access and entire length of existing fence along the boundary to Loughview.

It is then proposed to erect a new fence set back 2.0m from the edge of the road (a further 0.5m from the roadside than existing fence). This new (or relocated fence) will follow the curve of the road at the junction of Loughview and Inishmore until just before the existing vehicular entrance to driveway from Loughview where it will then veer to the north west and connect to the front R.H.S corner of existing dwelling. A single 1.0m wide pedestrian gate is to be formed where proposed fence abuts dwelling.

A new fence is to be erected from the rear L.H.S corner of dwelling and connect to existing rear boundary fence between this property and adjacent property No. 12 Inishmore thus enclosing the rear of this property. A single 1.0m wide pedestrian gate is to be formed where proposed fence abuts the rear elevation of existing dwelling. The existing fence to the southern boundary directly adjacent to the public footpath alongside the road of Inishmore is a 1.2m high vertical timber boarded fence. The proposed new (relocated) fence to site boundary fronting onto Loughview is also to be a 1.2m high vertical timber boarded fence.

Annex A section 23 of The Addendum to Planning Policy Statement 7; Residential Extensions and Alterations states that *'Walls and fences, particularly in front gardens, can also have a significant effect on the appearance of the property and streetscape. When erected beside driveways or on corner sites they can have an impact on sightlines and traffic safety. Both the visual and road safety aspects of a wall or fence will be assessed when proposals are being considered. Materials should always complement the character of the property and the neighbourhood. Expanses of close-board fencing bordering public areas are visually unacceptable. It should be noted that some walls or fences may be permitted development'*.

With regard to The Planning (General Permitted Development) Order (Northern Ireland) 2015 Part 3, Minor Operations, Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure this proposal could not be classed as permitted development because (a) the height of proposed fence adjacent to a road exceeds 1.0m above ground level and (b) it involves development on land determined by the Department for Regional Development as a private street in accordance with Article 3(1) of The Private Streets (Northern Ireland) Order 1980(a).

Your Home and Planning Permission (A Guide for Householders in Northern Ireland) states that if you live in an open plan/shared surface type of development there may be a condition attached to the planning permission for the estate which would override permitted development rights. The original planning approval for this housing development was granted under R/1988/1062 & R/1993/0460. A condition was imposed on both applications stating: *'Notwithstanding the provisions of the Planning (General Development) Order (NI) 1973, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, between the roadways and any building within or having boundaries along any cul-de-sac which is a Type 5 Roadway with no footways as defined in the Department's layout of Housing Roads Design Guide 1988.'*

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 proposal will not over develop the site and an acceptable proportion of amenity space will remain nor will this proposal cause any overlooking or over-shadowing . However this proposal is considered to cause unacceptable damage to the local character of this established area due to its visual prominence. The character of this established residential area is of open plan nature. This proposal is therefore considered to offer a negative visual impact to the surrounding area.

**Recommendation:**

After consideration of all relevant planning policies and other material considerations this proposal is in breach of a condition imposed on the original approval for this housing development that was granted under R/1988/1062 & R/1993/0460 and it is therefore recommended that this application be refused.

Signed: \_\_\_\_\_ Date:

Signed: \_\_\_\_\_ Date:

**Refusal Reasons:**

1. The proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (a) in that if approved it will detract from the appearance and character of the surrounding open plan residential area, and is contrary to the condition imposed on the original planning approval (R/1988/1062 & R/1993/0460) that required that: *'no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, between the roadways and any building within or having boundaries along any cul-de-sac which is a Type 5 Roadway with no footways'*.



**ITEM NO** 19  
**APPLIC NO** LA07/2016/1147/O Outline **DATE VALID** 8/26/16  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Noel Ross 55 Creevyargon Road **AGENT** David Burgess 24 Templeburn Road Crossgar BT30 9NG BT24 8YF 07720145893

**LOCATION** Between 1 Drumgiven Road And 37 Creevyargon Road Ballynahinch

**PROPOSAL** Infill site for 2 dwellings and associated domestic garages.

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement 2015 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 the proposal does not constitute a small gap site within a continuously built up frontage and would, if permitted, result in the creation of ribbon development along Creevyargon Road.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing buildings, create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

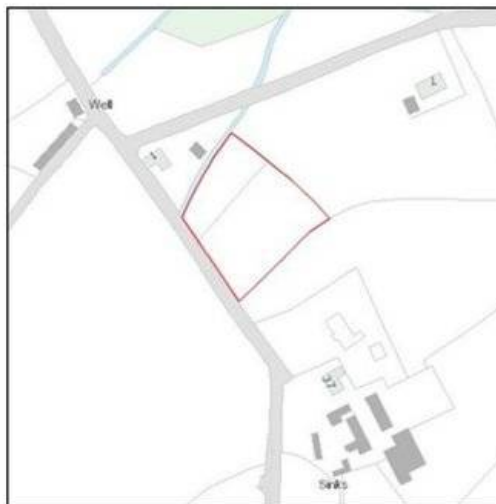
**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/1147/O

**Date Received:** 31/08/2016

**Proposal:** Infill site for 2 dwellings and associated domestic garages.

**Location:** The site is located in the open countryside 2.2 km north east of Ballynahinch.



#### **Site Characteristics & Area Characteristics:**

The site entails two road frontage fields on the eastern side of Creevyargon Road, it is currently in use as agricultural grassland and is enclosed on all sides by established boundaries. The road frontage entails a 1.6m hedge and bank, the south eastern boundary by a 1.8m hedge and the north eastern by 2-3 metre trees and a post and wire fence. The north western boundary is partly defined by a 2m hedge and watercourse located 1-2 metres below ground level. The smaller northern field falls gradually in a north easterly direction while the larger southern field rises to an elevated point at the south east corner.

Adjoining the site to the north is No.1 Drumgiven Road, this property occupies a corner site fronting onto both the Drumgiven and Creevyargon Roads. To the south of the site are two dwellings, the replacement for No.37 which is currently under construction and No.37 a single storey dwelling together with a number of associated outbuildings and yard. A field adjoins the south eastern boundary and forms a gap between the existing built up frontage and the application site. To the rear of the site planning approval has been granted for two dwellings (R/2013/0390/O).



Views of site from Creevyargon Road



Gap between the application site and the next road frontage building

**Site History:** No site history

Adjoining site:

R/2013/0390/O – Erection of two dwellings. Between 1 and 7 Drumgiven Road Creevyargon Ballynahinch –Approval granted 29/11/2013.

R/2006/0274/F - Replacement dwelling and garage. 37 Creevyargon Road. Approval granted 21/12/2006.



View of No. 37 and its replacement under construction

**Planning Policies & Material Considerations:**

Ards and Down Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3- Access, Movement and Parking

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

**Consultations:**

Transport NI (7/09/2016): No objections subject to conditions.

Access position to be the centre of the site and 5 metres in width. Visibility Splays X 2 m by Y full frontage set back. Open drain to rear hedge to be piped to satisfaction of Dept. of Agriculture (Drainage Division). Telegraph poles to be resited clear of sight visibility splays.

NIEA Water Management Unit (8/09/2016): No specific comment, conditions and informatives set out in DOE Standing advice Note No.1 – Single dwellings are applicable.

NI Water (13/09/2016): No objections.

Department for Infrastructure (DfI) Rivers Agency (16/09/2016):

FLD 1 – Development in Fluvial (River) and Coastal Plains

The Strategic Flood Map (NI) indicates that a minor part of the north boundary lies just inside the 1 in 100 year strategic fluvial plain. However it is considered that this part of the site would not contain any built development and Rivers Agency therefore

have no specific reason to object to the proposed development from a drainage or flood risk perspective.

#### FLD – 2 Protection of Flood Defence and Drainage Infrastructure

There is an undesignated drain along the north/west boundary. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a strip of appropriate width is retained in order to facilitate maintenance.

FLD - 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains. The proposal does not exceed the thresholds to require a drainage assessment, but there is potential for surface water flooding as indicated by the surface water layer of the strategic flood map. It is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

No objection subject to informatives being added to any approval.

### **Objections & Representations**

1 Neighbour notification letter issued on the 5/09/16: 1 Drumgiven Road. Re-issued on the 20/09/2016.

The application was advertised on the 14/09/2016 and re-advertised 12/10/2016 due to a revised site location address.

1 letter of objection has been submitted by John Kirkpatrick (John Kirkpatrick Architects) acting on behalf of his client. This letter highlights how the proposal does not meet the policy requirements of PPS 21 Policy CTY 8.

In summary, the main points raised are as follows:

1. The application does not take full account of the entirety of the gap between 1 Drumgiven Rd and 39 Creevyargon Rd;
2. PPS 21 Policy CTY8 refers to a small gap, this does not represent a small gap;
3. The gap between No.1 and No.39 could accommodate 3 dwellings, contrary to policy;
4. The gap remaining between the application site and No.39 is more than sufficient for a further dwelling;
5. The total gap frontage is nearly 120m and not 60m;
6. The application site is not bounded on each side by existing dwellings;
7. Approval R/2013/0390/O is a flawed decision and cannot form the basis on which this application appears to be based; and
8. Consider Appeal decisions 2014/A0033 & 2013/A0121.

A full assessment of the proposal against PPS21 Policy CTY 8 is outlined in the Policy Consideration and Assessment Section below.

## Policy Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted.

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 certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

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.

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.

PPS15 Planning and Flood Risk

Policy FLD 1

Development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

## Assessment

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

Principle of Development

Flood Risk

Access and Parking

Impact on Amenity

## Principle of Development

### PPS21 – Sustainable Development in the Countryside

As outlined in the site characteristics section above the site fronts onto the Creevyargon Road and comprises two fields immediately south of No.1 Drumgiven Road. In terms of plot sizes the application site has a total area of 0.42ha (equates to 21.5 ha per dwelling) this is reflective of No.7 Drumgiven Rd (0.27 ha) although less than No. 37 Creevyargon Road (0.38 ha)).

In terms of frontage length No. 1 Drumgiven Road has a frontage of 44 metres and the replacement for No.37 a frontage of 46 metres. The application site has a frontage of 57 metres.

Given its corner location No.1 is considered to front onto both the Drumgiven and the Creevyargon Roads. Adjoining the site to the south west is a field currently in use as agricultural grassland . The replacement dwelling for No.37, currently under construction, occupies a portion of this field but its curtilage does not extend to the application site. A further gap exists between the curtilage boundary of the aforementioned dwelling and the south east boundary of the application site. This gap entails a 0.17 ha site which broadens to the rear of the site.

It is noted that a planning condition attached to approval R/2006/0274/F requires the demolition of No. 37 prior to occupation of its replacement. Whilst this will reduce the number of buildings having a common frontage to the road there will still be a number of outbuildings associated with No.37. When the replacement dwelling and associated outbuildings are considered with No.1 Drumgiven Road it could be said that the road frontage meets the policy requirement for a built up frontage to consist of 3 or more buildings.

The length of the gap frontage has been raised by the objector. The applicant has stated that the gap frontage is 60 metres. The application site measures approximately 57 metres long its frontage, this does not however represent the full gap frontage as previously highlighted. As highlighted in PAC decision 2013/A0121 the term gap as referred to in Policy CTY8 relates to the spacing between buildings and this is also highlighted by the objector. In this instance the gap between the buildings is 124 metres.

Whilst the application site may be regarded as sufficient to accommodate two dwellings it does form part of larger gap in development (124 metres) which separates No.1 Drumgiven Rd from the replacement under construction. An assessment under CTY8 must therefore consider whether the aforementioned gap between the buildings constitutes a small gap within a continuously built up frontage.

Firstly the 124m gap between No.1 Drumgiven Road and the dwelling under construction does not represent a "small gap". The total built up frontage along the Creevyargon Road is 212 metres in length while the gap site between the existing buildings is 124 metres in length. Whilst Policy CTY 8 does not quantify what is meant by small gap, a gap which is 58% of the length of the frontage could not under any circumstances be regarded as small.

Secondly it is considered that the gap between existing buildings could accommodate up to three dwellings. The application site has a total plot size of 0.42 ha and could accommodate two dwellings each with a plot of 0.21 ha and frontage of 28.5 metres. There would however be further scope to accommodate a dwelling with a plot size of 0.23 ha and frontage of 25 metres between the application site and the replacement under construction.

Additional supporting information from the applicant's agent suggests that the gap between the application site and the replacement under construction is too narrow to accommodate a dwelling. The remaining gap site (field and curtilage of No.37) is wholly within the control of the owner of No.37 and thus there would be the option for this land owner to consider development of the full gap. As previously highlighted the gap referred to in the policy is not between boundaries but rather between existing buildings it is thus acceptable to consider whether the gap between the application site and No.37 is of a sufficient scale to meet the infill requirements. As indicated above a plot similar in size to the two plots within the application site could be achieved.

The supporting statement further suggests that the gap between the application site and the replacement dwelling needs to be retained for agricultural access as its development would make access to farmland difficult. Access to agricultural lands to the rear is not however limited to this gap site. There would be ample scope to retain access through the existing farm yard to the fields to the rear.

The full gap site, from No.1 Drumgiven Rd to the replacement for No.39 offers the potential to develop three dwellings, similar in size, scale and plot size and would therefore be contrary to Policy CTY8.

There is no perception of a continuous line of development along this part of the Creevyargon Road as the application site provides a clear visual break between the buildings to the north west and south east of the site. While the Policy wording of CTY 8 does not explicitly address visual impact it is covered within the justification and amplification to the Policy. Under appeal 2013/A0121 reference to the perception of development along the public road formed part of the Commissioner's assessment in considering the scale of the gap. Given that there is no sense that a continuous line of development exists along this part of the Creevyargon Rd it is considered that approval in this instance would result in creation of a ribbon of development.

In the supporting statement the applicant's agent has made reference to the infill approval to the north east (R/2013/0390/O) and it is suggested that this has similar characteristics to this application. In his letter of objection Mr Kirkpatrick has also raised the issue of the approval of a gap site for two dwellings to the north east and has stated that the approval for R/2013/0390/O was a flawed decision. The approved gap site under the aforementioned application is approximately 119 metres and is therefore similar to the application under consideration. The Drumgiven Rd site however would not have had the potential for a third dwelling as the remaining gap would have formed a plot that would have been considerably smaller than the existing plots and would not have respected the existing development.



The Council's approval under LA07/2016/0447/O for two infill dwellings on the Teconnaught Rd has also been raised. This approval can however be differentiated on the grounds that one of the existing dwelling was considered to have a long frontage and in this context the gap was considered to be capable of accommodating only two dwellings.

It is therefore considered that the proposal fails to meet the Policy requirements of PPS21 CTY 8.

There is no evidence to suggest that the proposal falls into any of the other types of development that are listed as acceptable in principle in the countryside under Policy CTY 1 or that there are overriding reasons why the development is essential and could not be located in a settlement. There is thus no policy support for the principle of two dwellings as an infill opportunity in this instance.

Policy CTY 13 considers whether the proposal will achieve a suitable degree of integration. It is considered that two single storey dwellings on lower lying parts of the site would have a reasonable degree of enclosure and would benefit from screening from existing boundary vegetation when approaching from either direction along the Creevyargon Road. Suitably designed and positioned dwellings on the site are therefore unlikely to appear prominent in the landscape.

Policy CTY 14 outlines a number of circumstances where a new building will be unacceptable, this includes proposals which result in suburban style development create or add to a ribbon of development. In this instance the rural character along the Creevyargon Rd has been maintained by the visual break provided by the application site. The proposed development would result in the loss of rural character through a build up of development contrary to CTY 14 criteria (b) and the creation of a ribbon of three dwellings along the Creevyargon Road, contrary to criteria (d).

Policy CTY16 - In order to comply with this policy the applicant must demonstrate a means of sewerage disposal that will not create or add to a pollution problem. The applicant has confirmed the use of septic tanks as the means of sewerage disposal. It is considered the site is large enough to accommodate septic tanks and soakaways for two dwellings.

### **Flood Risk**

Rivers Agency have confirmed that a minor part of the northern boundary lies just on the 1 in 100 year strategic flood plain. Given that this area has ground levels falling adjacent to an undesignated watercourse it is considered that this area would not contain any development. Rivers Agency have indicated they have no objection to the proposal from a drainage or flood risk perspective. The proposal is therefore not considered contrary to PPS15 Policy FLD1.

In terms of surface water impact the proposal does not exceed the thresholds to require a drainage assessment. Planning informatives could be added to any approval outlining suggested best practice.

## **Access, Movement and Parking**

In Transport NI response dated 07/09/16 they advise they had no objections. It is considered that a satisfactory means of access could be achieved in accordance with Transport NI requirements as detailed in the RS1 form.

It is considered that the site is large enough to accommodate two dwellings with sufficient provision for parking and turning within it.

## **Impact on Residential Amenity**

Development on the site could also be suitably designed and positioned to ensure no loss of amenity to any existing dwellings in the immediate vicinity. There is well established vegetation along the boundary with No.1 Drumgiven Road, retention of which along with a suitably designed and orientated dwelling could ensure no loss of amenity. The replacement dwelling for No. 37 is located 44 metres to the south east of the application site, this represents a reasonable separation distance which should also ensure no loss of amenity to this property.

## **Recommendation:**

The proposal is considered to be contrary to planning policy and it is recommended that the application be refused for the reasons outlined below:

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 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 the proposal does not constitute a small gap site within a continuously built up frontage and would, if permitted, result in the creation of ribbon development along Creevyargon Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing buildings, create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

**Case Officer Signature:**

**Date:**

**Appointed officer Signature:**

**Date:**

Reference – LA07/2016/1147/O

Address - Between 1 Drumgiven Road and 39 Creevyargon Road,  
Ballynahinch

Description - Infill site for 2 dwellings and associated domestic  
garages

**Current Proposal:**

We feel this proposal complies with all parts of PPS 21 Cty 8 and is remarkably similar to a neighbouring application which was given approval. This one too merits approval.

**Frontage**

The frontage in this case is along the Creevyargon Road. The row of buildings along the frontage runs from No 1 Drumgiven Road, which is a corner plot and fronts on to both roads and the domestic garage associated with the same house which also fronts on to both roads, then the 2-site gap infill, then the new dwelling at 37 Drumgiven Road, then the buildings in the farm yard beside No 37, 2 of which front the road. The entire frontage is approx. 208m.

**Gap**

The gap frontage is approximately 60m giving an average plot frontage for the 2 new dwellings as 30m. The gap is bound on each side by existing buildings and is in a continuous row of buildings therefore we feel is compliant with that part of the policy.

**Pattern**

The pattern of development of the existing buildings in the row is such that they are of similar set-backs from the roadside. Plot depths are similar and approx. 70m. The average frontage width is approx. 26m taken from 8 buildings (including the 2 proposed gap sites) over a frontage of approx. 208m or approx. 35m from 6 frontage buildings. The gap width of 30m for the each of the 2 proposed sites is therefore in keeping with the existing pattern of development. We feel this proves that the proposed sites, positioned centrally within the area outlined in red would meet the existing pattern of development.

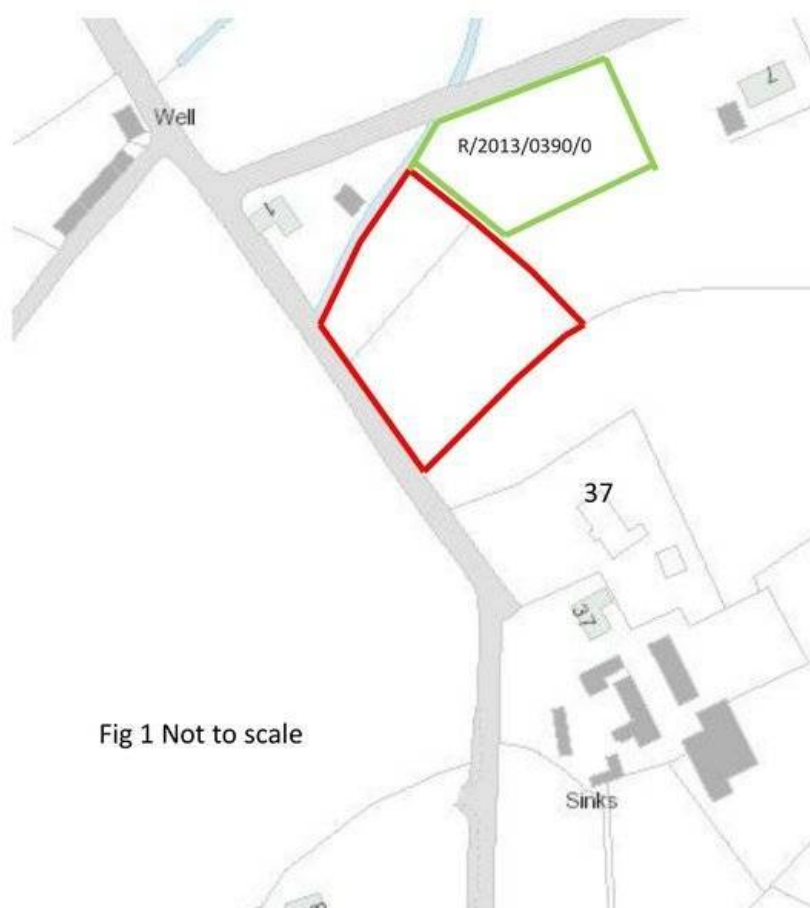


Fig 1 Not to scale

Concern has been expressed regarding the frontage of the proposal onto the Creevyaragon Road and the comparison between it and the R/2013/0390/0 approval on the Drumgiven Road.

The building labelled on the application location map as 37 Creevyaragon Road and recently constructed, has been enclosed by a permanent fence, delineating its garden. The fence lies along the line of the boundary as indicated in the planning approval. The fence therefore represents the garden of that dwelling and represents the physical, current boundary arrangement on which a planning assessment will be made. The future possibility of a fence being moved is conjecture and cannot be used as part of a planning analysis. The frontage of that garden onto the Creevyaragon Road is therefore approx. 46m, within the range previously presented. The remaining section of land between the garden and the application site is a narrow sliver of land with a road frontage of 16m. The frontage contains an agricultural gate and provides access, similar to a lane, from the road to the agricultural fields behind the new dwelling. The sliver of land was obviously left for this purpose, for the efficient operation of the agricultural holding and the convenience of agricultural road frontage access for stock and machinery.

The sliver of land is much too narrow for the construction of a dwelling and is basically an agricultural access. CTY 8 does state that an infill opportunity must not make access to farmland difficult; any attempt to fit in a dwelling with 16m frontage at this agricultural access would obviously offend this part of the policy.

The 16m of frontage does not represent a break in the frontage of buildings as it is a narrow strip that could not accommodate a dwelling and could not provide a further opportunity.

The approval on the Drumgiven Road (R/2013/0390/0) had exactly the same arrangement and gap which again was narrow and not capable of creating another infill opportunity. Planning service were correct in their analysis and approval of that case. As with the current application, the remaining gap was insignificant enough to be irrelevant.

Many frontages have similar gaps between buildings yet they still present as infill opportunities. CTY 8 infills do not have to be continuous 'terraces' of buildings but must respect the pattern of development in the row. We feel the 16m gap does not detract from the pattern of development and therefore the infill opportunity as presented should be approved.

**Conclusion**

*In conclusion we feel that this proposal meets all parts of PPS 21 CTY 8 and should be approved. Similar adjacent approval - R/2013/0390/O, between 1 and 7 Drumgiven Road has similar characteristics with a gap of 63m in a 6-building frontage of approx. 192m, average plot size 32m. (192m / 6 buildings = 32m).*

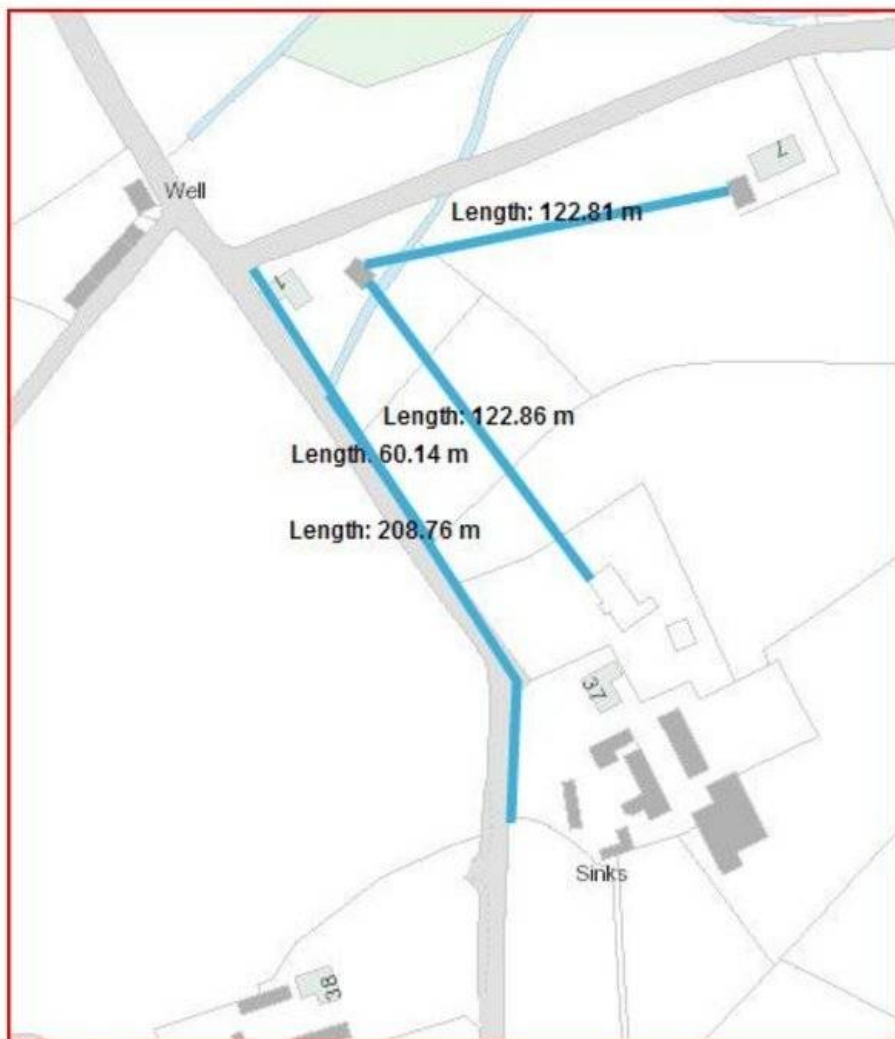


Fig 2

### Similar Approval – Equality of Treatment

Can we request that the recent approval from Newry Mourne and Down Council for a 2 dwelling infill, LA07/2016/0447/O at Teconnaught Road be taken into account with Mr Murrays application. The Teconnaught site has a frontage of 168m and a gap between buildings of 192m yet still received approval. Mr Ross would like to be treated in the same way as the applicants at Teconnaught. Based on these measurements Mr Ross's application should be approved.



**SITE LOCATION PLAN**  
(Scale: 1:2500)

Colin Potts Geomatics Ltd  
Planning & Survey  
Riverside Enterprise Centre

11 APR 2016

LA07/16/0447W

<b>ITEM NO</b>	<b>16</b>				
<b>APPLIC NO</b>	LA07/2016/0973/O	Outline	<b>DATE VALID</b>	7/20/16	
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>				
<b>APPLICANT</b>	Mrs M Maw and Mr A Russell c/ o 5 Cranmore Park Belfast BT9 6JF	<b>AGENT</b>	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA 02897561488		
<b>LOCATION</b>	Lands 85 metres east of 26 Claragh Road Clough Downpatrick BT30 8RG				
<b>PROPOSAL</b>	Proposed dwelling and garage on a farm				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	2	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>
			0	0 0 0	0

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS 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.





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

**Application Reference: LA07/2016/0973/O**

**Date Received: 20th July 2016**

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

**Location: Lands 85m East of 26 Claragh Road, Clough, Downpatrick.**



**Site Characteristics & Area Characteristics:**

The site in question is located to the east of existing farm buildings that sit off the Claragh Road. The site in question is cut from the larger part of an agricultural field that has a dramatic change in levels to the NE of the site. There is a mature planted boundary hedge to the south of the site which helps screen the site in part. The west side of the sites lands are level with the existing farm buildings however the remainder of the site falls away quite steeply. There are no defined boundaries to the north or east of the site.

The area is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. There are no specific restraints on the land in question.

**Site History:**

There is no relevant site history for the said site.

There is history on the surrounding lands.

R/2002/1224/O – Lands N of 26 Claragh road – rural style dwelling and garage – granted 30-05-2003. (Miss SE Hill)

R/2002/1224/O – lands N of 26 Claragh Road – rural style dwelling and garage – granted – 30-05-2003 (Miss SE Hill)

R/2005/0574/F – lands adjacent to 27 Claragh Road, Clough – proposed new dwelling – permission granted – 9-8-2005.

R/2009/0876/F – lands 150m N of 27 Claragh Road – rural style dwelling – granted 31-12-2009

R/2010/0837- lands 150m N of 27 Claragh Road – proposed change of house type and re siting within approved curtilage from previous approval – granted -22-02-2011

R/2007/0473/F – North of 26 Claragh Road, Clough – retention of existing house and garage and erection of stables – refused 15-02-2008.

R/2004/1109/O – Rural style dwelling and garage – 150m N of 27 Claragh Road – granted – 15-10-2004 (Miss SE Hill)

R/2000/0555/O – Site for single storey rural type dwelling – 140m S of 5 School Road – granted (Miss SJ Hill)

R/2001/1529/F – School Road, Clough – new residential dwelling – granted – 25-04-2002.

R/2003/1289/RM – N of no 26 Claragh Road, Clough – erection of dwelling – granted 13-01-2004.

**Planning Policies & Material Considerations:**

The application is considered against Ards and Down Area Plan 2015, PPS 21 Sustainable Development in the Countryside and SPPS along with material considerations.

**Consultations:**

NI Water – No objections

NIEA – Drainage and Water – No objections

Transport NI – no objections, splays to be provided in line with RS1.

DAERA – initial response stated yes farm business is established and has been active for the last 6 years however further correspondence with DAERA identified that the support was provided until 2014 with no claims in 2015 or 2016, DAERA go on to say that DAERA clarified that farm businesses needed to be actively farming the land to claim DAERA support payments.

### **Objections & Representations**

The application was advertised 3<sup>rd</sup> August 2016 which expired 17<sup>th</sup> August 2016. Neighbour notification was sent to 3 different addresses on 26<sup>th</sup> July 2016 which expired 9<sup>th</sup> August 2016. Two letters of objection have been received to date.

The objections were received from the owner/occupier of 25 Claragh Road and were on the following basis:

- Frustration at the planning system with regards time allowed submitting a letter of objection.
- The farm is not active; lands have been let for a number of years.
- Development opportunities have been sold off from the site.
- Issues with safety around the access.
- Already is a two storey dwelling on holding.
- Maps shown incorrectly on farm maps as some of lands have been sold.

A second objection included details of the farm dwelling and some lands being for sale.

### **Consideration and Assessment:**

The application is considered against PPS 21, CTY 10. Dwellings on farms

The first point to establish is if the farm is currently active and established and has been for a period of 6 years, Initially DAERA had responded to say that the farm was currently established and active for 6 years. A letter of objection was submitted stating the land was let in con acre. On this basis DAERA were asked for further clarification and responded, as detailed above, that the farm had claimed until 2014. The agent was also asked to comment on the content of the objection letter. A response was received via e-mail (dated 18/09/2016 see file) which advised the objections were 'totally incorrect', that the DARD comments negates the alleged lack of farming activity notwithstanding the farming accounts already submitted.

Accounts were submitted for Miss Sarah EJ Hill the accounts make no reference to a farm business, do not support the statement that there has been farming activity especially for the years 2015 and 2016 for which there was no claim made through DAERA. The accounts are not signed and are discounted. They offer no support to demonstrate that there is an active farm business and has been for 6 years.

The application fails on the 1<sup>st</sup> section of policy CTY 10 as it has not been demonstrated that the farm business is currently active and established.

The second aspect is that no dwellings or development opportunities have been sold off from the holding. Again the objector suggests that sites have been sold off in

previous years, this does appear to be the case judging on the planning history and other checks available however the sales appear to have been before 25<sup>th</sup> November 2008 and therefore are discounted.

It is also noted that the farm house and indeed the buildings this application is proposed to be clustered with are currently for sale however the policy does state that the opportunities have to have been sold off and therefore although there is a clear indication to dispose of development opportunities this cannot be considered as it has not been sold off. There is no evidence to suggest that the application fails this section of policy.

The application must also be sited to cluster or visually link with a group of buildings on the farm. The buildings to the north west of the site and included within the red line of the application site are sufficient to be clustered with. A siting condition would be required, should the application be approved to ensure the clustering is achieved without a break. This section of policy has been met.

The application is also considered against CTY 13 of PPS 21, Integration and Design of Buildings in the Countryside.

A suitably designed dwelling would not be a prominent feature in the landscape, there is an adequate back drop to the site in planting that would help screen the site. There are no long distance views available of the site and given the proximity to agricultural buildings a dwelling can be accommodated.

The site has some boundaries in place, further boundary treatment would be required, the site would be conditioned adjacent to the existing sheds with a curtilage condition also put in place, should the application proceed. The site will not rely on new plating for integration.

Ancillary works can integrate with the surroundings. Transport NI has responded to consultation stating no objections.

This is an outline application therefore the overall design would be considered at reserved matters stage, if granted.

A dwelling on this site would have the potential to blend with the landform and natural features.

The dwelling is sited to cluster with buildings on the farm.

The application complies with CTY 13.

The site is also considered against CTY 8 of PPS 21, planning permission would be refused for a building which creates or adds to ribbon development. In looking at the pattern of development adjacent to the site there is clearly a line of 4 separate buildings and as stated above this site, in order to integrate or cluster would need to be conditioned at the closest point of the site outlined in red however this would add to an existing ribbon of development. As there appears to be suitable lands directly to the rear of the farm buildings it is considered that alternative sitings exist, this application would therefore be refused as it adds to a ribbon of development and is therefore contrary to CTY 8.

The application is considered against CTY 14, Rural Character and is contrary to this policy as the proposed siting would add to an existing ribbon of development along the Claragh Road.

**Recommendation:**

Refusal

**Refusal Reasons**

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS 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.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the proposal would, if permitted, result in the addition of ribbon development along Claragh Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the building would, permitted create or add to a ribbon of development.

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

### **Reconsideration**

Amended drawings were submitted 14<sup>th</sup> November 2016 indicating the positioning of the proposed dwelling tucked in to the rear of the existing shed. Having considered the amended drawings and taking into consideration that the siting can be conditioned to such it is no longer considered necessary that the application is contrary to CTY 8 or CTY 14.

There has been additional information submitted in relation to the activity status of the farm however no material is new or substantial enough to demonstrate active farming and as such the application is still considered to fail CTY 1 and CTY 10 of PPS 21.

### **Refusal Reason**

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS 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.

**ITEM NO** 29  
**APPLIC NO** R/2015/0066/F Full **DATE VALID** 2/6/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr James Wilson 28 Derryogue Road Kilkeel  
**AGENT** Strategic Planning  
 4 Pavilions Office Pk  
 Kinnegar Drive  
 Hollywood  
 BT18 9JQ  
 02890425222

**LOCATION** Approx.335 metres North West of 34 Downpatrick Road Killough.

**PROPOSAL** Erection of single wind turbine with 30m hub, 33.1m blade diameter, 225kw, and associated access and 2 No electricity cabinets.

(Amended/Corrected Description)

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	0	0		0	0
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>
			0	0	0

- 1 Having notified the agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Shadow Flicker Assessment) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

**Application Reference:** LA07/2015/0066/F

**Date Received:** 06.02.15

**Date of site visit:** 12.02.16



**Proposal:**

The Council has received an application seeking full planning approval for proposed erection of single wind turbine with 30m hub, 33.1m blade diameter, 225kw, and associated access and 2 No electricity cabinets.



**Location:** Approx.335 metres North West of 34 Downpatrick Road Killough.

(This is an amended description, which was re-advertised in Dec 2016, as the description submitted by the agent was considered too vague and did not provide details of the type and size of the turbine proposed).

**Applicant:** Mr J Wilson

**Location:**

The site is located in the countryside, in an AONB (Strangford and Lecale AONB) and Area of Constraint on Mineral Developments, as identified in the Ards and Down Area Plan 2015.

This area is rural in character, which is relatively low lying, whereby it is noted the site is located off the Ballylig Road, which adjoins the Downpatrick Road, close to the large waste disposal business of McNabs is located. There are also several dwellings and holdings in the wider area.

**Site Characteristics & Area Characteristics:**

The site outlined in red comprises a portion of a field approx 120m south of the Ballylig Road, and will be accessed via an existing access laneway. This site is located towards the north eastern end of the Ballylig Road. This field comprising the application site is roughly trianglular in shape and is bounded by low level hedging.



**Site history:**

A history search has been carried out for the site and surrounds, whereby it is noted there have been several previous approvals for wind turbines in this area including on lands to the north side of the Downpatrick Road beyond the waste disposal site and also towards the Rossglass Road to the south of the site.

It is noted there are a number of turbines erected in the wider landscape towards Downpatrick and Minerstown.

**Representations:**

None received to date (04-01-17).

Having account the nature of this application and extent of red line, neighbour notification was undertaken with several properties along the Downpatrick Road in Feb 2015 and Dec 2016, while the application was also advertised in the local press in Feb 2015 and Dec 2016.

(The re NN and advertising undertaken in Dec 2016, was due to the amended description inputted by the Planning Dept. Nothing further was received from the applicant/agent).

**Consultees:**

Taking into account the nature of this proposal, and zoning and constraints of the site and area, consultation was undertaken with Transport NI, NIEA, NIW Windfarms, Environmental Health, BIA, PSNI, BT, Natural Heritage, Ofcom, NATS, and Shared Environmental Services, whereby it is considered there are no objections are offered in principle.

**Planning Policies & Material Considerations:**

RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS18, and supplementary guidance Best Practice Guidance to PPS 18 and Wind Energy Development in Northern Ireland's Landscapes (August 2010).

As stated above the site is located in the countryside, however having account the nature of this proposal it is considered PPS18 is key.

**(a) Public safety, human health or residential amenity**

The location of the turbine has been located outside the critical distances required by Transport NI (TNI) and that which is detailed in the accompanying best practice guidance (BPG) for PPS18 with regards to 'fall over'. With regards to a single turbine it indicates that a safe separation distance is considered to be the height of the turbine to the tip of the blade plus an additional 10% which in this instance would equate to a recommended separation distance of approximately 51M. All other consultees regarding aviation and security safety have also responded with no objections to the proposal. It should be noted that no representations have been received in relation to this issue and the Department

In relation to shadow flicker there was a discrepancy in the information submitted in the supporting statement. This discrepancy was raised with the agents on several occasions while a shadow flicker assessment was also requested, however nothing further was received. In adopting a precautionary approach and in the absence of corrected or additional information, it is considered the application should be recommended for refusal due to insufficient information being received.

The Best Practice Guide states that no dwellings are located within the specified zone (ten times the rotor diameter 33.1m x 10) and within an area 130 degrees either side of the north. This distance would equate to 331m in this instance.

(b) Visual amenity and landscape character

As part of Policy RE1 of PPS18 the cumulative impact of both pending and existing wind turbines must be taken into consideration.

The proposal is located in an Area of Outstanding Natural beauty and within the southern end of the Ballyquintin and Lecale Coast Character Area (LCA 92). This LCA is characterised by gently undulating coastal farmland with a deeply rural character and high degree of tranquillity. Within the assessment for wind energy it states that the open, low lying and relatively gentle topography of this area in theory makes it suitable for wind energy development. The landscape was identified overall as being of high sensitivity due to the scale of the landscape features and subtle small scale of the topography. It states in terms of location and siting it is recommended that any turbine development be closely associated with and reflects the scale of existing development and tree groups.

The proposal is for a single wind turbine under 225kw, with a hub height of 30m and a rotor blade diameter of 33.1m (16.55m long blades) giving an overall blade tip height of approximately 46.5m. The structure is to be positioned approximately 120m to the south side of the Ballylig Road and will be accessed via the existing laneway.

The Best Practice Guide recommends that any turbine development should be closely associated with and reflect the scale of existing development and tree groups.

While it is noted there the site for the turbine will be located some 160 from the existing buildings and there is no mature planting which will screen views of the turbine, it is considered the siting indicated is relatively flat and low lying, whereby a turbine of this size can be accommodated, without causing any unacceptable impact or harm on the rural landscape in this AONB.

The Best Practice Guidance to PPS18, recognises it is normally unrealistic to seek to conceal a wind turbine. It states that the visual impact will be dependent on the distance over which a wind farm may be viewed. The general perception, as outlined in the accompanying table states that up to a distance of 2km a turbine is likely to be a prominent feature in an open landscape. It is noted that the proposal is located within an AONB however as outlined above it is considered this landscape can accommodate a turbine of this size, on this low lying site, which is set back and away from both the main Downpatrick Road and Rossglass Road, whereby it is considered views will largely be restricted to the immediate area, with intervening landscaping and narrow windy nature of the road network reducing the potential impact.

(c) Biodiversity, nature conservation and built heritage interests

(d) Local natural resources

It is felt that there will be minimal impact on local natural resources through the implementation of such a proposal.

(e) Public access to the countryside

As the turbine is located on private lands owned by the proposer it is felt that the proposal will not impact on any rights of way, public access or public roadway.

Policy RE1 of PPS18 advises that cumulative impact issues include both existing turbines which are in place, those which have permissions, and those which are pending. However the PAC appear only to take account of those that are erected on the ground.

This proposal has been assessed with the several permissions which exist in relative close proximity to the site along the Downpatrick and Rossligass Roads, and also those approved and erected in the wider landscape.

It is considered the existing turbines which are erected in this wider landscape are located reasonable distances away from the current proposal whereby potential cumulative impact issues will be limited due to the undulating nature of the landscape and existing vegetation and road network.

CUMULATIVE IMPACT

LACK OF INFO- SHADOW FLICKER

RE ADV

BIO-DIVERSITY- POINT C- NIEA..

INFO WAS REQUESTED

**Recommendation:** Refusal

**Summary of Recommendation:**

After consideration of all relevant planning policies and other material considerations this proposal fails to satisfy the requirements of the policies and it is therefore recommended that this application be refused. In relation to shadow flicker there was a discrepancy in the information submitted in the supporting statement. This discrepancy was raised with the agents on several occasions while a shadow flicker assessment was also requested, however nothing further was received. In adopting a precautionary approach and in the absence of corrected or additional information, it is considered the application should be recommended for refusal due to insufficient information being received.

**Refusal Reasons:**

1. Having notified the agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Shadow Flicker Assessment) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

**ITEM NO** 30  
**APPLIC NO** R/2015/0069/F **Full DATE VALID** 2/6/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr Uel Watson 7 Ardilea Road **AGENT** Strategic Planning  
 Strangford 4 Pavilions Office  
 Pk  
 Kinnegar Drive  
 Hollywood  
 BT18 9JQ  
 02890425222

**LOCATION** Approx.522 metres South East of 30 Castleward Road  
 Strangford  
 BT30 7AY

**PROPOSAL** Erection of single wind turbine, associated access and 2 No electricity cabinets.

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	20	0		1
				0
			<b>Addresses</b>	<b>Signatures</b>
			109	109
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1 of the Departments Planning Policy Statement 18, in that it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on the residential amenity of neighbouring residents as a result of noise and shadow flicker.
- 2 The application is unacceptable as insufficient information relating to the proposed new access onto the public road has been submitted to enable the Authority to make an informed decision on the proposal.
- 3 The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation Policy NH 6 Areas of Outstanding Natural Beauty (AONB), as it has not been demonstrated that (a) the siting and scale of the proposed access is appropriate in the locality and (b) the access respects the traditional field boundaries of the Strangford and Lecale AONB.
- 4 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that sufficient detail has not been demonstrated to ensure the proposed new access arrangements would integrate with the surroundings.
- 5 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that insufficient detail has been submitted to ensure the new access arrangements would not result in adverse impact on the rural character of the countryside.



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an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: R/2015/0069/F**

**Date Received:** 6<sup>th</sup> February 2015

**Proposal:** Erection of single wind turbine, associated access and 2 No electricity cabinets.

**Location:** Approx.522 metres South East of 30 Castleward Road, Strangford  
The site is approx. 2miles south-south-west of Strangford and approx. 7.5miles east of Downpatrick. The site is within the Strangford Ward of the Council District.



**Site Characteristics & Area Characteristics:**

The site is within an area of low-lying drumlin topography associated with coastal areas.

The site is located within the countryside and designated Area of Outstanding Natural Beauty as identified in the Ards and Down Area Plan 2015. The area is rural in character and is predominantly agricultural in use with detached single storey dwellings dispersed within the low-lying drumlin topography.

The site is on slightly lower ground level than the Blackcauseway Road, The Castleward Road and the Churchtown Road which detail the public road network that surrounds the vicinity of the site.

Access to the site would require a new access onto the Castleward Road (north of No 30 Castleward Road) which would follow the NE field boundary to the rear of No 30 Castleward Road until it joins an established lane. This established lane has access to the Castleward Road between No 30 and No 34 Castleward Road. The lane has an established hedge boundary and travels south to a disused 2 storey dwelling and agricultural yard area before travelling south and west along a filed boundary with an established hedge. The access then travels north within the larger agricultural field to the site proposed for the wind turbine located within a rocky outcrop.

The site is within a larger agricultural field and is adjacent to a rock outcrop with some vegetation.

**Site History:**

No site specific history.

Approx 300m to the west - R/2011/0186/O Replacement Dwelling on Land Adjacent to number 40 Castleward, Strangford GRANTED 22.09.2011

**Planning Policies & Material Considerations:**

The proposal will be assessed paying attention to the Ards and Down Area Plan 2015, the Regional Development Strategy, the Strategic Planning Policy Statement (SPPS) for Northern Ireland, PPS18 Renewable Energy and its associated Best Practice Guidance, Wind Energy Development in Northern Ireland's Landscapes: SPG to accompany PPS18, PPS2 Natural Heritage, PPS6 Planning Archaeology and the Built Heritage, PPS3 Access, Movement and Parking and PPS21 Sustainable Development in the Countryside

**Consultations:**

NI Water – no issue with fixed radiolinks and ST radiolinks that NIW operate.

BT Radio masts – the proposal should not cause interference with BT's present and planned radio networks.

Westica – no technical safeguarding objection to the proposal.

OFCOM – no issues returned.

Belfast International Airport – no conflict with Belfast International Airports safeguarding criteria and request a light to be installed.

NIEA Natural Heritage and Conservation Area – 14.05.2015 considered the impacts on the Strangford Lough Special Area of Conservation (SAC), Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI) (Part 2) and noted the proposal, located approx. 615m south from and has a hydrological connection to the designation, may have an adverse impact on the integrity of the designations and object to the proposal unless there are mitigating conditions as detailed within the response. The Council note that conditions must be enforceable.

NIEA also advise that any loss of vegetation ie tree should be kept to a minimum and removal should not be carried out during bird breeding season. NIEA noted the objections received and states that there are significant ornithological issues associated with the proposal and no birdy surveys are required. Considering Bats and Badgers NIEA advised within their response that there is a sufficient buffer distance to nearby suitable habitat features in reference.

\*NOTE - NIEA function now would be referred to as DAERA, due to re-organisation of Government Departments, however this has not resulted in changes to their consultation response dated 14<sup>th</sup> of May 2015 and the comments remain applicable. For the purposes of this report I will keep referring to this consultee as NIEA to avoid confusion.

Environmental Health - 19.3.2015 advising the applicant is required to demonstrate that the noise impact will not exceed 35dB L(A90,10 min) noise impact assessment to be submitted.

Environmental Health - 30.9.2015 advising the noise assessment is based on monitoring equipment data however it is considered too removed (approx. 1.9km) from the site and therefore request an amended background survey in the locality of the proposed turbine. Also requesting confirmation from planning about a potential sensitive receptor at co-ords 357868,348037 (approx. 200m NWW of the site). The planning agent queried this in email dated 10.09.2015 and response sent 14.1.2016 from planning to agent to advise the building at co-ordinates 357868,348037 to be abandoned.

Transport NI – requesting applicant to submit details of the proposed new access (12.03.2015). Letter sent to agent highlighting Transport NI response on 18.03.2015 and again in email dated 14.1.2016.

### **Objections & Representations**

The site was advertised in Mourne Observer and Down Recorder on 25<sup>th</sup> February 2015.

A total of 10 neighbouring dwellings were notified. 7 representations have been received prior to completion of report. They are summarised as follows:

- detrimental impact of the proposal in terms of height and scale on the amenity of the landscape
- detrimental impact on residential amenity of nearby properties in terms of noise, shadow flicker
- detrimental impact on wildlife, habitat and designated sites
- Detrimental impact on tourism due to loss of amenity
- Lack of an Environmental Impact Study



- Impact on public rights of way and The Lecale Way

Objections received raised concerns that the proposal would have the potential to have a detrimental impact on wildlife and designated sites. Council consulted with NIEA (the function now falls within Department of Agriculture, Environment and Rural Affairs). The Council must highlight that NIEA have considered the proposal and offered no wildlife concerns and advised there was sufficient buffer distance to nearby suitable habitat features.

The Council determined that the application would not require the applicant to submit and Environmental Impact Assessment as it was concluded that the proposal could be assessed and considered in relation to the consultation responses, the current planning policy and associated guidance and submitted information.

Objections queried the notification of neighbours. Please note while additional neighbours were added the notification of the proposal is in keeping with legislation.

Objections also queried the details of the address. However further to site inspection Council considered that the address accurately reflected the site.

Concerns have been raised in relation to impact of the Wind Turbine on health of nearby residents. During the processing of the application, advice and guidance was sought from Environmental Health Unit in relation to the proposal.

Objections also noted the proposal may cause a decrease in the value of their property and disruption to the view. Please note this is not a planning consideration.

### **Consideration and Assessment:**

The proposal is a full application for a single wind turbine with a hub height of 30m and blade radius of 16.55m. From ground to tip the turbine (including moveable blades) would be 46.55m. The rotor diameter is 33.1m.

The site is within the Strangford and Lecale AONB and the Landscape Character Area (92) Ballyquintin and Lecale Coast.

PPS18 Renewable Energy and Best Practice Guidance, Policy RE1 states that development, such as the wind turbine proposed, will be permitted provided the proposal, and its associated buildings and infrastructure, will not result in adverse impact on the following;

- (a) Public safety, human health or residential amenity
- (b) Visual amenity and landscape character
- (c) Biodiversity, nature conservation or built heritage interests
- (d) Local natural resources, such as air quality or water quality
- (e) Public access to the countryside.

Policy advises that the wider benefits ie economic, environmental and social benefits are material considerations when considering renewable projects. Considering the

Best Practice Guidance highlights turbines of this height providing energy for 64 homes (figure 1 page 5).

Wind energy development has additional criteria listed within Policy RE1 that must be considered.

- (i) That the development will not have an unacceptable impact on the visual amenity or landscape character through number, size, scale and siting or turbines
- (ii) That the development has taken into consideration the cumulative impact or existing turbines, approved and pending applications
- (iii) That the development will not create a significant risk of landslide or bog burst
- (iv) That no part of the development will give rise to unacceptable electromagnetic interference to communications installations
- (v) That no part of the development will have an unacceptable impact on roads, rail or aviation safety
- (vi) That the development will not cause significant harm to the safety or amenity of sensitive noise receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light
- (vii) The above ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

The LCA advises that the area identified as Ballyquintan and Lecale Coast (LCA 92) is in theory suitable for wind energy development due to the open, low-lying and relatively gentle topography. This was detailed within the applicants Statement of Support. However the statement omits the further detail which loosely directs such development to be within particularly in areas of Brownfield development such as Ringawaddy Airfield. The overall sensitivity remains high. To paraphrase the LCA consideration for wind energy developments, any turbine development should be closely associated with and reflect the scale of the existing development with attempts to minimise visual clutter and avoid adverse impacts on sensitive open landscapes with important views along the coast.

Considering the site is within LCA 92 and a designated AONB the development of a wind turbine at a hub height of 30m and height to tip of 46.55m could be accommodated within this site due to its set back from the coast, coupled with the undulating topography. PPS2 Policy NH6 states that planning permission for new development, in this case a wind turbine, will only be granted where it is of appropriate design, size and scale for the locality. The policy provides criteria to consider proposals against. A wind turbine will be a prominent feature by its nature, however the proposed site, set back from the road and topography of the area are unique for this proposed site and I would be of the opinion that the site can accommodate the proposed turbine. The ancillary feature, in this case the new access to the site from the Castleward Road would not be easily integrated as Council have not received any details of the proposed access. Please note this has been requested by Transport NI and was forwarded to the agent, no response has been received.

PPS21 refers to sustainable development in the Countryside. Policy CTY 13 refers to integration and CTY14 refers to rural character. Proposals for development in the countryside must be visually integrated into the landscape and must not cause detrimental change to the rural character of the area. As stated previously, a wind turbine, by its nature, will be visible within the landscape, to an extent. However careful site selection and being mindful of ancillary features, such as new access arrangements, wind turbines could be accommodated within suitable landscapes. The proposal will require a new access onto the public road and there is a long access lane associated with the proposal, some of which would be new development. There are no details on the new access, visibility splays, and how the proposal could be integrated with limited adverse impact on the rural character of the area.

The SPPS also considers Renewable Energy and offers no conflict with PPS18 and guidance.

The impact on public health, human safety and residential amenity must be considered. Several objections referred to concerns the neighbouring properties have about the proposal in terms of impact on their residential amenity. PPS18 detailed a minimum separation distance of 500m or 10 times the rotor diameter (whichever is greater). Policy RE1 of PPS18 which identifies a minimum separation distance of 500m in relation to separation from a wind farm development and a noise sensitive receptor. The proposal is for a single wind turbine, not a wind farm development. Council must be conscious that 10 times the rotor diameter, in this case 165.5m would not necessarily identify any residential properties. However when applying a separation distance of 500m, this would include residential dwellings at 40, 38A, 38, 36B, 36A, 34 Castleward Road and dwellings at No 5, 16A, 16, 18, 20, 25 Blackcauseway Road, as well as derelict dwelling adjacent to the site. The proposal would have the potential to have a detrimental impact on these residential properties, as identified, in terms of noise, shadow flicker, ice throw and reflected light i.e. (vi).

The applicant submitted Noise Impact Assessment 08 JUN 2015. The Noise Impact Assessment was considered and Council referred to Environmental Health Unit. There is a remaining concern that the noise impact assessment has considered background data that was collated from a monitoring station positioned 1.9km away from the site and this is too remote from the site to accurately comment. This was forwarded to the agent (email dated 02.10.2015) and no additional details have been received. Therefore there remains a concern that the proposal may have a detrimental impact on the amenity of neighbouring dwellings within the vicinity of the site due to noise.

The turbine proposed has the potential to create Shadow Flicker. Best Practice Guidance states that shadow flicker generally only occurs in relative proximity to sites within 130degrees either side of north as they do not cast long shadows on their southern side. The guidance states that it is recommended that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day. Considering a separation distance of 500m, 130degrees either side of North, there is potential for the turbine to result in shadow flicker that could impact dwellings at 40, 38A, 38, 36B, 36A, 34 Castleward Road and dwellings

at No 5, 16A, 16, 18, 20, 25 Blackcauseway Road. There is no shadow flicker report submitted with the application to rule out the possibility of shadow flicker on neighbouring residential dwellings.

Sufficient information has not been received to set aside the potential impact the proposal would have on neighbouring residents within 500m in terms of noise or within 500m, measuring 130degrees either side of North, in terms of shadow flicker.

Considering potential ice throw, turbines in NI are unlikely to be affected by ice build-up but guidance refers to the inbuilt technology of wind turbines to detect imbalance and inhibit operation.

Turbines may result in flashes of reflected light. Guidance refers to the possibility of ameliorating the flashing ie choice of colour of blade and surface finish.

There are no concerns relating to impact on groundwater sources. There has been no evidence supplied that would highlight the proposal would have the potential to cause landslide or bog burst.

The proposal is located within an AONB, and within close proximity to Strangford Lough which benefits from several designations. Objections received raised concerns that the proposal could result in loss of wildlife, habitat, and have an impact on designated sites. Council consulted with NIEA, comments are detailed on file. Objections referred to impact the proposal would have on biodiversity, and local natural resources of the Strangford Lough. NIEA consultation provided the Council with comments on the matter and concluded that the proposal has a sufficient buffer distance from nearby suitable habitat features. There is no evidence the proposal would result in landslide or bog burst, or result in adverse impact on Strangford Lough, its associated designations or indeed the air or water quality of the area.

The Council has completed a series of consultations with bodies that consider impact of potential wind turbines on communications interference and no concerns have been raised.

Conditions of an approval must be robust. NIEA have responded to the proposal with advised conditions as detailed within their response. However considering their comments the conditions refer to a 10m buffer to be maintained between storage of excavated materials/ construction materials as well as location of refuelling and storage of oil/fuel/concrete mixing and washing from any watercourses or surface drains on site or adjacent to site. The Council must consider if the conditions are fair, reasonable and practicable as well as enforceable, precise and relevant. The application must be considered on its own merits. The site is not immediately adjacent to a surface drain or a watercourse. Therefore such conditions would require special and precise justification. NIEA did not consider the proposal would have an adverse impact on the designations of Strangford Lough. This is important and must be considered by the Council.

The proposal would not result in any loss of existing rights of way or the Lecale Way. The impact of the proposal on tourism in the area and the scenic quality of the landscape must be considered. Objections raised concerns that the proposal may have a detrimental impact on the Strangford Lough Area as a Tourist destination and

local film industry. PPS18 Best Practice Guidance refers to Tourism and Rights of way within paragraph 1.3.80-1.3.83. Council must be mindful of PAC decision 2012/A0166, while it was relating to a different area within the Lecale AONB stated that a single wind turbine would not detract from the tourism of the area.

The Council consulted with local airports to ensure the impact of the proposal on aviation is considered. No objections have been received and Belfast International Airport has requested a light to be installed for aviation reasons. This can be conditioned.

The fall distance for an individual turbine is the height to the tip of the turbine, which is 46.55m plus 10% ie rounded up to 52m. This distance has been considered and if the turbine were to fall it would be contained within the agricultural field.

The access to and from the site is proposed through a new access to the public road. The red line as detailed within the site location map details access from the Castleward Road at approx. 140m NNE of 30 Castleward Road. This is a public Road. Transport NI returned comments in March 2015. Additional information has been sought from the agent in letter dated 18<sup>th</sup> of March 2015 and highlighted again via email dated 14<sup>th</sup> of January 2016. To date no additional detail has been received.

DCAN 15 refers to Vehicular Access Standards and states that a proposal for a one way access would require a minimum width of access of 3.75m with gradient of access not exceeding 4% over first 10m and less than 10% for remainder lane so that it can be used during winter months. The road is a public road, not a protected route, however it serves as the main road from Downpatrick to Strangford and facilitates Strangford Ferry. While Transport NI has not provided details regarding the minimum standards of access required DCAN 15 refers to roads with more than 1000vehicles per day, and this road has a speed limit of 60 mph therefore the info would point towards X6.0M (could be reduced to 4.5m but only where danger is unlikely to be caused) and Y120m (ie 85kmph/ 53mph ). However these comments only refer to information gathered from DCAN 15, if additional information and amended plans detailing proposed visibility splays was supplied by the agent, as requested, the information would be forwarded to Transport NI for their consideration. The site location map does not include details of visibility splays to serve the proposal however it is noted the applicant has included the agricultural lands, either side of the access, to be within their ownership/control.

#### **Recommendation:**

*Refusal – there is lack of information to determine the impact from possible noise and shadow flicker on the proposal. The site also requires access, Council consulted with Transport NI and more information was requested which has not been received. The ancillary works ie access, may have a detrimental impact on the AONB, cause issues for integration and result in an adverse impact on the rural character of the Castelward Road.*

#### **Refusal Reasons/ Conditions:**

*Refusal reasons as recommended by case officer and can be subject to change;*

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1 of the Departments Planning Policy Statement 18, in that it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on the residential amenity of neighbouring residents as a result of noise and shadow flicker.
2. The application is unacceptable as insufficient information relating to the proposed new access onto the public road has been submitted to enable the Authority to make an informed decision on the proposal.
3. The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation Policy NH 6 Areas of Outstanding Natural Beauty (AONB), as it has not been demonstrated that (a) the siting and scale of the proposed access is appropriate in the locality and (b) the access respects the traditional field boundaries of the Strangford and Lecale AONB.
4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that sufficient detail has not been demonstrated to ensure the proposed new access arrangements would integrate with the surroundings.
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that insufficient detail has been submitted to ensure the new access arrangements would not result in adverse impact on the rural character of the countryside.

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Case Officer DATE

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Appointed Officer DATE

<b>ITEM NO</b>	<b>23</b>			
<b>APPLIC NO</b>	P/2013/0234/F	Full	<b>DATE VALID</b>	3/19/13
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	William Bethel 6 Island Road Newtownhamilton BT35 0DN		<b>AGENT</b>	Strategic Planning 4 Pavilions Office Park Kinnegar Drive Holywood BT18 9JQ 02890425222
<b>LOCATION</b>	Approx. 360 metres north of 6 Island Road Newtownhamilton			
<b>PROPOSAL</b>	Erection of 225 KW wind turbine with 30.4metre hub height and 29.1 metre blade diameter (amended noise assessment received 24th October 2014)			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	17	1	0	0
			<b>Addresses Signatures</b>	<b>Addresses Signatures</b>
			0	0 0 0

- 1 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a full visual assessment is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.
- 2 The proposal is contrary to the SPPS (Strategic Planning Policy Statement), Policy CTY 1 of PPS 21 and Policy RE 1 (c) of Planning Policy Statement 18 'Renewable Energy' in that it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on built heritage interests.



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## **Reconsideration of proposal following recommendation to approve on delegated list issued 12<sup>th</sup> November 2015**

**Application Reference:** P/2013/0234/F

**Date Received:** 19<sup>th</sup> March 2013

**Proposal:** Erection of 225 KW wind turbine with 30.4metre hub height and 29.1 metre blade diameter

**Location:** Approximately 360 metres north of 6 Island Road, Newtownhamilton

### **Site Characteristics & Area Characteristics:**

The site is located approximately 345 metres north of Island Road, Newtownhamilton. It is accessed via an established gravel laneway which stretches for approximately 300 metres to the north of Island Road. The site is located within an agricultural field of improved grassland. The boundaries of this field are defined by hedging and a number of semi mature trees. A redundant derelict building is located immediately adjacent and south of this agricultural field and immediately east of the access laneway. This agricultural field is also accessible via a gravel laneway which projects off Tullyneill Road to the north of the site.

The site is located in a countryside location approximately 1.95 Km west-south-west of Newtownhamilton. The surrounding area is rural in nature and there are a number of single dwellings and agricultural buildings dispersed throughout the area. The landscape is undulating. The site is located within Landscape Character Area 68 Carrigatuke Hills as detailed in the NIEA publication 'Wind Energy Development in Northern Ireland's Landscapes'

### **Site History:**

No site history. See consideration of other relevant wind turbine applications in the assessment section below.

### **Planning Policies & Material Considerations:**

Regional Development Strategy (RDS) 2035



Strategic Planning Policy Statement (SPPS)  
 PPS2 Planning and Nature Conservation  
 PPS3 (Revised) Access, Movement and Parking  
 PPS 6 Planning Archaeology and Built Heritage  
 PPS 21 Sustainable Development in the Countryside  
 PPS18 Renewable Energy  
 Banbridge, Newry & Mourne Area Plan 2015  
 Guidance:  
 DCAN 15  
 PPS18 Best Practice Guide, Wind Energy in Northern Ireland's Landscapes: SPG to accompany PPS18  
 A Good Practice Guide To The Application Of ESTU-R-97 For The Assessment And Rating Of Wind Turbine Noise May 2013

### **Consultations:**

Arqiva Services Limited – No objection  
 Belfast International Airport - No objections to the proposal  
 CAA – Directorate of Airspace Policy - No objections  
 National Air Traffic Services – No objections  
 Natural Heritage – No objections  
 NIE – No objections with information  
 OFCOM – No objections to the proposal  
 PSNI – No objections  
 The Joint Radio Company – No objections  
 UK Crown Bodies LMS – No objections  
 UK Crown Bodies MOD Safeguarding – no safeguarding objections  
 Transport NI – No objections  
 NI Water – No objections  
 Environmental Health –no objections in principle of based on the information submitted and subject to conditions.  
 NIEA (now HED) – requires more detailed information in the form of photomontages accompanied by an overlaid wireframe drawing to consider the proposal against the listed Tullyvallen Session Hall.

### **Objections & Representations**

Two objectors provided written statements opposing the proposal.  
 One objector Mr George Clarke provided the Department and Council with an extremely high amount of letters of objection towards the proposal. Below are the main issues raised and consideration of them:-

Shadow Flicker - Using the 10 time rotor diameter and 130 degree either side of north rule, no third party occupied dwellings will be affected. Mr Clarke has queried in his representations that a separation distance of 500m should be applied when assessing shadow flicker as advised in the best practise guidance. However, it is only when The Planning Authority receives applications for more than one turbine i.e. a wind farm, that the higher distance of 500m is used to assess impact on sensitive receptors.

Noise/Cumulative Impact – the proposed turbine and cumulative impact in relation to the noise of the proposed wind turbine and others has been considered in the noise impact assessment. Conditions have been attached with Environmental Health's

report for any approval which may be granted by the Planning Authority restricting the noise limits.

Visual impact – The proposal has been assessed against the relevant policy in terms of its visual impact both individually and cumulatively and will be further addressed at group.

Financial Interest (in terms of the ETSU limits) – 6 Island Road is owned by Mr Bethel the applicant and a letter of this affect is on the working file. Mr Clarke queries if having a financial interest is in relation to the occupier or the owner and that what has been submitted does not support the financial interest claim. The Planning Authority has written to Mr Bethel at 6 Island Road to confirm that he does reside here. A letter was sent into the Council to confirm receipt and that he does live at this address. Environmental Health have now confirmed that no.6 Island Road does not need to rely on the higher financial limits in terms of noise as the proposed turbine meets the ETSU limits for non-financially involved properties. This has come about as the turbine originally proposed in earlier part of the process has been reduced from a 250kW to a 225kW turbine. With regard to shadow flicker 6 Island Road will not be affected therefore the financial interest is not applicable.

All material/case law referred to by Mr Clarke in relation to financial interest has been read and discussed. The Planning Authority in this situation is content that the applicant has confirmed through receipt and acknowledgement of letter to 6 Island Road that he does reside there and therefore this property has a financial interest in the proposal however as raised above, the financial interest is no longer relied on as the turbine has been reduced to a 225kW turbine.

Access – Mr Clarke has raised concerns regarding the access arrangements and their suitability for the wind turbine, Transport NI has responded with no objections to the proposal. The existing lane and access to the public road is capable of being utilised during the construction and maintenance of the wind turbine.

Impact on Listed Building - Mr Clarke raises concerns in his letters of representations regarding the impact of the wind turbine on the setting of the listed building at Tullyvallen secession Meeting House on Tullyneill Road.

The second objector - the Ulster Architectural Heritage Society provided a late objection opposing the proposal based on the impact on the setting of the listed building and through noise, visual intrusion and light. They made reference to the lack of detail to satisfy policy BH11 of PPS 6 such as photomontages/wireframes. Following the issues raised from both objectors and political representatives, the Council consulted with NIEA (now HED) on the matter and additional information was requested from the applicant's agent as result of their response. This will be discussed in the assessment section.

### **Consideration and Assessment:**

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge

Newry and Mourne Area Plan 2015, the site lies outside any defined settlement and within the rural countryside outside the Newtownhamilton. The proposal involves a single wind turbine which will be assessed against the relevant planning policies.

An EIA has been carried out for this application as the turbine height was in excess of 15m and a nil determination was issued. Details can be viewed on the working file.

The primary policy consideration in determining this application is Policy RE 1 of PPS 18. There is conflict however between the retained policy PPS 18 and the new SPPS in so far as relating to the weight given towards determining applications with regards to their wider environmental, economic and social benefits. Now it states *appropriate* weight whereas PPS 18 referred to *significant* weight. Renewable energy is promoted and is supported by wider government policy including the RDS 2035. However as per PPS 18 the retained policy and the one that offers more clarity Policy RE 1 states those proposals for renewable energy will be permitted provided they do not result in an unacceptable adverse impact. The supporting statement for this proposal refers to the environmental benefits in relation to clean generation of energy. The economic benefits are for the landowner/applicant Mr Bethel through revenue. The social benefits listed include securing future energy production for generations to come, improving health and well-being by reducing harmful emissions and further states the hidden knock on benefits such as improving asthma (this latter statement however has been highlighted by Mr Clarke (objector) as not having been backed with evidence). However PPS 18 does highlight the economic opportunity available to Mr Bethel through the revenue from the land on which the turbine is built.

Policy RE 1 and the SPPS set down 5 policy criteria policy and indicate that renewable energy development will be permitted provided it will not result in an unacceptable adverse impact. In respect of wind energy, applications are also required to demonstrate compliance with seven further but overlapping criteria. The first 5 criteria are:

#### 1. Public Safety, Human Health and Residential Amenity

Policy RE 1 recommends that for wind farm development a separation distance of 10 times the rotor diameter to an occupied property should apply when assessing noise (minimum distance of 500m as highlighted by Mr Clarke and referred to in the best practice guide relates to wind farms/2 or more turbines). The rotor diameter of the proposed turbine is 29.1m so a 291m separation distance is applicable. There are no occupied properties within the 291m buffer zone. The closest is the applicants dwelling no.6 Island Road. Environmental Health has also been consulted and requested the submission of a noise assessment, which was submitted and amendments made at the request of both planning and environmental health. An earlier noise report was commented on by Newry and Mourne District Council (NMDC) environmental health department on 5<sup>th</sup> February 2015 in which they stated that the closest property no.6 Island Road was in exceedance of the ETSU targets (ETSU-R-97), however the noise report states that the property has a financial interest in the proposal and therefore the targets can be increased to 45 dB. The applicant however decided to change the turbine from a 250kw WTN to a 225Kw Norwin 29 (hub also reduced from 32.3m to 30.4m and blade diameter from 32m to 29.1m). A further noise assessment was submitted February 2015 in relation to public health's comment who having examined this most recent noise report and

taking into account the separation distances to the non-associated residential receptor that the most stringent lower fixed limit in the ETSU-R-97 document is not exceeded i.e. 35-40 dB level. The conditions attached with Environmental response attach a table outlining values which should not be exceeded at each identified property.

The turbine does not involve the production of any emissions or pollutants and there are no third parties properties close enough to be affected by a stray or falling blade. In terms of shadow flicker, using the 10 time rotor diameter and 130 degree either side of north rule, no third party occupied dwellings will be affected. Therefore there will be no negative impacts created due to shadow flicker.

The noise levels/distance from turbine should therefore safeguard the public safety, human health and residential amenity aspects of those living nearby.

## 2. Visual Amenity and Landscape Character.

The proposed site is located within LCA 68, Carrigatuke Hills, as identified in Wind Energy in Northern Ireland's Landscapes: (SPG to accompany PPS18). LCA 68 has a medium sensitivity to windfarm development. The area is generally characterised by an open landscape particularly on the uplands, the lower slopes are more enclosed due to hedgerows and valley landform. The proposed turbine is 30.4m in height (to hub). There are extensive views from the hilltops over the lowlands however the views of these summits are distant from the nearby towns. It is considered this landscape could absorb a turbine.

There are a number of turbines in the locality which should be considered in terms of cumulative impact, these applications are:-

P/2008/0728/F - 120 metres west of 25 Blaney Road, Newtownhamilton, Erection of 15 metre high 10kw Wind Turbine, **Granted** on 8th September 2008.

P/2010/1391/F - Erection of a single 250KW wind turbine of 32 metres tower height 47 metres to tip of rotor - 400 metres North West approx. of 3 Aghhincurk Road, Newtownhamilton. **Granted** 18/12/2012 (3.79Km from site).

P/2011/1051/F - Proposed 250kw wind turbine with a tower height up to 44 metres, and 30 metres high temporary anemometer mast for farm diversification comprising use of existing field entrance, entrance lay-bye, up-grading of existing access tracks and proposed access tracks to 4.0m width, turbine assembly area, turning area, NIE ring main kiosk and all ancillary development and associated site works - 606 metres North West of no 40 Ballymoyer Road, Knockavannon, Newtownhamilton – **Granted** 25/07/2012 with minor amendment approved 20/11/2012 (4.817km NE of site) **BUILT.**

P/2012/0714/F - 250kW wind turbine (max tip height 61m) and all associated ancillary works. Access is proposed via approved track as per application – **Appeal dismissed**

P/2011/1051/F - Approximately 530m NNW of No. 38 Ballymoyer Road, Newtownhamilton, Co. Armagh – **Granted** 25/7/2012 with minor amendment approved 20/11/2012 (4.669km from site).

P/2011/0239/F - Erection of a single 250kW wind turbine of 32m tower height (47m to tip) and control room - 230m north of 31 Cavanakill Road, Newtownhamilton, Co Armagh – **Granted** 26/07/2012 – (4.156km SE of site) BUILT.

P/2013/0279/F - Erection of wind turbine with a maximum output not exceeding 250 kW (Amendment of previous application P/2011/0239/F to allow increase in turbine hub height from 32 metres to 40 metres, no change in rotor diameter (30 metres) and increase in maximum height to tip from 47 metres to 55 metres) - 230m North of 31 Cavanakill Road, Newtownhamilton, Co Armagh, BT35 7PR – **pending** (4.156Km SE of Site).

P/2013/0607/F - Erection of wind turbine with a hub height of 30.4 metres (to rotor centre) and a rotor diameter of 29.1 metres (extending to a total height of 44.95 metres to tip) with a maximum output not exceeding 225kW, access provision (via existing laneway to No. 16 Carrickacullion Road with extended section to serve wind turbine), erection of turbine control room (cabinet) and NIE substation (cabinet), boundary fencing and ancillary works. Revised proposal date received 14 February 2014 involving a reduction in turbine hub height by 9.6 metres and reduction in overall height to rotor tip by 9.55 metres, with accompanying Noise Impact Assessment and details of electricity cabinets and boundary fencing - 205 metres east/north-east of No.16 Carrickacullion Road Newtownhamilton – **pending** (3.779km SE from site).

P/2011/0698/F - Proposed 55kw endurance E-3120 (24.6m hub-tube tower) wind turbine -325m south east of 20 Barkers Road, Newtownhamilton, Newry, Co Down – **Granted** – 25/07/2012 (2.678km SSE of site).

P/2012/0901/F - Erection of 250 kw wind turbine with 29 rotor diameter on 30m mast (Noise Assessment Received) - 620 metres south of 10 Keady Road, Newtownhamilton, BT35 0ET – **pending** (1.616km NE of site).

P/2011/0031/F - 31 Tullyquesy Road, Newtownhamilton, approximately 1.085 Km north-east of this site, this application is currently **pending**.

P/2012/0845/F - Erection of a single wind turbine measuring 32.3m to the hub with a 32m blade diameter, associated access and electricity control room (Amended address) at approximately 150 metres north east of 31 Tullyneill Road Newtownhamilton – **refused**.

O/2013/0190/F- Construction of a wind farm consisting six wind turbines (hub height not exceeding 85 metres, blade diameter not exceeding 71 metres), an electrical substation and control building (dimensions, 21 metres by 8 metres) two equipment cabins and associated compounds, one meteorological pole (not exceeding 85 metres high), construction, extension and upgrading of internal site tracks and associated works at Tullyneill. (Receipt of Further Environmental Information and Amendment to Proposal Description) at Land 80m south of junction of Chalybeate

Road and Keady Road (A29) in the townland of Dangary and Tullyneill, Newtownhamilton, Co Armagh. This application is **pending**.

O/2010/0633/F - Erection of wind turbine (250kv max) with a tower height of 40m - Approx 525m south west of 29 Aughnagurgan Road, Keady – **Granted (BUILT)** 3.826km from site.

O/2014/0257/F - Retention of access to serve agricultural holding and to serve wind turbine approved in reference O/2010/0633/F - 205m North of 29 Aughnagurgan Road Keady – **Granted**.

O/2012/0102/F - Proposed 250 kW wind turbine with 50m hub height and 15m radius blade - 475 metres west south west of 27 Aughnagurgan Road Armagh BT60 3DA – **Appeal Dismissed**.

O/2011/0348/F - Installation of a 250kW Wind Turbine, tower height of 30m, blade span of 30m to provide power to existing farm and excess to grid - Approximately 700m South West of No. 29 Aughnagurgan Road Co. Armagh – **Approved** 3.560km from the site.

A number of these applications are pending and a decision has not been reached by the Planning Authority. Those which have been approved are located a suitable distance away from the application site. Policy RE 1 of wind energy development requires that the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications are taken into consideration. Many of the proposed turbines that may be read with this proposal are still undecided or not constructed so if the stance of the PAC taken in a previous appeal<sup>1</sup> (2014/A0279) was to be applied in this case and taking into account the constructed turbines, the proposed turbine would have very distant views of being read with 3 other constructed turbines (1 approximately 4.8km north east of Newtownhamilton (P/2011/1051/F), another approximately 4.2km south east of Newtownhamilton (P/2011/0239/F) and the other around 3.8km to the north west of Island Road (O/2010/0633/F). These constructed turbines are however a considerable distance apart from each other and the proposed site. Their disposition would however enable a turbine to be sited on the application site without appearing as visual clutter in the landscape. In relation to the wind farm proposed nearby and highlighted by Mr Clarke, the proposed wind turbine subject to this application would however be dwarfed by the wind farm submitted under O/2013/0190 if approved to the north of the site. This application is still pending. The association with other approved and pending turbines to the north (Armagh area and those in Monaghan) as well as to the north east, south and south east are also a considerable enough distance away in order to satisfy the cumulative requirement and visual impact.

There will be short views of this proposed wind turbine on roads/vantage points around the site however further away from the site, the undulating topography and vegetation will help break up the views. Distant views of the proposed turbine in the

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<sup>1</sup> In paragraph 6 of 2014/A0279 the commissioner states that “*notwithstanding the provisions of criterion (ii) however, and based on the degree of uncertainty as to whether they will be approved or implemented I attach greatest weight to existing development and progressively less to approved yet unimplemented proposals and to undetermined applications*”.

landscape will however be acceptable and the back drop when viewed from long distant southern vantage points will aid the visual impact. Overall the siting of this turbine therefore is acceptable in terms of visual amenity and landscape character both individually and cumulatively with other approved turbines in the locality.

### 3. Biodiversity, Nature Conservation or Built Heritage interests

NIEA natural heritage were consulted and responded on 30th April 2013 advising that they have no objections to the proposal. Mr Clarke raises concerns in his letters of representations regarding the impact of the wind turbine on the setting of the listed building at Tullyvallen secession Meeting House on Tullyneill Road which is 700m away and Clarkesbridge Presbyterian Church is 1.46km away. NIEA were consulted with regard to the proposed turbine's impact on the setting of the listed Tullyvallen Session House and in their response have requested the submission of photomontages and an overlaid wireframe drawing. The applicant has been given a considerable amount of time to produce this information however to date none has been provided. Following a letter from the Council, the agent has confirmed that the application should be considered against the information so far received. Therefore, as the information requested by NIEA which is needed in order to assess whether the proposal would have an adverse impact on the setting of Tullyvallen Session House under Policy BH11 of PPS 6 has not been forthcoming, the proposal should be refused due to lack of information. The proposal also as a result of the lack of information fails to meet policy RE 1 criterion c as it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on built heritage interests.

### 4. Local Natural Resources such as air quality, water quality or quantity (quantity added within the SPPS)

The proposal will have no negative impact on natural resources. It proposes to make use of wind to provide a renewable energy source.

### 5. Public Access to the Countryside.

The turbine will be located on private land, using a suitable existing lane and access and will not impact on any public road or right of way. There are no objections from Transport NI.

Policy RE 1 also requires compliance with several other criteria.

(i) The proposed single turbine measures 30.4m to hub with a rotor diameter of 29.1m. The impact on the landscape has been assessed in the report above.

(ii) Cumulative impact has also been assessed in the main assessment above.

(iii) There was no evidence of active peat/bog on the day of my site inspection. NIEA Natural has been consulted and has no objections. The site is on improved grassland with no risk of landslide.

(iv) Ofcom were consulted and identified two BT fixed links in the immediate area. Consultations directly with NI Water and PSNI have taken place and they have

responded and confirmed that they have no objections to the proposal. BT and they have confirmed that the proposed turbine will not impact upon these two links, therefore, it can be said that the proposal should not give rise to any unacceptable electromagnetic interference. NIE have provided information regarding overhead lines that are required to stay therefore the developer should ensure that they maintain statutory clearance from NIE equipment during the construction phase of the project and also during future maintenance programmes in accordance with HSE Guidance Notes GS6 and HSE Booklet HS (G) 47.

(v) There are no known railway lines in the immediate area. Belfast Airport has no objections to the proposal.

(vi) Noise, shadow flicker and general residential amenity has been assessed above.

(vii) Restoration of site can be conditioned by any approval.

**Recommendation:**

Having considered the proposal against all the relevant policies, taken into account the consultation responses, the considerable number of objections and issues raised, the proposal fails as there was insufficient evidence provided to fully assess the impact of the proposal on the setting of the listed building – Tullyvallen Session House. Due to this lack of information, it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on the interests of built heritage – PPS 18, policy RE 1 criterion (c).

**Refusal Reasons/ Conditions:**

1. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a full visual assessment is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.
2. The proposal is contrary to the SPPS (Strategic Planning Policy Statement) and Policy RE 1 (c) of Planning Policy Statement 18 'Renewable Energy' in that it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on built heritage interests.



Case Officer Signature:
Date:            /2016
Authorised Officer Signature:
Date:            /2016

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

**Council Newry, Mourne and Down                      Date 1/18/17**

<b>ITEM NO</b>	<b>1</b>			
<b>APPLIC NO</b>	LA07/2015/0725/F	Full	<b>DATE VALID</b>	8/3/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Emmett Watters C/O Agent		<b>AGENT</b>	O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH 02830835700/0773

**LOCATION**                      40 metres North West of 6 Old Road  
Creevekeeran  
Crossmaglen

**PROPOSAL**                      Erection of dwelling

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1     The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 and CTY 6 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why the development is essential and could not be located within a settlement.
- 2     The proposal is contrary to SPPS and Policy CTY 8 of PPS 21, Sustainable Development in the Countryside, in that it does not represent a gap infill site and would create a ribbon of development along this part of Old Road..
- 3     The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active (and has been established for at least six years) and no up-to-date farm maps have been provided to determine that other dwelling(s)/development opportunities have not been sold off from the farm holding within 10 years of the date of the application.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2015/0725/F**

**Date Received:** 7 August 2015

**Proposal:** Erection of dwelling

Location: the site address is 40 metres North West of 6 Old Road, Creevekeeran, Crossmaglen. It sits outside the development limits of Crossmaglen. It is located approximately 21 kilometres SW of Newry City.

**Site Characteristics & Area Characteristics:**

The site is an agricultural field with access provided via an agricultural gate along Old Road. The south eastern portion of the site is dominated by gorse and indigenous plants over a fairly uneven terrain. The boundaries of the site are defined by timber post and wire fencing and overgrown vegetation.

To the rear (SE) of the site extends further agricultural fields. Along the NE boundary is a laneway providing access to properties No. 4 and 6 Old Road and the rear of No. 66 Cullaville Road. The length of the NW boundary is along the frontage of Old Road and the remaining SW boundary is shared with an agricultural field with a relatively new dwelling beyond this.

**Site History:**

There is no planning history specific to this site.

**Planning Policies & Material Considerations:**

This planning application has been assessed under the Banbridge, Newry and Mourne Area Plan 2015, Strategic Planning Policy Statement (SPPS) for Northern Ireland, PPS21 - Sustainable Development in the Open Countryside, PPS3 - Access, Movement and Parking and DCAN 15 - Vehicular Access Standards and the Building on Tradition Sustainable Design Guide.

**Consultations:**

- Environmental Heath – Generic response received no objection (21.09.2015)
- Transport NI – No objections on amended plans (12.01.2016)
- NIEA – Content (28.09.2015)

- DAERA – Business ID has not been in existence for more than 6 years. No SPF, LFACA or Argi Environment Schemes have been claimed in the last six years (06.10.2015)
- Rivers Agency – No objections (23.09.2015)
- NI Water – Generic response received no objection (29.09.2015)

### **Objections & Representations**

There were three neighbour notifications sent out on 16th September 2015. This application was advertised in the local press. There were no representations made.

### **Consideration and Assessment:**

#### **The Banbridge, Newry and Mourne Area Plan 2015**

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

#### **Strategic Planning Policy Statement (SPPS)**

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

#### **PPS21 – Sustainable Development in the Countryside**

Policy CTY 1 states a range of development types which in principle are considered to be acceptable in the countryside. Planning permission will be granted for an individual dwelling in the countryside in the following cases:

- dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8;
- a dwelling on a farm in accordance with CTY 10.

#### **CTY 6 – Personal or Domestic Circumstances**

There is provision under this policy for allowing planning permission for a dwelling in the countryside for the long term needs of the applicant where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the criteria of the policy as outlined below are met.

- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and

- (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

Submitted medical evidence outlines that the applicant's daughter Andrea requires a dwelling in close proximity to the family home to deal with any emergencies as may arise and provide support and assistance to her brother living here. We are advised that Andrea provides help with her brother's medication and is required to accompany him to appointments and provide for his transport needs. The agent has stated that Andrea's presence is required constantly to supervise her brother. Andrea works as a teacher in Banbridge (approximately 36 kilometres as the crow flies from the family residence) and this would suggest she would be absent from the family home for five days a week throughout most of the day. The applicant works only one mile away from the dwelling and has flexible working hours. It is difficult to conclude that the level of care required can only be provided if Andrea lives at the site proposed by this application. While the proposed arrangement would be desirable for the applicant and his family there is no compelling evidence to show that it is absolutely necessary. The settlement of Cullavile is approx. 1.2 kilometres and Crossmaglen is approximately 1.1 kilometres from the family residence resulting in a short drive to either. Given that Andrea, due to her work type and location is already away from the family residence for most of the day for five days a week and the close proximity of two settlement areas in which she could live, we do not believe genuine hardship would result from a refusal of this application.

To satisfy criteria (b), Andrea stated in her letter that an extension to the existing dwelling is not possible as it has been constructed almost upon the site and rear boundaries. Further, she has stated that due to the location of farm yard and buildings on land immediately adjacent to the dwelling, there is no space available to construct a dwelling. The agent also stated that there is not sufficient room to accommodate a granny annex at the applicant's residence. Upon site inspection it is evident that the land immediately to the SW of the existing dwelling is used as a farm yard with associated farm buildings. A history search reveals that a new farm building was constructed within the NE portion of this area sometime after 13<sup>th</sup> August 2015; this is after the date on which this application was submitted to the planning department. An area measuring approx. 350 sqm appears to be available to the SW of the newly constructed farm building with access available from Old Road, which we consider could offer an alternative solution to meet the needs of applicant on which an annex could be constructed. Access could still be provided to the farm yard as appears to be currently the case via the laneway along the SE boundary of the site.

Following careful consideration of the application and all medical evidence and supporting evidence provided, it is my view that the proposal fails to meet the requirements of policy CTY 6 and also CTY 1 in that there are no overriding reasons why the development is essential and could not be located within a settlement.

### **CTY8 – Ribbon Development**

Planning permission will be granted for the development of a small gap site within an otherwise substantial and continuously built up frontage. 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. We consider this application does not meet the above criteria and is not therefore a valid infill opportunity. The principle of this infill dwelling is relying on a dwelling approved under planning application P/2008/0886/F to the SW of the site to create a substantial and built up frontage in line with the policy requirements, however following a site inspection on 7<sup>th</sup> December 2016 we can confirm that development of this dwelling has not yet commenced following its approval in July 2011. There is therefore no substantial and built up frontage of three or more buildings.

Further, this application would not meet the gap infill criteria determined by the policy. The concept plan provided demonstrates the potential for a second dwelling within the gap site with notional frontage widths; however we cannot determine whether the plot widths as proposed by this application would respect the existing pattern of development given the varying plot widths along the shared road frontage.

### **CTY10 – Dwellings on Farms**

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

Criterion (a) - DARD in their consultation response dated 6<sup>th</sup> October 2015 confirmed that the farm business ID number on Form P1C has not been in existence for more than six years and no Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes have been claimed in the last six years. Information submitted by the agent has not definitively demonstrated that the farm business is currently active and has been established for at least 6 years in accordance with criteria (a) of CTY 10 and therefore Criterion (a) has not been met.

Criterion (b) - We have not been provided with up-to-date DARD farm maps to establish whether any dwellings or development opportunities have been sold off from the holding in the last ten years.

Criterion (c) – The site location map submitted as part of this application outlines a parcel of land to the NE of the site outlined in blue within ownership / control of the

applicant separated from the site by a laneway (not in the ownership or control of the applicant) to No's. 4 and 6 Old Road, Crossmaglen that contains the associated farm buildings. We would consider the location of the potential dwelling could visually link with the applicant's farm buildings and the dwellings and outbuildings at No. 4 and No. 6 to the NE of the site.

### **CTY 13 - Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character**

As the site is currently a large agricultural field, the existing boundaries provide limited enclosure for the building to integrate into the landscape, resulting in it appearing as a prominent feature in the landscape. New landscaping will be required along the sites frontage to Old Road and the SW boundary to assist in its integration with its surroundings; this can be conditioned if permission was granted for the new dwelling. Access to the site is currently available through an agricultural gate at the Northern corner of the site, next to the existing laneway. The creation of the new access as shown on the drawings will be highly obtrusive and should approval be granted for this application we would be seeking access to be run along the existing hedgerows on NE boundary of the site. We are content with the design of the dwelling and consider it appropriate for the locality.

#### **Recommendation:**

Refusal

#### **Refusal Reasons**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 and CTY 6 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why the development is essential and could not be located within a settlement.
2. The proposal is contrary to SPPS and Policy CTY 8 of PPS 21, Sustainable Development in the Countryside, in that it does not represent a gap infill site and would create a ribbon of development along this part of Old Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active (and has been established for at least six years) and no up-to-date farm maps have been provided to determine that other dwelling(s)/development opportunities have not been sold off from the farm holding within 10 years of the date of the application.

Newry, Mourne and Down Council  
O'Hagan House  
Monaghan Row  
Newry  
Co. Down  
BT35 8DJ

11<sup>th</sup> January 2017

Dear Sir / Madam,

**Re: Planning Application LA07/2015/0725/F  
Erection of Dwelling at Lands 40 Metres North West of 6 Old Road, Creevekeeran,  
Crossmaglen, Newry.**

1. The above planning application has been recommended for refusal and I would be grateful if the Council could give some consideration to the issues raised herein.
2. Unfortunately the Council's planning report has not been uploaded onto the planning portal. This has unduly hampered my ability to respond to the specified reasons for refusal that have been laid out on the schedule to the Council's planning committee meeting (18<sup>th</sup> January 2017).
3. The background to the application is that the applicant owns a small farmstead. While not neatly falling into the category of an active or established farmer, there are a number of compelling reasons necessitating a new dwelling thereon. Principally, the applicant is a widower. He has a disabled son, who suffers from epilepsy. His son is prone to seizures and requires a high level of care and supervision. Unfortunately he is not able to live independently and the applicant relies upon his daughter to help care for her brother. Andrea finds it extremely difficult to balance her own work life with her responsibilities as a carer and she would no doubt prefer to raise a family of her own in due course.



**RTPI**  
Chartered Town Planner





4. The applicant is employed locally, however his daughter is a teacher and she is employed in Banbridge. Work-life patterns are such that a great level of thought must be given to the needs of the applicant's disabled son in the course of daily life.
5. Andrea requires to live on the family farmstead. If resident elsewhere she would be unable to attend to her family's needs. Her partner (Seamus) assists in the running of the small farm enterprise, while the nature of his employment means that he is able to help care for his partner's brother intermittently.
6. Because planning applications of this nature rarely succeed in their own right, the application would not have been submitted if this was the sole justification for the approval of the dwelling. A tentative opportunity for "infilling" a small gap across the frontage was identified. This opportunity was recognised as tentative because at the date of the application the overall gap in the frontage could have accommodated three dwellings. However, there was an extant permission for a dwelling in the outer portion of the gap. When implemented, the remainder of the gap would have accommodated a maximum of two dwellings. It is recognised that this Council's standard practice is not to recognise extant permissions for the purposes of determining the existence of a substantial and continuously built up frontage. However, conversely, the Council tends to cite the existence of an extant permission as a factor in the assessment of ribbon development. This practice is considered to be administratively unfair.
7. In short, the rationale for approval was that in a number of years the applicant's farm business will accrue "established" status, and it is active now. If the adjacent approval was implemented, or there was a reasonable prospect of such occurring, this application could easier be recognised as an appropriate "infill" proposal. While each strand to this argument falls short of full compliance with the pertinent planning policies, it is respectfully contended that the applicant's personal circumstances are highly pertinent to this application insofar as they could justify a slight departure from the normal application of planning policy. Such a course of action would not be unprecedented, and the decision itself would not establish a harmful precedent in relation to other non-established farms, or other frontages containing unimplemented approvals.
8. Prior to the transfer of planning powers to local Councils in NI, planning decisions tended to be taken "in the round", and the words "on balance" were frequently cited. Latterly, in Newry, Mourn and Down however, planning decisions tend to be taken based upon a strict interpretation of planning policy. However, this was not always the



case in this area. For example, in the case of planning application P/2012/0125/F "on balance approval was recommended" on the basis of "a combination of personal circumstances and a tentative infilling opportunity". An extract from the pertinent planning report is set out below:

**DC Group Recommendation**

*Following submission of additional information it was accepted that with a combination of personal circumstances & tentative infilling opportunity on balance Approval was recommended. (see office recommendation noted)*

*Approval*

9. This approach was not exactly radical or a significant deviation from the normal principles of best practice in land use planning. Indeed, the Planning Appeals Commission delivered a training seminar to staff about to transfer from the DOE to the newly formed Councils in NI, back in March / April 2015. The Deputy Chief Commissioner issued a publication as a training aid. Herein, it was emphasized to planning staff that there are several routes to planning permission for an individual dwelling. An applicant only needs to succeed on one. Critically, the failure to meet policy is not always fatal because "an application may sometimes succeed owing to a combination of factors". It is contended that this is the true context in which this application should be considered.
10. The farming grounds were introduced herein because in the event that the Council decided to grant permission, overwhelmingly because of the applicant's personal circumstances, the permission could be tied to the farm business (in which case the applicant would not be entitled to a further dwelling on the farm for the next ten years). Similarly, a positive decision could be taken on the basis that the applicant's personal circumstances are material and justify the departure from normal operating protocol



(which would be to await the construction of the committed development along another part of this frontage).

11. I trust that the foregoing can be taken into consideration in the assessment of this application. The Council is not being requested to disapply or rewrite planning policy: this is a straight forward request to give less weight to some policy failings in light of the compelling personal and domestic circumstances experienced by this family. Unfortunately this submission has been unable to delve into matters in greater detail, given the failure to publish the planning report, however supporting information has previously been submitted to justify the approval of this application.
12. In the event that the Council requires any additional information, please do not hesitate to contact the applicant or this office.

Yours Faithfully,



**Colin O'Callaghan**  
Chartered Town Planner  
BSc Hons Dip TP MRTPI



**RTPI**  
Chartered Town Planner



<b>ITEM NO</b>	<b>24</b>				
<b>APPLIC NO</b>	P/2013/0242/F	Full	<b>DATE VALID</b>	3/25/13	
<b>COUNCIL OPINION APPROVAL</b>					
<b>APPLICANT</b>	Lotus Group and KPMG C/O Agent	<b>AGENT</b>	O'Callaghan Planning Unit 1, 10 Monaghan Court, Newry, BT35 6BH 028 3083 5700 02890434333		
<b>LOCATION</b>	Lands at Watson Road/Dorans Hill Newry including lands to the east of Watsons Road				
<b>PROPOSAL</b>	Proposed residential housing development of 200 no. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements and widening of existing Watsons Road and Dorans Hill, introduction of new roundabout and distributor road, planting of acoustic barrier along distributor road, proposed landscaping, open space, car parking, site and access works.				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	207	2		0	0
				<b>Addresses</b>	<b>Signatures</b>
				0	0 0 0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**

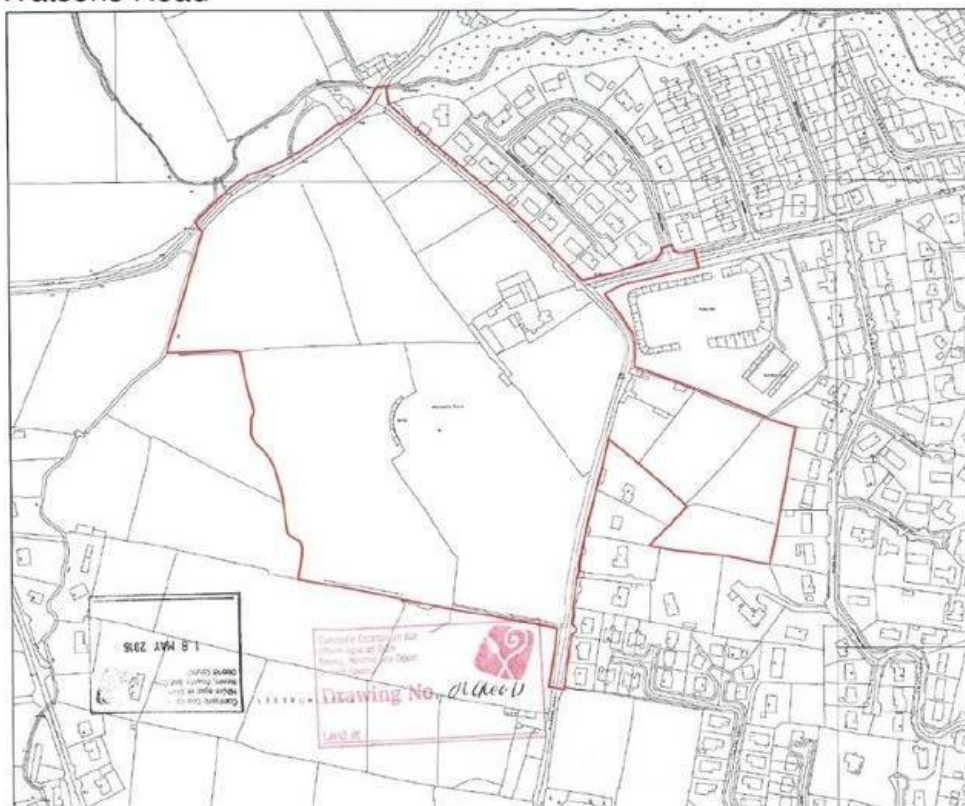
District Council

Application Reference: P/2013/0242/F

Date Received: March 27<sup>th</sup> 2013

**Proposal:** Proposed residential housing development of 200 no. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements and widening of existing Watsons Road and Dorans Hill, introduction of new roundabout and distributor road, planting of acoustic barrier along distributor road, proposed landscaping, open space, car parking, site and access works.

**Location:** Lands at Watson Road/Dorans Hill Newry, including lands to the east of Watsons Road



**Site Characteristics & Area Characteristics:**

The application site is composed of 2 main sections, one section to the east of Watsons Road and one section to the west of Watsons Road.

The smaller section of the site is located to the east side of Watsons Road. This eastern section of the site has an approximate area of 16053m<sup>2</sup>. A modest detached

bungalow is located along the roadside. This dwelling has 2 no. associated outbuildings. The dwelling is in a derelict state and the window and door openings have been closed up with concrete blocks. This east section of the site is composed of 4 no. fields. Overall its topography falls from the roadside towards the rear boundary in an eastern direction. It also falls from the south boundary towards the north boundary.

The boundaries of the roadside field are defined by mature trees and hedging. A small post and wire fence runs through this field in a central position from east to west. The boundaries of the adjoining field to the east are similarly defined by trees and hedging. The east, north and south boundaries of the field to the east of this again are also similarly defined. The east boundary of this field is defined by sparse hedge cover and a post and wire fence. Hawthorn Hill housing development is located immediately to the east of the site adjacent to this field. The dwellings of Hawthorn Hill are located at a lower level than the site.

The site also includes the adjoining field to the south of this. The boundaries of this field are defined by mature trees. This field is surrounded by residential development to the east, south and west. No. 24 Hawthorn Hill and No. 16 Watsons Road are located to the south of this field, nos. 10 and 12 Watsons Road are located to the west and Nos. 28 and 30 Hawthorn Hill are located to the east.

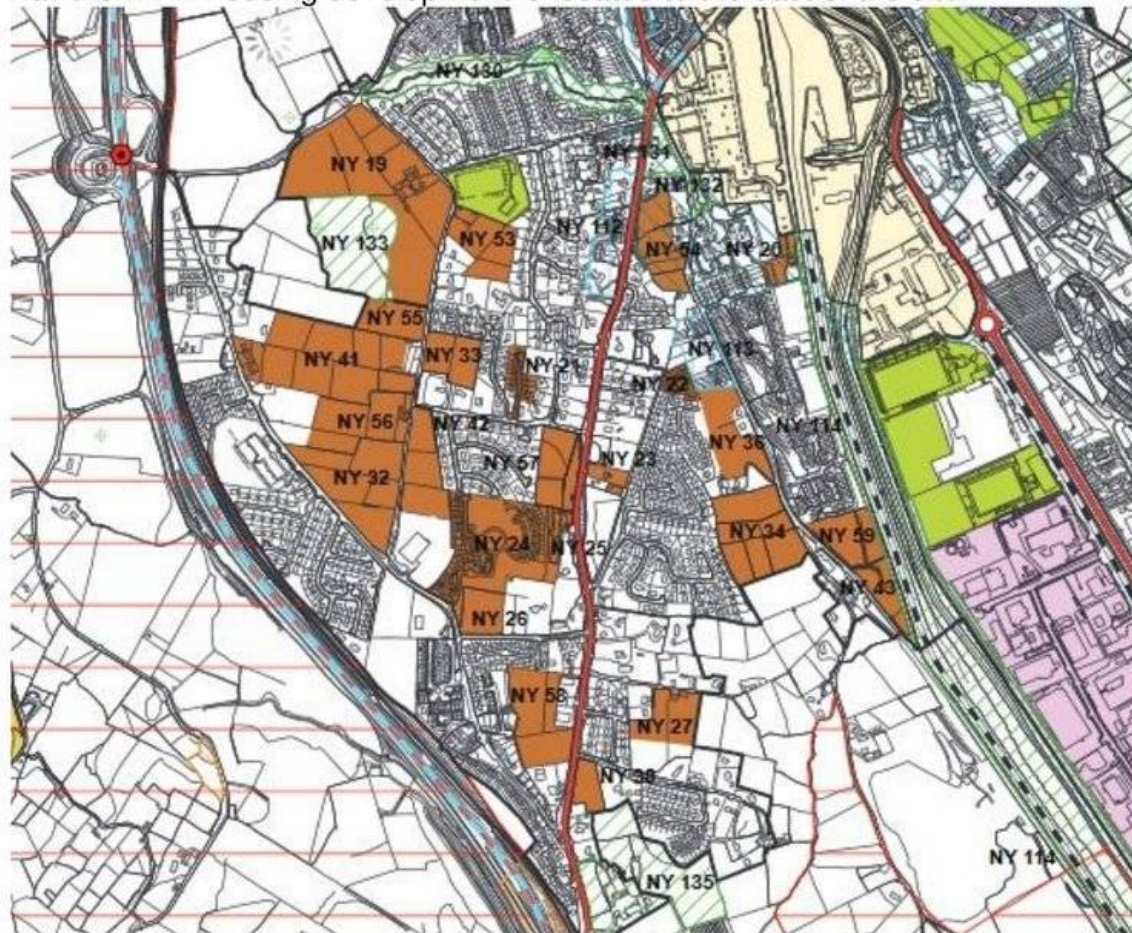
The west section of the site comprises a much larger area of approximately 111915m<sup>2</sup>. It incorporates 8 no. fields. Watsons Fort, a Rath or defended farmstead dating from the Early Christian Period 600-1100AD is located in this west section of the site. With the presence of the fort, the topography of these fields rises steeply towards a central position of the site.

A number of derelict farm buildings are located on site a short distance west of the junction of Glen Hill and Watsons Road. The site includes 3 no. fields to the north of these buildings which adjoin Watsons Road. Brannock Heights housing development is located to the east of these fields on the opposite side of Watsons Road. The site also incorporates 2 large fields set to the rear/west of these roadside fields. It also incorporates one roadside field set to the south of the derelict farm buildings and the 2 adjoining large fields to the west of this roadside field. The boundaries of these fields are defined by native hedgerows and trees. The roadside boundary along Watsons Road is defined by trees and the north roadside boundary along Doran's Hill is mainly defined by hedgerow.

The site is located within the development limit of Newry in accordance with the Banbridge/Newry and Mourne Area Plan 2015. The section of the site which lies to the east of Watsons Road is zoned for housing development (NY53). The south-west section of the site has been designated as a Local Landscape Policy Area (NY133). The area of the site to the east and north of this LLPA on the west side of Watsons Road has also been zoned for housing development. (NY 19). The site was first zoned for housing development in the previous Newry Area Plan 1986-1999.

The development limit of Newry runs along the site's west boundary. The land to the west of the site is undeveloped green fields. A playing field and tennis court is located immediately north of the east section of the site. The area to the north of this is characterised by residential development. Housing developments located in this

area include Brannock Heights, Glen Court and Brannock Close. The area to the south of the east section of the site is also characterised by residential development. 7 no. detached dwellings which front onto Watsons Road are located along a 215m stretch of Watsons Road to the south of the east section of the site. Other residential development further south of this includes Lisdrum Court and Liska Manor. Hawthorn Hill housing development is located to the east of the site.



Planning permission has been approved for a playing field a short distance north-west of the site under P/2009/1135/F. Full planning permission was also approved here for the erection of a community sports facility under P/2010/0678/F. The Department is currently considering a proposal for 2 no. football pitches at the same location under P/2012/0676/F.

This application seeks full planning permission for the erection of a housing development incorporating 202 no. units comprising 61 detached, 126 semi-detached, 15 townhouses (some with garages) improvements. The application also includes some major roadworks including the provision of a new roundabout at the junction of Watson's Road and Doran's Hill with a new distributor road running through the development with side roads branching off this to serve residential estates, this road will connect with Watson's Road near the southern end of the main site, Watsons Road will be severed at this point, with a new connection to the distributor road. The existing Watsons Road will be widened and will also be used to serve new residential estates, as will Doran's Hill to the west of the proposed roundabout, there will also be the provision of a footpath on Glen Hill. The proposal also includes the retention of the rath as an area of open space within a protected zone, there will be another area of open space along the side of the distributor road.

**Site History:**

Full planning permission was approved for the erection of 77 dwellings and associated access roads, parking and landscaping on 08.05.2013 in the land immediately south of the west section of the site.

Section of site to east of Watsons Road:

P/2009/0078/F: An application seeking full planning permission for a Housing Development consisting of 28 dwellings (13no. detached dwellings, 6 blocks of semi-detached dwellings, and 1 townhouse block with 3no. dwellings) with associated site works was withdrawn on 15.11.2012.

P/2007/0329/O: An application seeking outline planning permission for a housing development was withdrawn on 10.09.2012.

P/2006/1590/F: An application seeking full planning permission for the erection of a housing development (4 No. Houses) was withdrawn on 02.06.2008.

Section of the site to west of Watsons Road:

P/2006/1624/F: An application seeking full planning permission for the erection of residential development comprising 32No. dwellings and 13No. apartments (Phase 2) was refused by the Department on 06.01.2009. An appeal was subsequently lodged with the Planning Appeals Commission (PAC). The appeal was allowed on 28.07.2009.

P/2004/2131/F: An application seeking full planning permission for the erection of a housing development comprising 161 dwellings was allowed by the Planning Appeals Commission on 16.11.2005.

P/2001/0821/F: An application seeking full planning permission for the erection of housing development (amended proposal for 161 dwellings) was withdrawn on 30.08.2006.

**Planning Policies & Material Considerations:**

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 7 Quality Residential Environments.

**Consultations:**

**Roads Service/Transport NI** Consultation has established that there are no issues with the internal road layout of the development and that if the upgrade of the junctions of Watson's Road with Glen Hill and Doran's Hill are implemented in accordance with the relevant guidance then there should not be any issues with road safety. In relation to the "tie-in" with a development adjacent to the southern boundary of the site, Transport NI in its final response dated December 19<sup>th</sup> 2016 stated that it had no objections to the proposed extension of the determined area associated with the new Private Streets Determination drawings, however in order for it to be endorsed by TNI, a number of minor amendments are required relating to drainage, roads sections and general layout. It is further stated that these comments are on the basis that the proposed extension is within the redline of the application.



**Environmental Health Department of Newry and Mourne District Council** No objections to this proposal provided the development is connected to the public sewerage system.

**Northern Ireland Housing Executive** Was consulted in relation to this proposal given the key site requirement for 12 social housing units in housing zoning NY53. They have confirmed there is a need for 12 social housing units at this location. The need is for family housing and they have requested the housing mix should be as follows:

7 units should be 2 bed, 4 person houses

5 units should be 3 bed, 5 person houses

They requested an amended plan identifying where the social housing units will be located. They also recommended the developer should discuss the layout and design of the dwellings with a housing association.

**Rivers Agency** Advises the site is in close proximity to the Glen River which is at capacity for existing flows, due to the inadequacy of culverts downstream. They also advised the site is affected by an undesignated watercourse which flows along the northwest boundary. The site is not located within a flood plain and there is no record of flooding at the site. In line with annex d9 of PPS15 they requested the applicant to submit a drainage assessment. Following consideration of the submitted drainage assessment Rivers Agency has no objections to this proposal from a drainage and flood risk perspective.

#### **Protecting Historic Monuments of Northern Ireland Environment Agency**

Advises that the application site contains the above and below ground archaeological remains of 2 recorded archaeological sites. One of these is Watsons Fort, a Rath or defended farmstead dating from the Early Christian Period 600-1100 AD. The other is the site of an enclosure which may have functioned as a Rath. The applicant submitted an archaeological impact assessment with this application. It was agreed that archaeological mitigation will be required prior to development. The nature and scale of this mitigation should be addressed at licensing stage.

Protecting Historic Monuments raised concerns regarding the high density of housing in close proximity to Watsons Fort in particular the housing to the south-west of the Rath. They advised the ridge height of the dwellings here should be reduced to ensure the monument is integrated within the proposed development.

**Natural Heritage of Northern Ireland Environment Agency** Advises there is evidence of substantial badger activity throughout the site and several active sett entrances are located along field boundaries.

They also advised highly suitable smooth newt habitat is located in the west of the site. The site provides good bat foraging habitat and a number of species were present in initial bat activity surveys.

**Water Management Unit of Northern Ireland Environment Agency** Initially raised concerns that the sewage loading associated with the proposed development would cause Newry Waste Water Treatment Works (WWTW) to operate above its capacity. They therefore recommended the Department consult NI Water to determine if the

WWTW would be able to cope with the additional load or whether the capacity would have to be increased.

**NI Water** They did not raise any objections to the proposed development.

### **Objections & Representations**

206 addresses were notified under the neighbour notification scheme, to date a total of 210 representations have been received, 207 of these were objections and 2 were letters of support.

Many of the objections are of a pro forma type and raise concerns on issues such as the inadequacy of the local infrastructure, road safety, lack of provision of footpaths, street lighting, green spaces and community facilities, impact on the rath and on badger setts and other flora and fauna, the proposed scheme not respecting the context of the surrounding area.

There are a number of individual objections which raise more specific issues including the arrangement of the provision of social housing across the development, the possibility of persons using the development to gain access to the playing fields to its north, the difficulties experienced by residents in Ballinlare Cottages, which are situated to the north east of the site, in obtaining parking to and safely entering and exiting their properties. Recently a number of objections have been received stating that as the application has been under consideration for over three years, the archaeological and flora and fauna impact assessments that were submitted with it are now outdated and that fresh assessments should be carried out.

Objections have also been received from the landowner of a development that is to be constructed adjacent to the southern boundary of the site, the issues of concern relate to a "tie-in" between the footpaths to be provided along Watson's Road in accordance with Roads Service's requirements, the objector also raises issues of procedural fairness.

### **Consideration and Assessment:**

#### **Strategic Planning Policy Statement**

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, the site is in an approved residential development and therefore there are no implications for this site from the SPPS.

#### **Banbridge/Newry and Mourne Area Plan 2015.**

The site is located within the development limit of Newry. The section of the site which lies to the east of Watsons Road is zoned for housing development (NY53). The key site requirements of this are:

- A minimum of 12 dwellings shall be provided for social housing.
- Housing development shall be a minimum gross density of 20 dwellings per hectare.
- Access shall be onto Watsons Road, which shall be realigned and widened to agreed standards.
- A footway provided along the entire site frontage onto Watsons Road.

The south-west section of the site has been designated as a Local Landscape Policy Area (NY133).

Those features or combination of features that contribute to the environmental quality, integrity or character of these areas are:

-Watsons Rath on a localised hill, including its setting and views.

-Area of local amenity importance including mature vegetation and attractive vistas. The plan states the rath is a distinctive feature in the wider landscape of this part of Newry.

The area of the site to the east and north of this LLPA on the west side of Watsons Road has also been zoned for housing development (NY19). This is a committed housing zoning as there is a live approval for a housing development which was approved by the Planning Appeals Commission.

**PPS6: Policy BH2 The Protection of Archaeological Remains of Local Importance and their Settings** This policy states development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

The application site contains the above and below ground archaeological remains of 2 recorded archaeological sites. One of these is Watsons Fort, a Rath or defended farmstead dating from the Early Christian Period 600-1100 AD. The other is the site of an enclosure which may have functioned as a Rath.

The applicant submitted an archaeological impact assessment with this application, Historic Environments Division was consulted and raised no objections.

**PPS7 Quality in Residential Developments Policy QD1**

The Policy states that all proposals for residential development will be expected to conform to all of the following criteria:

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

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

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

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

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

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

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

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

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

The principle of a residential development on this site has been established by the previous approvals and the zoning of the site for this purpose in successive development plans. The submitted layout of the development returns the protected path in the centre of the main part of the eastern part of the development, this area will also contain protected badger setts, there will be a tunnel under the main road that will run through the development to enable them to cross the road. The dwellings to the immediate north and south of the path will be orientated around it, the main road through the development will provide access for a further 3 estate roads, it will be lined with trees. The existing Watson's Road will provide access for 5 estate roads as well as 14 dwellings that will face directly on to it with vehicle access from the rear, another estate road will access off Doran's Hill west of the proposed roundabout, this estate road will join on the one of the estate roads that leads off the main road. The density of the dwellings contained within the proposed development is significantly higher than that of the surrounding developments such as Brannock Heights, Glen Court, Hawthorn Hill and the dwellings along Watsons Road near the southern end of the development.

A total of 11 different house types are proposed in the application, some of which have been submitted in options to either be finished in red brick or render, House Type F has also been proposed in both gable and hipped roof versions. Located between the new main road and the realigned Watson's Road immediately adjacent to the new roundabout will be a pair of dual frontage dwellings of House Type J, these will have vehicle parking spaces immediately to their rear with the result that the gardens immediately adjacent to the roundabout will be the main areas of private open space and will be visible from traffic using the roundabout, this will be mitigated by three trees which it is proposed to plant at the apex of the junction. The other dwellings adjacent to these two roads will be arranged gable end on, trees will be planted at the corners of the sites to help screen the rear areas from view. In several places within the development the dwellings are shown as being within linear rows with no variation in the building lines, this is particularly the case of the dwelling built near to the northern end of the existing Watson's Road.

The amount of private open space proposed for each unit varies markedly across the development, and with house types, those sites located at corners in the development have larger plots due to their orientation, while those arranged in linear rows have more restricted curtilages, the layout was amended following representations from the Planning Authority and the amended plan generally complies with the provisions of PPS7. Car parking will generally be provided to the sides of the semi-detached dwellings in a one behind the other arrangement; dwellings with this arrangement will also have garages. The small number of terraced dwellings in the development will have parking directly in front of them with trees planted at each end and occasionally with planting in the middle, together these will both bookend the parking spaces and break up the expanse of parking so as to limit its visual impact within the wider streetscape.

**PPS8: Policy OS2 Public Open Space in New Residential Development:**

The policy states that the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. This policy refers to a normal expectation of at least 10% of the total site area.

The total site area measures 124938m<sup>2</sup>. This scheme incorporates a total of 25580m<sup>2</sup> area of open space. (This open space excludes the large green areas which will be fenced off to protect badgers.) This equates to 20.5% of the total site area which is well in excess of the 10% required by Policy OS2.

The site also benefits from its close proximity to an existing amenity site which incorporates a playing field and tennis court.

Policy OS2 also states 'For residential development of 100 units or more, or development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The Department will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development'.

The proposed housing development originally incorporated just one play area. The Department raised concerns that children living in the western section of the development would have to negotiate a busy road to access this play area. Amended plans were submitted showing an additional play area in the west section of the development to address this concern.

In the event planning permission is granted it is recommended a condition should be imposed requiring the developer to submit full details of the 2 play areas.

**PPS15:**

Annex D9 of PPS15 states drainage assessments will normally be required to accompany development proposals where:

- the development comprises of 10 new dwelling houses or more.
- the development site exceeds one hectare
- changes of use involving new buildings and/or hardsurfacing which exceed 1000m<sup>2</sup> in area
- surface water run-off from the development may adversely impact upon a sensitive area.

As this proposal falls within a number of these categories Rivers Agency requested the applicant to submit a drainage assessment. Following consideration of the submitted drainage assessment Rivers Agency has no objections to this proposal from a drainage and flood risk perspective.

**Recommendation:**

The site has an extensive planning history; it is zoned for residential development in the current area plan, the section to the west of Watson's Road first having been zoned in the late 1980's. Given this history it is clear that the principle of residential development on the site has been established, subject to measures being implemented to protect the rath, the badger setts and related features.

The issue on this application is therefore whether or not the submitted scheme complies with the policy criteria, the scheme is of a similar size and general layout to those previously approved, the policy context set out under PPS7 has been in place during the processing of most of the historic applications on the site therefore they have been determined to be in compliance with this policy. The current scheme retains the protection around the rath and the setts which were included in previous schemes and therefore it complies with the relevant policies of PPS 2 and 6. In relation to the recent comments from third parties that these are outdated, no significant changes have occurred to any of the features referred to since the original submission of the application and therefore the objection is not sustained.

The amount of public open space included within the scheme is significantly in excess of that required under PPS 8; therefore the proposal complies with this policy.

Several objectors have raised the concentration of the social housing required by the development plan in the part of the site east of Watson's Road, stating that it would be better to have this spread out across the entirety of the site. The social housing requirement was introduced by the new area plan which post dated the original approvals granted on the main part of the site to the west of Watson's Road, the plan classed this as being a committed development. In view of this it would in all likelihood be unreasonable to impose a new requirement which was not specified by the then extant area plan or by the PAC. While it is possible that the developer may agree to allow social housing across the entirety of the site this would be a matter for them to agree voluntarily and the proposal will require the imposition of a condition to ensure that the number of social housing units provided are equal to that required by the plan. In relation to concerns raised about an access being created into the playing fields and this becoming a site for "anti-social behaviour," the submitted scheme shows no such entrance and it could only be accessed by means of trespassing on to land that is entirely within the boundary on a residential unit. While it has been suggested that the owners of this site may not maintain their property correctly this is purely speculative and the playing fields are in any case owned by the Council which can maintain its side of the boundary and prevent any unauthorised accesses.

Transport NI has stated that it has no objections with the estate roads or within the new distributor road or the junction upgrades with Watson's Road at Doran's Hill and Glen Hill. The remaining issue is that of the tie-in with the adjacent development,

TNI's last consultation response has stated that it has no objection to the extension of the red line subject to a number of amendments, these can be required by planning condition instead of requiring the submission of new plans at this stage and therefore a refusal on this ground could not be justified.

Therefore in view of material considerations including the previous history and zoning of this site, the content of the objections and consultations and of the assessment of the proposal against all relevant planning policies, it is my recommendation that the proposal complies with all relevant policies and approval is recommended.

**Case Officer**

**Authorised Officer**