



October 20th, 2016

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 26th October 2016** 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

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*Committee Business*

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- 1. Apologies.**

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*Committee Business*

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- 2. Declarations of Interest.**

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*Minutes for Adoption*

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- 3. Minutes of Planning Development Committee Meeting held on Wednesday 28 September 2016. (Attached).**

*[Planning Minutes 28 September 2016.pdf](#)*

*Page 1*

- 4. Minutes of Planning Development Committee Meeting held on Wednesday 5 October 2016 (continuation of Planning Committee Meeting held on 28 September 2016). (Attached).**

*[Planning Minutes - 05-10-2016.pdf](#)*

*Page 18*

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*For Consideration and/or Decision*

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

*[Addendum list - 26-10-2016.pdf](#)*

*Page 25*

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*Development Management - Planning Applications for determination*

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- 6. LA07/2015/1307/F - Mr & Mrs L McBride - proposed conversion and reuse of existing building and extension to that as single dwelling - 40m south of 35 Ballynahinch Road, Castlewellan. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2015-1307-F Mrs and Mrs L McBride.pdf](#)

Page 27

[Item 6 - supporting statement.pdf](#)

Page 33

**7. LA07/2016/0365/0 - Mr & Mrs McCluskey - 2 No. proposed dwelling houses - lands between 1 Brae Road and 212 Belfast Road, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2016-0365-O Mr and Mrs McCluskey.pdf](#)

Page 34

[Item 7 - supporting statement.pdf](#)

Page 41

**8. LA07/2016/0474/0 - Mr C Hanna - 2 dwellings and garages - lands between 55 Mountainview Road and 1 Martinpoole Road, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2016-0474-O Mr C Hanna.pdf](#)

Page 42

[Item 8 - supporting statement.pdf](#)

Page 47

**9. LA07/2016/1015/F - Mr & Mrs Lipsett - change of house type "dwelling 02" approved under planning approval R/2014/0293/F - lands contained between 25 and 27 Rocks Road, Ballyhornan. (Case Officer report attached).**

Rec: APPROVAL

[LA07-2016-1015-F Mr and Mrs M Lipsett.pdf](#)

Page 49

**10. LA07/2015/1346/F - Brian McAlerney - proposed replacement dwelling - lands 235m south west of 117 Bann Road, Castlewellan. (Case Officer report attached).**

Rec: REFUSAL

- Planning Officers have advised that in response to an amended proposal that seeks to address the reasons for refusal, this application has been removed from the agenda. The application will be reconsidered.

[LA07-2015-1346-F Brian McAlerney.pdf](#)

Page 58

11. **LA07/2016/0201/F - Alterity Developments Ltd - New cafe on ground floor with 3 apartments over first and second floors addressing the Main Street, the rear building has 2 apartments over ground and first floor (amended plans received) - 115-117 Main Street, Newcastle. (Case Officer report attached).**

Rec: APPROVAL

- A representation has been received from Councillor W Clarke asking that this application be taken off the addendum list and given full consideration by the Planning Committee.

[LA07-2016-0201-F Alterity Developments Ltd.pdf](#)

Page 61

12. **LA07/2016/0313/F - Mr Colin Bell - Proposed car wash and valeting centre - 2 Ballynahinch Road, Crossgar. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Gerry Tumelty Agent in support of the application. **Statement attached.**

[LA07-2016-0313-F Colin Bell.pdf](#)

Page 67

[Item 12 - supporting statement.pdf](#)

Page 73

13. **LA07/2016/0590/F - Niall Waters - replacement dwelling and garage - 3 Green Road, Ardglass. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Conor McKenna, Agent, in support of the application. **Submission attached.**

[LA07-2016-0590-F Niall Waters.pdf](#)

Page 77

[Item 13 and 14 Supporting statement.pdf](#)

Page 91

14. **LA07/2016/0594/DCA - Niall Waters - replacement dwelling and garage - 3 Green Road, Ardglass. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Conor McKenna, Agent, in support of the application. **See attachment with previous application.**

[LA07-2016-0594-DCA Niall Waters.pdf](#)

Page 93

15. **LA07/2016/0606/F - Mr B Boyd - replacement of existing turbine approved under R/2012/0330/F with a Vestas V52 measuring 40m to hub with 26m blade length. Output not to exceed 250kw, - lands 320m ne of 45 Church Road, Rademon, Crossgar. (Case Officer report attached).**

Rec: APPROVAL

[LA07-2016-0606-F Mr B Boyd.pdf](#)

Page 102

16. **LA07/2016/0739/F - Mr H Edemen - proposed dormer to the rear to allow for roof space conversion - 3 Lislane Court, Saintfield. (Case Officer report attached).**

Rec: REFUSAL

- The Planning Department has agreed to remove this application from the agenda following a review of their assessment of the proposal. This application will be reconsidered.

[LA07-2016-0739-F Mr H Edemen.pdf](#)

Page 109

17. **R/2014/0159/F - Philip Patterson - replacement agricultural shed - 31 Brae Road, Ballynahinch, Co. Down. (Case Officer report attached).**

Rec: REFUSAL

[R-2014-0159-F Philip Patterson.pdf](#)

Page 115

18. **LA07/2015/0656/A - Colm McAvoy - shop sign - Bridge Bar, 53 North Street, Newry. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-0656-A Colm McEvoy.pdf](#)

Page 119

19. **LA07/2015/1317/0 - Paul & Diane Kelly - 1 No. infill 1.5 storey dwelling and garage - 25m south of 162 Tandragee Road, Jerrettspass, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from John Richardson Agent in support of the application. **Submission attached. Photographs will be displayed on screen at meeting.**
- A submission of support has been received from Councillor G Stokes. **Attached.**
- A submission of support has been received from Councillor R Mulgrew. **Attached.**

<u><a href="#">LA07-2015-1317-O Paul and Dianne Kelly.pdf</a></u>	Page 123
<u><a href="#">Nerwy Mourne and Down Supporting Statement.pdf</a></u>	Page 127
<u><a href="#">1.pdf</a></u>	Page 129
<u><a href="#">2.pdf</a></u>	Page 130
<u><a href="#">3.pdf</a></u>	Page 131
<u><a href="#">4.pdf</a></u>	Page 132
<u><a href="#">5.pdf</a></u>	Page 133
<u><a href="#">6.pdf</a></u>	Page 134
<u><a href="#">Item 19 - support from Cllr. Stokes.pdf</a></u>	Page 135
<u><a href="#">Item 19 - Letter of Support Cllr. Mulgrew.pdf</a></u>	Page 136

20. **LA07/2015/1391/0 - Seamus McLoughlin - proposed dwelling on a farm - 70m nw of 10 Mayo Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

<u><a href="#">LA07-2015-1391-O Seamus McLoughlin.pdf</a></u>	Page 137
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21. **LA07/2016/0381/0 - Matt Burns - proposed farm retirement dwelling - opposite No. 107 Kilbroney Road, Rostrevor. (Case Officer report attached).**

Rec: REFUSAL

<u><a href="#">LA07-2016-0381-O Matt Burns.pdf</a></u>	Page 149
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22. **LA07/2016/1058/F - C&G Tinnelly & Mr K Morgan - removal of condition No. 17 (with regard to social housing) on approval No. P/2007/1732/F - 50m south of No. 25 Greenpark Road, Rostrevor. (Case Officer report attached).**

Rec: REFUSAL

23. **LA07/2016/0132/F - Mr & Mrs Murphy - Extension to existing camper van site - to the rear of 35 Ballagh Road, Newcastle. (Case Officer report attached).**

Rec: REFUSAL

LA07-2016-0132-F Mrs and Mrs Murphy.pdf

Page 168

24. **P/2014/0769/0 - Mr Kevin Cunningham - site for dwelling on a farm - 210 m south of No. 36 Belmont Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

P-2014-0769-O Kevin Cunningham.pdf

Page 178

25. **LA07/2016/0523/F - Naoimh Morgan - dwelling house - adjacent to 13 Crieve Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Joe Lynam, Agent, in support of the application. **Submission attached.**

La07-2016-0523-F Naiomh Morgan.pdf

Page 185

Item 25 - supporting statement.pdf

Page 192

26. **LA07/2016/0716/F - Peter Collins - replacement dwelling - Main Road, Ballymartin - immediately to the east of its junction with Wrack Road. (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.**

LA07-2016-0716-F Peter Collins.pdf

Page 193

Item 26 - supporting statement.pdf

Page 201

27. **P/2015/0136/F - Mr L Magennis - use of existing first floor offices for Class A (2) use of (Financial and Professional Services) - 43 Forkhill Road, Ellisholding, Newry. (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-2015-0136-F L Magennis.pdf](#)

Page 220

[Item 27 - supporting statement.pdf](#)

Page 224

**28. LA07/2016/0802 - Darren O'Hagan - site for dwelling and detached garage - 60m ne of 11a New Line Road, Hilltown, Newry. (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.**

[LA07-2016-0802-O Darren O'Hagan.pdf](#)

Page 233

[Item 28 - supporting statement.pdf](#)

Page 243

**29. LA07/2016/0889/F - Telefonica UK Limited - proposed 25m telecommunications mast to carry 3 No. antennae and 2 No. radio dishes and associated works including 3 No. equipment cabinets and site compound - lands 157m south west of Fernhill House, 83 Clonallon Road, Warrenpoint. (Case Officer report attached).**

Rec: APPROVAL

[LA07-2016-0889-F Telefonica UK Ltd.pdf](#)

Page 257

**30. LA07/2016/0927/A - Newry, Mourne and Down District Council - Free standing electronic display screen - approx 7m west of 10a/10b Marcus Square, Newry. (Case Officer report attached).**

Rec: CONSENT

- A written submission has been received from O'Callaghan Planning on behalf of objectors. **Submission attached.**

[LA07-2016-0927-A Newry, Mourne and Down DC.pdf](#)

Page 266

[Items 30 and 31 - supporting statement of objection.pdf](#)

Page 272

**31. P/2014/0681/F - Newry, Mourne and Down District Council - Free standing electronic display screen - approx 7m west of 10a/10b Marcus Square, Newry. (Case Officer report attached).**



Rec: APPROVAL

- A written submission has been received from O'Callaghan Planning on behalf of objectors. **Submission attached above.**

*P-2014-0681-F Newry and Mourne DC.pdf*

Page 282

32. **P/2011/0845/F - Cloghoge Enterprises Ltd - Erection of new building to be used for Class B4 storage and distribution use with car parking facility, ancillary offices, trade counter and staff facilities - site within Cloughoge Business Park, Ellisholding, Newry. (Case Officer report attached).**

Rec REFUSAL

- A request for speaking rights has been received from Michael Worthington, Planning Consultant, in support of the application. **Submission attached.**

*P-2011-0845-F Cloghoge Enterprise Ltd.pdf*

Page 289

*Item 32 - supporting statement.pdf*

Page 298

33. **P/2014/0653/0 - Anthony Havern - proposed 6 No. sites for dwellings - Corrinshogo GFC, 40A Chancellors Road, Newry. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Peter Kenny/Sharon Mullan objecting to the application. **Submission attached.**
- A request for speaking rights has been received from Anthony Havern in support of the application. **Submission attached.**

*P-2014-0653-O Anthony Havern.pdf*

Page 300

*Item 33 - supporting statement (objectors).pdf*

Page 312

*Item 33 - supporting statement (applicant).pdf*

Page 318

34. **P/2015/0182/F - Norman Reilly - Proposed development of 4 dwellings - 26 Shore Road, Annalong. (Case Officer report attached).**

Rec: APPROVAL

*P-2015-0182-F Norman Reilly.pdf*

Page 321

35. **P/2013/0102/F - Patricia McAvoy & Ursula McGivern - proposed change of use from domestic store to coffee bar - 103**

**Greencastle Pier Road, Greencastle. (Case Officer report attached).**

Rec: REFUSAL

*P-2013-0102-F P McAvoy and U McGivern.pdf*

Page 330

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*For Noting*

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- 36. Invest Northern Ireland re: approval of planning application R/2015/0093/F (proposed fitness facility and associated parking) at Invest NI's Down Business Park. (Letter attached).**

*Letter R-2015-0093-F (Invest NI).pdf*

Page 336

- 37. Planning Department Performance Indicators. (Report attached).**

*Planning performance report.pdf*

Page 340

- 38. Report - contact from Public Representatives - September 2016 and register of contact Q2 July-September 2016. (Report attached).**

*Item 38 - contact with Public Representatives.pdf*

Page 346

- 39. Current planning appeals. (Report attached).**

*Item 39 - SEPTEMBER 2016 Appeals and Decisions.pdf*

Page 356

# Invitees

Cllr Terry Andrews	<a href="mailto:terry.andrews@downdc.gov.uk">terry.andrews@downdc.gov.uk</a>
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Cllr Gary Stokes	<a href="mailto:gary.stokes@nmandd.org">gary.stokes@nmandd.org</a>
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**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 28 September 2016 at 9.30am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor W Clarke

**In Attendance:**

**(Committee Members)**

Cllr C Casey	Cllr G Craig
Cllr G Hanna	Cllr V Harte
Cllr M Larkin	Cllr K Loughran
Cllr D McAteer	Cllr J Macauley
Cllr M Murnin	

**(Officials)**

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

**P/95/2016: TRAINING FOR MEMBERS OF THE PLANNING COMMITTEE**

**ITEM RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2016**

**Agreed:** On the proposal of Councillor McAteer, seconded by Councillor Murnin, it was agreed to exclude the public and press from the meeting during discussion on the following matters which related to exempt information under 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).

Mr Hannaway gave an update on the performance of the Planning Department to date and also on training requirements for Members of the Committee on policies/procedures/speaking rights etc.

**Agreed:** On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to come out of closed session.

**Agreed:** When the Committee was out of closed session, the Chairman reported it had been agreed:-

- To note the progress made by the Planning Department in reducing the backlog of applications from 1600 to 1000 within a 6 month period. The Chairman acknowledged the hard work of Council officials in reaching this target and thanked staff for their efforts. He thanked the agents/applicants for their co-operation and also his fellow Committee Members.
- Mr Hannaway to raise an issue at a Party Representatives' Forum Meeting regarding an invitation to Mr Stewart Beattie to observe and review the operation of the Planning Committee and give some independent legal advice after analysing procedures, policies and interaction with the public and identify if there were any areas which would benefit from improvements.
- Consideration be given to any capacity training which would be of benefit to Planning Committee Members.
- No change be made to the current procedures for dealing with refusals but a review of the planning process, including speaking rights and the format of written submissions, be carried out early in 2017.
- Mr Hannaway and Mr McKay and representatives from the Planning Committee meet with representatives from the various political parties to brief them on the how the Planning Committee operates.

**P/96/2016: APOLOGIES / CHAIRPERSON'S REMARKS**

Apologies were received from:

Councillor Devlin  
Councillor Ruane

**P/97/2016: DECLARATIONS OF INTEREST**

There were no declarations of interest.

**P/98/2016: MINUTES OF PLANNING COMMITTEE MEETING  
- WEDNESDAY 31 AUGUST 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 31 August 2016 (Copy enclosed).

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Craig, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 31 August 2016 as a true and accurate record.

**P/99/2016:** **ADDENDUM LIST**

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

**Agreed:** On the proposal of Councillor Craig, seconded by Councillor McAteer, it was unanimously agreed to remove the following planning applications from the addendum list for full presentation at a future Planning Committee Meeting:-

- LA07/2016/0739 – Mr H Edemen (removed from the addendum list at the request of Councillor Hanna).
- LA07/2016/0091/F – Mr Peter Clarke (removed from the addendum list at the request of Councillor McAteer)
- LA07/2015/0704/0 – Damien Murphy – (removed from the addendum list on the advice of Mr McKay on the basis that late information had been submitted which would be considered by Planners and the application brought back to a future Committee Meeting).

**Agreed:** On the proposal of Councillor Craig, seconded by Councillor McAteer, it was unanimously agreed to approve the Officer recommendation, as per the Development Management Officer Report, in respect of the following planning applications:-

**LA07/2015/0083/F**

**Applicant:** Paul McKeown

**Proposal:** Change of use from shop to hot food carry out with sit in facility

**Location:** 16 Dromore Street, Ballynahinch

**Recommendation:** **APPROVAL**

**LA07/2015/0575/F**

**Applicant:** Shimna Integrated College

**Proposal:** Proposed development of grassed area to synthetic training area, including perimeter fencing and flood lighting –

**Location:** Shimna Integrated College, The Lawnfield, King Street, Newcastle

**Recommendation:** **APPROVAL**

**LA07/2015/1021/O****Applicant:** Mr Desmond McAuley**Proposal:** Proposed dwelling under Policy CTY10 of PPS21**Location:** Approximately 50m southwest of 15a Loughinisland Road,  
Downpatrick**Recommendation: REFUSAL****LA07/2016/0101/O****Applicant:** W J Jamison**Proposal:** Single dwelling**Location:** 36 Killyleagh Road, Crossgar**Recommendation: REFUSAL****LA07/2016/0197/O****Applicant:** Mr David Chambers**Proposal:** Dwelling and garage**Location:** Adjacent to 1 Holly Lane, Ballyhossett Road, Downpatrick**Recommendation: REFUSAL****LA07/2016/0572/O****Applicant:** Kathleen Lyons**Proposal:** Proposed farm dwelling and garage**Location:** 41 Saintfield Road, Ballynahinch**Recommendation: REFUSAL****LA07/2016/0671/F****Applicant:** Newry, Mourne & Down District Council**Proposal:** Dismantling and reconstruction of an existing stone wall and gate posts to upgrade the existing entrance to Council depot and provide the required sight line requirements.**Location:** Lands to the front of Council Offices at 24 Strangford Road,  
Downpatrick**Recommendation: APPROVAL****R/2013/0427/F****Applicant:** Mr Kenneth Martin**Proposal:** Dwelling and garage on a farm**Location:** 45m south east of 53 Drumaghilis Road, Crossgar**Recommendation: REFUSAL**



**R/2014/0288/F****Applicant:** Oliver Curran**Proposal:** New detached dwelling and garage**Location:** 104 Saul Street, Downpatrick**Recommendation:** **REFUSAL****R/2014/0541/F****Applicant:** Down District Council**Proposal:** Refurbishment of existing playground facility**Location:** Lislea Drive Recreation Area, Crossgar**Recommendation:** **APPROVAL****LA07/2015/0495/F****Applicant:** Ms Denise Kelly**Proposal:** Erection of new equine shed for the storage of fodder (hay) and for horses to shelter in.**Location:** Opposite and 100 metres east of No. 12 Commons Hall Road, Newry**Recommendation:** **APPROVAL****LA07/2015/1217/0****Applicant:** Mr & Mrs Quinn**Proposal:** Site for replacement dwelling and garage (off site replacement due to current proximity to public road)**Location:** Land adjacent to and north east of 20 Crohill Road, Crobane, Newry**Recommendation:** **REFUSAL****LA07/2016/0663/RM****Applicant:** Peter McShane**Proposal:** Erection of a dwelling and detached domestic garage**Location:** Adjacent to and north of No. 29 Low Road, Ayallogue, Newry**Recommendation:** **REFUSAL****LA07/2016/0826/0****Applicant:** Kevin Donaghy**Proposal:** Proposed erection of detached dwelling and garage –**Location:** Lands to the west and rear of Nos.22 and 24 Ballynabee Road, Maghernahely, Bessbrook**Recommendation:** **REFUSAL**

**LA07/2016/0875/F****Applicant:** Community Rescue Service**Proposal:** Erection of building occupied by South Down Community Rescue Service for the purposes of training and to store water safety/rescue equipment –**Location:** Hardstanding located between playing fields at Fathom Line and to the rear of Nos. 31-65 Drumalane Park, Newry**Recommendation: APPROVAL****LA07/2015/0162/F****Applicant:** Denis Robb**Proposal:** Proposed erection of farm dwelling**Location:** Lands approximately 41m west of No. 54 Edenappa Road, Jonesborough**Recommendation: REFUSAL****P/100/2016: 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:-

- LA07/2015/0583/F - Mr & Mrs J Lambe - replacement garage and first floor den/games room ancillary to use of existing farm dwelling (amended description and plans) - 121 Ballynahinch Road, Crossgar. **Application removed from the agenda to address an issue with the proposal description which inaccurately describes the proposal, and to include an additional reason for refusal.**
- LA07/2015/0703/F - Mr J Lambe - existing temporary storage of waste construction and demolition material - land 65m south of 9 Vale Road, Crossgar. **Application removed from the agenda to include an additional reason for refusal.**
- LA07/2015/1211/F - Mr & Mrs J Lambe - proposed new access and laneway - 121 Ballynahinch Road, Crossgar. **Application removed from the agenda for further consideration.**
- LA07/2015/1307/F - Mr & Mrs L McBride - proposed conversion and reuse of existing building and extension to that as single dwelling - 40m south of 35 Ballynahinch Road, Castlewellan. **Application deferred to the next Planning meeting as the agent is on holiday.**
- LA07/2016/0182/F - Mr S C Graham - proposed farm dwelling - approx 180m southeast of 31 Ringhaddy Road, Killinchy. **Application withdrawn by the applicant - written instruction received 21/09/2016.**
- LA07/2016/0365/0 - Mr & Mrs McCluskey - 2 No. proposed dwelling houses - lands between 1 Brae Road and 212 Belfast Road, Ballynahinch. **Application deferred to the next Planning meeting as the agent is on holiday.**

- LA07/2016/0447/0 - Mr & Mrs Shields - proposed 2 infill sites - lands approx 100m north of No. 22 Teconnaught Road, Loughinisland. **Application removed from the agenda for further consideration and review of the recommendation.**
- LA07/2016/0474/0 - Mr C Hanna - 2 dwellings and garages - lands between 55 Mountainview Road and 1 Martinpoole Road, Ballynahinch. **Application deferred to the next Planning meeting as the agent is on holiday.**
- R/2014/0159/F - Philip Patterson - replacement agricultural shed - 31 Brae Road, Ballynahinch. **Application deferred to the next Planning meeting as the agent is on holiday.**
- R/2014/0566/F - Canon McCrory - replacement of existing primary school with single dwelling - 167 Dunmore Road, Guinness, Ballynahinch. **Application will be removed from the agenda for further consideration of the amended plans received which seek to address the reasons for refusal.**
- LA07/2015/0196 – Mr A McParland – demolition of an existing garage and provision of a new town house – adjacent to No. 22 Erskine Street, Newry. **Application removed from the agenda as applicant will submit an amended scheme.**
- LA07/2015/1171/F - Mr J Hughes - proposed two storey dwelling and detached garage (renewal of current approval P/2010/0629/F) - 30m north east of 6 Main Street, Camlough. **Take this application off the Committee agenda to allow for the submission of a flood risk assessment by the agent.**
- LA07/2015/1181/F - Stuart Moffett - erection of a dwelling on a farm to comply with policy PPS 21 (CTY10) - adjacent to 77 Cloughanramer Road, Newry. **Application to be removed from the addendum list to consider additional information submitted by the agent/applicant.**
- LA07/2016/0579/0 - Sean & Eamon McGeeney - farm dwelling with domestic garage - adjacent and immediately north east of No. 37 Loughross Road, Crossmaglen. **Application to be removed from the agenda.**
- LA07/2016/0798/F - Timothy McGinn - removal of occupancy condition on previous approval P/2010/1012/RM - west of and adjacent to No. 1 Cullentragh Road, Lissummon, Co. Armagh. **Application taken off the Committee agenda and a Planning Officer to contact Mr McGinn to discuss the application with him.**

The following applications were then determined by the Committee:-

(1) **LA07/2015/0308/0 – David and Maura De Mello**

***Location:***

In front of 113 Dunmore Road, Ballynahinch

***Proposal:***

Replacement dwelling and refurbishment of outhouse

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Speaking rights:**

Karl Sherry, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Larkin, seconded by Councillor Craig, it was agreed to issue a Refusal in respect of planning application LA07/2015/0308/0, as per the Development Management Officer Report.

**Abstentions:** 0

(2) LA07/2015/1187/0 – Mr Seamus O'Rourke

**Location:**

15m north and to the rear of 98 Drumlee Road, Kilcoo

**Proposal:**

Replacement dwelling and garage

Mr Hay, Principal Planner, advised that on further consideration and review of their assessment, Planners had amended their reason for refusal; they had changed the reference from 'substantially rebuilt' to 'partially rebuilt'. The full revised wording of the reason for refusal was as follows:

- ***The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the existing structure has been partially rebuilt and therefore all external structural walls are not substantially intact.***

**Conclusion and recommendation from Planning Official:**  
**REFUSAL**

**Speaking Rights:-**

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

**AGREED:** On the proposal of Councillor Murnin, seconded by Councillor Craig, it was agreed to issue a Refusal in respect of planning application LA07/2015/1187/0, as per the Development Management Officer Report.

**Abstentions:** 0

(3) LA07/2015/1315/0 – Clare Ferris

**Location:**

Between 16 and 20 Lough Road, Crossgar

**Proposal:**

Proposed dwelling on in-fill site under Policy CTY8 Ribbon Development

**Conclusion and recommendation from Planning Official:  
REFUSAL**

**Speaking Rights:-**

Mr Gerry Tumelty, Agent, presented in support of the application.

Councillor Hanna proposed and Councillor Larkin seconded that a Refusal be issued in respect of planning application LA07/2015/1315/0 as per the Development Management Officer Report.

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

FOR	7
AGAINST	3
ABSTENTIONS	0

The proposal was declared carried.

**AGREED: It was agreed to issue a Refusal in respect of planning application LA07/2015/1315/0, as per the Development Management Officer Report.**

**(4) LA07/2016/0039/0 – Mr Paul Smith**

***Location:***

*Adjacent to and north of 84 Castlewellan Road, Dromara*

***Proposal:***

*New farm dwelling and garage*

**Conclusion and recommendation from Planning Official:  
REFUSAL**

**Speaking Rights:-**

Robert Martin, Agent, presented in support of the application.

**AGREED: On the proposal of Councillor Craig, seconded by Councillor McAteer, it was agreed to defer application LA07/2016/0039/0 to allow Nora Largey, Legal Services, to investigate correspondence received from Mr Martin in relation to land ownership issues and also to consider the evidence presented by the Case Officer on this issue.**

**It was agreed the application be brought back to a future Planning Committee Meeting for determination.**

**Abstentions: 0**

**(5) LA07/2016/0559/F – O J W & S Watson****Location:**

90m north of 121 Ballylough Road, Castlewellan

**Proposal:**

Dwelling with amended siting and change of house type in substitution for approval.

**Conclusion and recommendation from Planning Official:  
REFUSAL****Speaking Rights:-**

- Ewart Davis, Agent, presented in support of the application.
- Councillor D Curran advised of his support for this application.
- Councillor H Harvey advised of his support for this application.

**AGREED:** On the proposal of Councillor Craig, seconded by Councillor Hanna, it was agreed to defer application LA07/2016/0559/F for a Members' site visit.

**It was agreed the application be brought back to a future Planning Committee Meeting for determination.**

**Abstentions: 0**

**(6) R/2013/0217/F – Mr Tony Steel****Location:**

120m east of No. 18 Moneylane Road, Dundrum

**Proposal:**

Erection of agricultural shed (Amended address)

**Conclusion and recommendation from Planning Official:  
REFUSAL****Speaking Rights:-**

Mr Gerry Tumelty, Planning Consultant, presented in support of the application.

Councillor Murnin proposed and Councillor McAteer seconded that planning application R/2013/0217/F be deferred for one month to allow the applicant/agent to provide evidence of an established farm business.

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

FOR:	3
AGAINST:	7
ABSTENTIONS:	0

The proposal was declared lost.

Councillor Larkin proposed and Councillor Macauley seconded that the application be refused for the reasons recommended.

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

FOR: 7  
 AGAINST: 3  
 ABSTENTIONS: 0

The proposal was declared carried.

**AGREED: It was agreed to issue a Refusal in respect of planning application R/2013/0217/F, as per the Development Management Officer Report.**

**(7) R/2015/0078/0 – Mrs M Dodds**

**Location:**

*Lands 20m North east of 65 Tollymore Road, Newcastle*

**Proposal:**

*Proposed infill site for 1 No. dwelling and garage within gap site along an existing continuously built up frontage (amended proposal)*

**Conclusion and recommendation from Planning Official:  
 REFUSAL**

**Speaking Rights:-**

Andy Stephens, Matrix Planning Consultancy presented in support of the application.

**AGREED: On the proposal of Councillor Murnin, seconded by Councillor Hanna, it was agreed to issue a Refusal in respect of planning application R/2015/0078/0, as per the Development Management Officer Report.**

**Abstentions: 0**

**(8) LA07/2015/0144/F – Frank Newell**

**Location:**

*Approximately 130m south/south-west of No.338 Newry Road, Kilkeel.*

**Proposal:**

*Erection of dwelling for guest house accommodation (with demolition of existing dwelling at No. 338 Newry Road) with access via existing laneway to No. 338 Newry Road*

**Conclusion and recommendation from Planning Official:**

**REFUSAL****Speaking Rights:-**

- Mr Stephen Hughes, Agent, presented in support of the application.
- DEA Councillor H Reilly spoke in support of the application.

**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor Macauley, it was agreed to defer planning application LA07/2015/0144/F to seek clarification from officers on the issue of commencement and the replacement dwelling.

It was agreed the application be brought back to a future Planning Committee Meeting for determination.

**Abstentions:** 0

**(10) LA07/2015/0232/F – Francis McGuinness**

**Location:**

10m west of 43 Newtown Road, Killeen, Newry

**Proposal:**

Retention of existing shed for installation of timber biomass heating system with associated drying floor for timber biomass and agricultural crops, including ancillary plant machinery storage area.

**Conclusion and recommendation from Planning Official:**

**REFUSAL**

**Speaking Rights:-**

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

**AGREED:** On the proposal of Councillor Murnin, seconded by Councillor Hanna, it was agreed to issue a Refusal in respect of planning application LA07/2015/0232/F, as per the Development Management Officer Report.

**Abstentions:** 0

**(11) LA07/2015/0694/F – Turlough Kennedy**

**Location:**

Dairy Lane, Newtownhamilton.

**Proposal:**

Proposed dwelling and garage.

**Conclusion and recommendation from Planning Official:**

**REFUSAL**



**Speaking Rights:-**

Mr Martin Bailie, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Larkin, seconded by Harte, it was agreed to defer application LA07/2015/0694/F until all relevant information and visuals were available to the Committee Members.

It was agreed the application be brought back to a future Planning Committee Meeting for determination.

**Abstentions:** 0

**(12) LA07/2015/0776/F – John McBride**

**Location:**

*To the rear of 83 & 85 Kilkeel Road, Annalong*

**Proposal:**

*Construction of 1 No. 2 storey dwelling with associated landscaping and car parking (revised description).*

**Conclusion and recommendation from Planning Official:**

**APPROVAL**

**Speaking Rights:-**

Mr David Archer presented in objection to the application.

Councillor Hanna proposed and Councillor Macauley seconded that planning application LA07/2015/0776/F be deferred for a Members' site visit.

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

FOR: 2  
AGAINST: 8  
ABSTENTIONS: 0

The proposal was declared lost.

Councillor Murnin proposed and Councillor Larkin seconded that the officer's recommendation to approve planning application LA07/2015/0776/F with conditions be accepted.

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

FOR: 8  
AGAINST: 2  
ABSTENTIONS: 0

**AGREED:** It was agreed to approve planning application LA07/2015/0776/F with conditions as per the Development Management Officer report.

(13) LA07/2015/1209/0 – Ciaran Hughes

**Location:**

*Blackrock Road, Crossmaglen*

**Proposal:**

*Proposed family dwelling on a farm, with associated garage and garden*

**Conclusion and recommendation from Planning Official:**  
**REFUSAL**

**Speaking Rights:-**

- Fearghal Murray, Agent, presented in support of the application.
- DEA Councillor T Hearty, in support of the application.

**AGREED:** On the proposal of Councillor Larkin, seconded by Councillor Murnin, it was agreed to approve planning application LA07/2015/1209/0 contrary to Officers recommendation on the basis that the agent's presentation demonstrated that the proposed site was visually linked with existing farm buildings; integration was helped by existing vegetation and the proposed siting would deter the creation of ribbon development.

It was noted that any relevant conditions would be imposed by Planners in the reserved matters application.

**Abstentions:** 0

(14) LA07/2015/1244/F – Barney Mackin

**Location:**

*Approximately 19.3m north-east of No. 27b Derrycraw Road, Newry*

**Proposal:**

*Farm dwelling and garage*

**Conclusion and recommendation from Planning Official:**  
**REFUSAL**

**Speaking Rights:-**

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

Councillor McAteer proposed and Councillor Loughran seconded that planning application LA07/2015/1244/F be deferred for additional information from the applicant regarding the verification of the farm business.

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

FOR: 3  
 AGAINST: 6  
 ABSTENTIONS: 0

The proposal was declared lost.

Councillor Larkin proposed and Councillor Hanna seconded that a Refusal be issued in respect of planning application LA07/2015/1244/F, as per the Development Management Officer Report.

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

FOR: 6  
 AGAINST: 3  
 ABSTENTIONS: 0

The proposal was declared carried.

**AGREED:** It was agreed to approve planning application LA07/2015/0776/F with conditions as per the Development Management Officer report.

**(15) LA07/2016/0557/F – Mr & Mrs Oliver Reavey**

***Location:***

*85 Newtown Road, Camlough*

***Proposal:***

*Retention of dwelling as constructed previously approved under planning ref P/2015/0186/RM*

**Conclusion and recommendation from Planning Official:**

**REFUSAL**

**Speaking Rights:-**

Sarah McDowell, representing Collins & Collins, Agent, presented in support of the application.

Councillor Casey proposed and Councillor Loughran seconded that planning application LA07/2016/0557/F be deferred to enable discussions between Senior Planning Officers and the agent/applicant in relation to agreeing a design for the house that is acceptable for everyone.

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

FOR: 10

AGAINST: 0  
 ABSTENTIONS: 0

**AGREED:** It was unanimously agreed that planning application LA07/2016/0557/F be deferred to enable discussions between Senior Planning Officers and the agent/applicant in relation to agreeing a design for the house that is acceptable for everyone.

Councillor Casey left the meeting – 5.50 pm.

**(16) LA07/2016/0602/0 – Martin & Lorraine McNeill**

**Location:**

*Between 8 & 16 Goragh Road, Newry*

**Proposal:**

*Erection of dwelling with domestic garage*

**Conclusion and recommendation from Planning Official:**

**REFUSAL**

**Speaking Rights:-**

Sarah McDowell, representing Collins & Collins, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Macauley it was agreed to issue a Refusal, for the reasons recommended, in respect of application LA07/2016/0602/O, as per the Development Management Officer Report, on the understanding Planning Department will meet with the Applicant as soon as possible to discuss making another planning application more appropriate to the applicant's personal circumstances.

**P/101/2016: ADJOURN MEETING**

**Agreed:** It was unanimously agreed to adjourn the meeting and reconvene on Wednesday 5 October 2016 at 10.00 am to determine the following planning applications:-

- LA07/2016/0716/F – Peter Collins
- LA07/2016/0731/0 – Sheena Gribben
- LA07/2016/0812/0 – George Kelly
- P/2014/0071/F – Mr John Perry
- P/2014/0670/F - Mr Frank King
- P/2014/0678/F - Mr Frank King
- P/2014/0859/F - Brendan Carr
- P/2015/0095/F - Geraldine Fearon
- P/2015/0136/F - Mr L Magennis
- P/2014/0894/F - Hilary McCamley

There being no further business the meeting concluded at 6.10 pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 26 October 2016.

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

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

**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 05 October 2016 (a continuation of the Meeting which was held on Wednesday 28 September 2016) at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor W Clarke

**Vice Chairperson:** Councillor J Macauley

**In Attendance:**

**(Committee Members)**

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

**(Officials)**

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Davidson	Senior Planning Officer
Ms U McMullan	Legal Services
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

**P/102/2016: APOLOGIES/CHAIRMAN'S REMARKS**

Apologies were received from:

Councillor L Devlin  
Councillor G Hanna

**P/103/2016: SYMPATHY**

Councillor Clarke, asked that a letter be sent on behalf of the Planning Committee, to Councillor Glynn Hanna and his family to extend their sincere condolences following the death of his Mother Betty Hanna.

**P/104/2016: DECLARATIONS OF INTEREST**

**Councillor M Ruane** declared an interest in Planning Application P/2014/0894/F – Hilary McCamley – erection of dwelling - Lands fronting Mayvale Court Newry Road Mayobridge (off Chapel Hill Road) and adjacent and north east of 8 Mayvale Court.

**P/105/2016: APPLICATIONS FOR DETERMINATION**

**AGREED:** On the advice of the Principal Planning Officer it was agreed to withdraw the following Planning Applications from the schedule:-

- LA07/2016/0716/F – Peter Collins – Replacement dwelling – Main Road Ballymartin – immediately to the east of its junction with Wrack Road. (REFUSAL) – **withdraw from schedule.**
- P/2014/0859/F – Brendan Carr – retention of building for agricultural use - 65m south of 43 Newry Road Drumilly Belleek. (REFUSAL) – **withdraw from schedule.**
- P/2015/0136/F – Mr L Magennis – use of existing first floor offices for Class A (2) use of (Financial and Professional Services) – 43 Forkhill Road Ellisholding Newry. (REFUSAL) – **withdraw from schedule.**

The following Applications were then determined by the Committee:

**(1) LA07/2016/0731/0 – Sheena Gribben****Location:**

60m south east of 47 Castlewellan Road, Hilltown

**Proposal:**

Site for dwelling and garage on a farm

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Speaking Rights:**

Sheena Gribben, Applicant, presented in support of the application.

Councillor Craig proposed and Councilor Murnin seconded to issue a Refusal , for the reasons recommended in respect of Planning Application LA07/2016/0731/O, as per the Development Management Officer Report.

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

For: 5

Against: 4

The proposal was therefore declared carried.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to issue a Refusal , for the reasons recommended in respect of Planning Application LA07/2016/0731/O, as per the Development Management Officer Report.

(2) LA07/2016/0812/0 – George Kelly

**Location:**

Between 54 and 54A Mill Road, Mullaghbawn, Newry

**Proposal:**

Dwelling with domestic garage in a gap/infill site

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Speaking Rights:-**

Ms Sarah McDowell Resolve Planning & Development, presented on behalf of Colins & Collins, Agent in support of the application.

(Councillor M Ruane joined the meeting – 10.45am)

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Macauley it was agreed to issue a Refusal , for the reasons recommended in respect of Planning Application LA07/2016/0812/O, as per the Development Management Officer Report.

(3) P/2014/0071/F – Mr John Perry

**Location:**

Change of use to part of commercial (pre-cast concrete works) yard to a waste management facility for the depollution and desmantling of End of Life Vehicles (ELVs) and the sorting and bulking of scrap metal

**Proposal:**

Lands south east of 54 Newcastle Street, Kilkeel

**Conclusion and recommendation from Planning Official:**

APPROVAL

**Speaking Rights:**

Mr William McMurray presented objecting to the application  
A representative from Gordon Bell & Son, Solicitor, presented on behalf of their client objecting to the application.



Michelle McCready presented objecting to the application.  
Ms Gemma Jobling, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Craig it was agreed to defer Planning Application P/2014/0071/F for the following reasons:

- to allow further discussion between Planning Department and the Applicant
- to allow Planning Officials to examine possible conditions
- to allow members of the Planning Committee to attend a site visit.

**(4) P/2014/0670/F – Mr Frank King**

**Location:**

Lands to the rear of No.33 Flagstaff Road and associated farm complex (shed approximately 45 metres to the west of existing dwelling with hardstanding extending approximately 50 metres further west and 33 metres further north-west of shed)

**Proposal:**

Retention of existing shed and hard standing area for agricultural purposes (revised address and plans).

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Speaking Rights:-**

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

Councillor Craig proposed and Councillor Murnin seconded to issue a Refusal , for the reasons recommended in respect of Planning Application P/2014/0670/F, as per the Development Management Officer Report.

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

For:	9
Against:	0
Abstentions	1

The proposal was therefore declared carried.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to issue a Refusal , for the reasons recommended in respect of Planning Application P/2014/0670/F, as per the Development Management Officer Report.

**(5) P/2014/0678/F – Mr Frank King****Location:**

33a Flagstaff Road, Fathom Lower, Newry

**Proposal:**

Retention of existing fuel sales business to include existing hard standing area and portacabin.

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Speaking Rights:**

Mr Stephen Hughes Agent presented in support of the application.

**AGREED: On the proposal of Councillor McAteer seconded by Councillor Macauley it was agreed to issue a Refusal , for the reasons recommended in respect of Planning Application P/2014/0678/F, as per the Development Management Officer Report.**

(Councillor M Ruane withdrew from the meeting to the public gallery – 1.20pm)

**(6) P/2014/0894/F – Hilary McCamley****Location:**

Lands fronting Mayvale Court Newry Road Mayobridge (off Chapel Hill Road) and adjacent and north east of 8 Mayvale Court.

**Proposal:**

Erection of dwelling.

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Speaking Rights:**

Mr Bernard Dinsmore Agent presented in support of the application.

**AGREED: On the proposal of Councillor Murnin seconded by Councillor Macauley it was agreed to issue a Refusal , for the reasons recommended in respect of Planning Application P/2014/0894/F, as per the Development Management Officer Report.**

(Councillor M Ruane rejoined the meeting – 1.50pm)

**(7) P/2015/0095/F – Mrs Geraldine Fearon****Location:**

140m north east of No. 61 Foughiletra Road, Jonesborough

**Proposal:**

Erection of a farm dwelling and garage.

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Speaking Rights:**

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

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Casey it was agreed to defer Planning Application P/2015/0095/F to clarify matters regarding vehicle movement surveying along the lane.**

**P/106/2016: NILGA EVENTS – PLANNING IN COUNCILS**

Read: Details of NILGA events regarding Planning in Councils – Refresher series for Councillors which are scheduled as follows: **(Copy circulated)**

- Elected Members and the Planning Committee – 25 October 2016  
(Craigavon Civic Centre)
- The Councillor Role in the Development Plan Process – 2 November 2016  
(Glenavon Hotel Cookstown)
- Councillor and the Planning Appeals Commission – 13 December 2016  
(Antrim Civic Centre)
- Working with Developers and Agents  
(date/venue to be confirmed)

**AGREED: It was unanimously agreed to appoint Councillors to attend NILGA event as follows:**

**Elected Members and the Planning Committee  
(25 October 2016 / Craigavon Civic Centre)  
Councillor K Loughran  
Councillor J Macauley  
Councillor G Craig**

**The Councillor Role in the Development Plan Process  
(22 November 2016 / Glenavon Hotel Cookstown)  
Councillor D McAteer  
Councillor M Murnin  
Councillor C Casey  
Councillor G Craig**

**Councillor and the Planning Appeals Commission  
(13 Decmeber 2016 / Antrim Civic Centre)  
Councillor L Devlin  
Councillor J Macauley  
Councillor G Craig  
Councillor M Larkin**

**Working with Developers and Agents (date/venue to be confirmed)  
No appointments made.**

**It was also agreed that should any other Councillor wish to attend these events that they notify Democratic Services.**

**P/107/2016: PLANNING DEPARTMENT PERFORMANCE INDICATORS**

**Read: Planning Performance Indicators for the month of August 2016.  
(Copy attached).**

**Agreed: It was agreed to note Planning Performance Indicators for the month of August 2016.**

**P/108/2016: REPORT – CONTACT FROM PUBLIC REPRESENTATIVES – AUGUST 2016**

**Read: Report re: Contact from Pubilc Representatives for the month of August 2016. (Copy attached).**

**Agreed: It was agreed to note the Report on Contact from Public Representatives for the month of August 2016.**

**P/109/2016: CURRENT PLANNING APPEALS**

**Read: Report regarding Current Planning Appeals.  
(Copy circulated)**

**Agreed: It was agreed to note the Report on Current Planning Appeals.**

There being no further business the meeting concluded at 2.35pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 26 October 2016.

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

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

## Item 5 – Addendum List

### Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 26 October 2016

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 9 – LA07/2016/1015/F – Mr & Mrs Lipsett – change of house type "dwelling 02" approved under planning approval R/2014/0293/F – lands contained between 25 and 27 Rocks Road, Ballyhornan. **APPROVAL**
- Item 11 – LA07/2016/0201/F – Alterity Developments Ltd. – new café on ground floor with 3 apartments over first and second floors addressing the Main Street, the rear building has 2 apartments over ground and first floor (amended plans received) – 115-117 Main Street, Newcastle. **APPROVAL**
- Item 15 – LA07/2016/0606/F – Mr B Boyd – replacement of existing turbine approved under R/2012/0330/F with a Vestas V52 measuring 40m to hub with 26m blade length. Output not to exceed 250kw – lands 320m ne of 45 Church Road, Rademon, Crossgar. **APPROVAL**
- Item 17 – R/2014/0159/A - Philip Patterson – replacement agricultural shed – 31 Brae Road, Ballynahinch, Co Down. **REFUSAL**
- Item 18 – LA07/2015/0656/A – Colm McAvoy – shop sign – Bridge Bar – 53 North Street, Newry. **REFUSAL**
- Item 20 – LA07/2015/1391/0 – Seamus McLoughlin – proposed dwelling on a farm – 70m nw of 10 Mayo Road, Mayobridge. **REFUSAL**
- Item 21 – LA07/2016/0381/0 – Matt Burns – proposed farm retirement dwelling – opposite No. 107 Kilbroney Road, Rostrevor. **REFUSAL**
- Item 22 - LA07/2016/1058/F - C&G Tinnelly & Mr K Morgan - removal of condition No. 17 (with regard to social housing) on approval No. P/2007/1732/F - 50m south of No. 25 Greenpark Road, Rostrevor. **REFUSAL**

- Item 23 - LA07/2016/0132/F - Mr & Mrs Murphy - Extension to existing camper van site - to the rear of 35 Ballagh Road, Newcastle. **REFUSAL**
- Item 24 - P/2014/0769/0 - Mr Kevin Cunningham - site for dwelling on a farm - 210 m south of No. 36 Belmont Road, Killeel. **REFUSAL**
- Item 29 - LA07/2016/0889/F - Telefonica UK Limited - proposed 25m telecommunications mast to carry 3 No. antennae and 2 No. radio dishes and associated works including 3 No. equipment cabinets and site compound - lands 157m south west of Fernhill House, 83 Clonallon Road, Warrenpoint. **APPROVAL**
- Item 34 - P/2015/0182/F - Norman Reilly - Proposed development of 4 dwellings - 26 Shore Road, Annalong. **APPROVAL**
- Item 35 - P/2013/0102/F - Patricia McAvoy & Ursula McGivern - proposed change of use from domestic store to coffee bar - 103 Greencastle Pier Road, Greencastle. **REFUSAL**

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

**ITEM NO** 2

**APPLIC NO** LA07/2015/1307/F **Full** **DATE VALID** 12/7/15

**COUNCIL OPINION** REFUSAL

**APPLICANT** Mr & Mrs L McBride 35 **AGENT** Hawthorne  
 Ballynahinch Road Associates 2-3  
 Castlewellan The Beeches  
 BT31 9PA Grove Road  
 Spa  
 Ballynahinch  
 BT24 8RA  
 02897561488

**LOCATION** 40m South 35 Ballynahinch Road  
 Castlewellan  
 BT31 9PA

**PROPOSAL** Proposed conversion and reuse of existing building & extension to that as single dwelling

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that it has not been demonstrated that the building proposed for conversion is a locally important building.
- 2 The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that building proposed for conversion is not considered to be a suitable building.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2015/1307/F**

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

**Proposal:** Proposed conversion and reuse of existing building & extension to that as single dwelling

**Location:** 40m South 35 Ballynahinch Road, Castlewellan. The site is 0.4miles from Drumaroad, 6 miles north-east of Castlewellan, 7miles south of Ballynahinch.



**Site Characteristics & Area Characteristics:**

The site is a roadside site that is accessed from the Scribb Road and is located within a rectangular plot adjacent to the junction of Ballynahinch Road and Scribb Road. The site is relatively flat and unprofiled. It shares its eastern boundary with a



river that has mature vegetation, its west and southern boundaries are defined by a ditch and hedge. The northern boundary is undefined and shared with detached dwelling at 35 Ballynahinch Road. The site is a medium sized plot and there is an existing single storey rendered barn building with window openings and a rear lean to. The southern elevation is open and the building is used to house agricultural machinery, implements and hay. The building has a metal clad roof.

View of site from Ballynahinch Road



View of building from Scrib Road



**Site History:**

R/1997/0830 Granted 5.1.1998

Dwelling at junction of Ballynahinch Road adjacent to 25 Scribb Road

R/2001/0001/O Granted 19.2.2001

Ms McBride and Mr Fitzsimons

Dwelling at junction of Ballynahinch Road adjacent to 25 Scribb Road

R/2004/0070/RM Granted 8.4.2004

Mr and Mrs Fitzsimons  
Dwelling at junction of Ballynahinch Road adjacent to 25 Scribb Road

**Planning Policies & Material Considerations:**

The proposal will be considered in relation to the Ards and Down Area Plan 2015, PPS21 and the Strategic Planning Policy Statement for Northern Ireland, and Building on Tradition Design Guide, PPS2 must also be a consideration.

**Consultations:**

Transport NI- No objection subject to conditions referring to access and submitted site layout.

NI Water - standard response

NMDC Environmental Health - No objection provided septic tank is located 15m from dwelling and neighbouring dwellings

DARD Rivers Agency - the proposal is not sited within a 1 in 100 year fluvial flood plain however there is an adjacent undesignated river whereby the applicant must satisfy themselves that they have assessed the flood risk associated with this watercourse and the adjacent culvert and can mitigate the risk to their development and others.

Shared Services - site is adjacent to an undesignated river that is a direct hydrological link to Murlough SAC, requesting reconsultation after comments received from NIEA

**NIEA**

- Drainage and Water - no objections and highlighting standing advice
- Natural Heritage and Conservation Areas - Advising that natural heritage may have some issues, indicating standing advice and NI Biodiversity Checklist.

Shared Service's (reconsultation response) - Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.

**Objections & Representations**

Application Advertised in Mourne Observer and Down Recorder 21.12.2015.  
3 neighbours notified.

Email of support received from Cllr P Clarke 9.1.2016

**Consideration and Assessment:**

Principle of Conversion must be considered in relation to PPS21 Sustainable Development in the Countryside Policy CTY4 and the Strategic Planning Policy Statement for Northern Ireland (SPPS).

Policy states that planning permission will be granted for a sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of uses including use as a single dwelling where it would secure its upkeep and retention. The Policy CTY4 lists several criteria which must be met.

SPPS varies from PPS21 CTY4 as it states that, in relation to conversion and re-use of buildings for residential use, provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of locally important buildings (such as former school houses, churches and older traditional barns and outbuildings). The proposal does not appear to fall within the description of locally important buildings. The Council advised the applicants agent in letter dated 15th April 2015 seeking their response.

The applicants agent forwarded supporting information, received 10<sup>th</sup> May 2016, referring to a PAC appeal decision regarding conversions and a traditional barn that, like the application, is termed a shuttered concrete barn due to the method by which it was built. The appeal decision referenced in 1999/A129 (the Council placed a copy on file). The appeal referred to was considered in relation to a now superseded policy, PPS6 Policy BH15. The Council notes this policy previously considered buildings for conversion to residential use to be an important element in the landscape and of local architectural merit or historic interest with the appeal (1999/A129) being allowed on the grounds that the building identified (at 233a Killaughey Road and 1 Ballyhay Road, Donaghadee) was the only surviving example of a group of buildings which and been on the site since 1835. The appeal referenced does not have the same context as the site considered within this planning application. Therefore it holds no material weight to justify approval of the existing building as a dwelling by way of a conversion with a small extension.

The building detailed within the proposal is of permanent construction. The proposal includes conversion with removal of the existing lean to and a small link to a flat roofed extension to provide a lounge. The proposal will re-use the existing openings and change the roof to a slate roof, and the roof of the link and small extension will be finished with dark blue-grey Quartz zinc with a standing seam. The conversion will result in a 3 bedroom dwelling and living space with a new access to the Ballynahinch Road, the existing access onto Scribb Road is to be closed up and included within the hedge boundary, a large garden and landscaping along the boundary shared with neighbouring detached dwelling to the immediate north of the site.

Considering the details of the proposal, the extension is sympathetic in scale, ancillary in size and the change in roof type and finishes provides a clear yet sympathetic extension to the existing building. The proposed details of the design would maintain the existing form, will integrate well within the established site, however the principle of conversion for this building has not been established. The building is not considered locally important.

The applicants agent references PPS21 and the SPPS within their supporting information received 10<sup>th</sup> of May 2015. The Council would advise that the policies must be read together and while CTY4 offers more criteria in relation to buildings considered acceptable, the SPPS provides more prescriptive criteria for the

consideration of what buildings are suitable for such a conversion. The SPPS deems only buildings of local importance. The building proposed within this application, is not in keeping with policy.

The site neighbours detached dwellings of Scrib Road and Ballynahinch Road. The proposal would not unduly affect the amenities of the neighbouring residents and the proposed landscaping along the shared northern boundary will provide for a clear distinction between the existing dwelling and neighbouring 35 Ballynahinch Road. This would ensure the amenity of the existing and proposed dwellings are protected. The proposal would have no impact on the continued agricultural use of neighbouring lands opposite the site.

The applicant proposes to use a septic tank to dispose of sewage from the dwelling. This will discharge into the adjacent river. The river is a direct hydrological link to Murlough SAC. Shared Environmental Services highlighted this and requested re-consultation after NIEA provided comments. This was completed and they responded in January to advise the proposal would not have any conceivable impact on the selection features, conservation objectives or status of any European site.

The proposal would reuse an established building which is positioned within the site adjacent to the river therefore considering the proposal in relation to PPS15 it would be acceptable if principle was considered in keeping with policy, which it is not.

Considering the proposal in relation to NIEA comments and PPS2 Natural Heritage. Site inspection, coupled with the agents NI Biodiversity Checklist has not returned any concerns regarding the presence of Bats. There was no evidence on site of bats roosting within the building itself, noting it is very open, the full internal roof and supporting beams are visible. The building is within close proximity to a watercourse with mature planting and trees. The proposal would not alter this arrangement and therefore the potential feeding area of bats within the corridor of the river would not be disrupted.

**Recommendation:**

*Refusal*

**Refusal Reasons/ Conditions:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that the building proposal is not a locally important building.
2. The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that building proposed is not a suitable building.

## Proposed Speaking Rights Agenda in respect of Planning Application LA/2015/1307/F.

- ✚ Hoekstra Appeal - Dr Robinson's opinion/consideration.
- ✚ Building on Tradition May 2012 - Planning Policy Division D.O.E
- ✚ SPPS Paragraph 6.72 –The conversion and re-use of existing buildings for residential use.
- ✚ SPPS Call for Evidence 'Development in the Countryside'.

" Recent Council Response's to Call for Evidence SPPS."  
Local importance

### (d) Conversion and re-use of existing buildings for residential use

23. This policy area attracted comments from 6 respondents. Mid-Ulster District Council believes that current strategic policy is too prescriptive. It states that the term 'locally important buildings' should be re-visited as it can mean different things in different areas, and that the policy should state what buildings cannot be converted and re-used. Three other respondents also refer to 'locally important buildings' and think this test is unnecessary as refurbishing existing buildings is a more sustainable form of development than new build. The same respondents also consider that provision should be made for the replacement of existing non-residential buildings which have been fire damaged or destroyed with new dwellings. Conversely, Lisburn & Castlereagh City Council takes the view that 'locally important buildings' should be expanded to include buildings with architectural and historic merit.

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

<b>ITEM NO</b>	<b>9</b>			
<b>APPLIC NO</b>	LA07/2016/0365/O	Outline	<b>DATE VALID</b>	3/18/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr and Mrs McCluskey 7 Brae Road Ballynahinch BT24 8UN		<b>AGENT</b>	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA  NA

**LOCATION** lands between 1 Brae Road and 212 Belfast Road  
Ballynahinch

**PROPOSAL** 2no proposed dwelling houses

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location 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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads; and the dwelling would, if permitted, visually intrude into the open countryside.
- 3 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 addition of ribbon development along Brae Road and Belfast Road.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.



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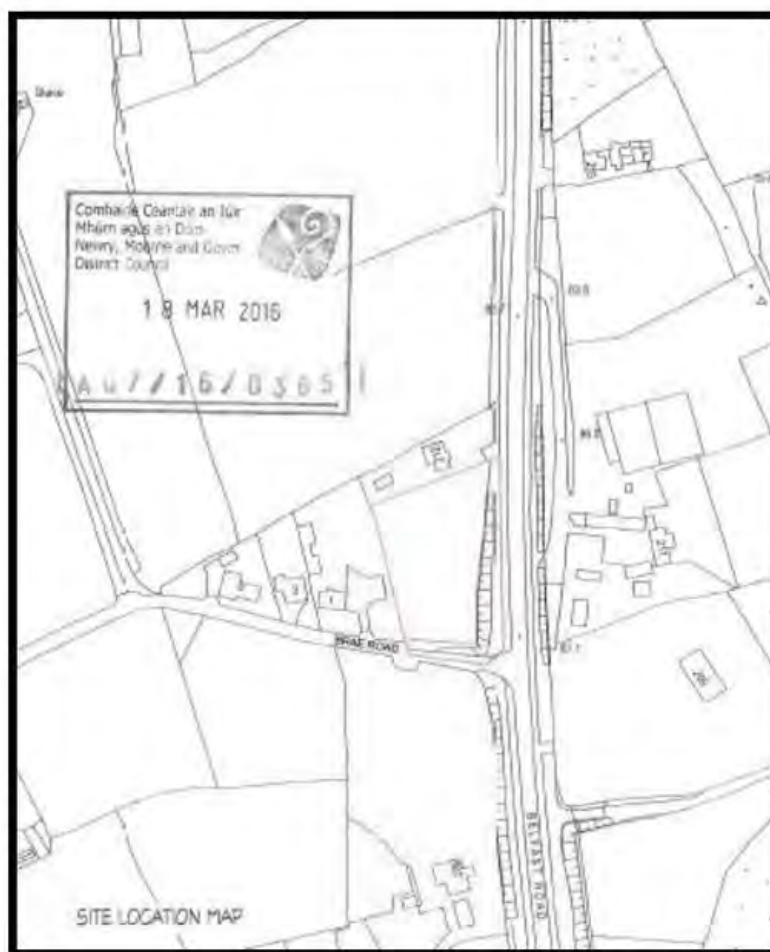
**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0365/O**

**Date Received: 18<sup>th</sup> March 2016**

**Proposal: 2no proposed dwelling houses**

**Location:** The site is located approximately 18km to the northwest of Downpatrick and approximately 3.3km to the north of Ballynahinch. The site address is lands between 1 Brae Road, and 212 Belfast Road, Ballynahinch.



### **Site Characteristics & Area Characteristics: Characteristics of site**

The site is an agricultural field located to the east of 1 Brae Road and to the south of 212 Belfast Road, Creevytenant, Ballynahinch. The site is accessed via an agricultural gate leading from Brae Road. The topography of the site is relatively flat however slopes gently from northwest to southeast. Brae Road falls away on the approach toward the junction with the Belfast Road, leaving the south-eastern corner of the site in a slightly elevated position over the Belfast road. There is a steep bank between the site boundary to the south and Brae Road, and along the boundary of the site and the Belfast Road. The site is bound by post and wire fence on the southern and eastern side with mature hedges along the western and northern side of the site.

### **Characteristics of area**

The area is characterised by the main Belfast Road which runs directly past the site from south to north. The surrounding area is primarily open countryside with sparsely located residential dwellings and farms. Directly to the north of the site is 212 Belfast Road which is a 2 storey detached dwelling. To the south of the site is Brae Road. There is another detached dwelling (206 Belfast Road) located approximately 90m to the south of the site across Brae Road. To the east of the site is the Belfast Road. Further east is an equestrian centre and dwelling located behind a tall hedge of trees. To the west of the site are 3 detached bungalows fronting onto Brae Road.

### **Site History:**

R/1975/0721 -	CREEVYTENNANT – DWELLING – Refused
R/1975/0443 -	CREEVYTENANT, BALLYNAHINCH - REPLACEMENT OF FARM DWELLING HOUSE AND ANCILLARY FARM OUT-BUILDINGS – Granted
R/1981/0197 -	206 BELFAST ROAD, BALLYNAHINCH - SINGLE STOREY DWELLING - PERMISSION REFUSED

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

- Regional Development Strategy
- Strategic Planning Policy Statement (SPPS)
- Local Development Plan (Ards and Down Area Plan 2015)
- Planning Policy Statement 3
- Planning Policy Statement 21



- DCAN 15

The Belfast Road is a protected route. The site is located in the open countryside outside any defined settlement limit. There are no other designations on this site.

#### **Consultations:**

- Statutory – NIEA – WMU – No objections
- Statutory – NI Transport – No objections
- Non Statutory – NI Water – No objections
- Advice and Guidance – Environmental Health – No objections

#### **Objections & Representations**

The following properties were notified:

206 / 209 / 211 / 211a / 212 Belfast Road, Ballynahinch  
1 / 3 / 5 Brae Road, Ballynahinch

There have been no representations received on this application.

#### **Consideration and Assessment:**

The application is for outline permission for 2no dwellings located within the countryside; therefore the key policies to establish the principle of the development are the SPPS and PPS21. The design and access statement submitted with the application makes reference to a gap site (CTY8), while the indicative site layout submitted makes reference to a cluster (CTY2a). The application will be assessed against both policies.

CTY1 states that permission will be granted for an individual dwelling house in the countryside where sited within an existing cluster of buildings in accordance with CTY2a, or the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY8.

Where the principle is established the development must comply with CTY 13, 14, 15, and 16.

CTY2a – this policy allows for a dwelling at an existing cluster. The proposed site lies outside a farm and the proposed cluster consists of 4 or more buildings as indicated on the submitted conceptual layout. At least 3 of these are dwellings.

Visual Entity – This particular stretch of Belfast Road is bound on both sides by steep banks and mature vegetation. The eastern boundary of the Belfast Road consists of mature hedges and tall trees. Views into the development beyond this vegetation to the east are extremely limited, both from the Belfast Road and the Brae Road. Likewise there is mature vegetation along the western bank of the Belfast Road when approaching from the south which screens views of no 206 Belfast Road. A thick hedge surrounds no 212 Belfast Road and restricts views of this

property. As a result of the surrounding tall vegetation, and the main road separating the site from the properties to the east of Belfast Road, it is not considered that there is a visual entity or a cluster of development, as is indicated on the applicant's conceptual layout plan.

Focal Point or crossroads – The site is bound by roads on two sites. There is no focal point in proximity to the site. There is an existing storage and workshop business in operation to the east of the site at 211 Belfast Road which is beyond the mature hedges – however there is no visual link between this business and the site due to tall mature hedges between them. When travelling along the Belfast Road, it is not possible to ascertain what development lies to the east of the site due to extant screening. Whilst there is a bus stop to the east of the site along Belfast Road, this is not considered to be a focal point. There is no crossroads in proximity to the site, only the junction of Brae Road and Belfast Road.



The site is bound by mature hedges to the north and west, and does benefit from a suitable degree of enclosure. There are buildings beyond these enclosing boundaries to the north and west.

The site is on elevated land above Belfast Road and the proposed dwellings would be visible when approaching from either direction. The site provides a visual break and it is considered that 2 dwellings on this site would alter the character of the rural area.

Due to the mature hedges surrounding the site to the north and west, it is not considered that 2 dwellings would adversely impact on residential amenity.

The proposed site is not considered to comply with CTY 2a for the reasons set out above.

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.

The site falls between 212 Belfast Road and 206 Belfast Road. 206 Belfast Road has a long driveway and garden leading north to Brae Road; there is a separation of approximately 175m between these 2 dwellings. Views of no206 Belfast Road are limited from Belfast Road due to thick mature vegetation along the eastern bank of Belfast Road. Whilst there is a continuous built frontage to the south of no206 Belfast Road, the garden of no206 runs for approximately 80m to the north toward Brae Road. There is no ribbon of development between no206 and 212 Belfast. 212 Belfast is a single dwelling and does not constitute a ribbon. No1 Brae Road and 212 Belfast Road do not share a common frontage as they front onto different roads and face different directions. It is not considered that the site constitutes a small gap within a substantial and continuously built frontage due to the substantial separation distance of approximately 175m between no206 and 212 Belfast Road. The site provides a visual break from development when travelling along Belfast Road and as such does not comply with policy CTY8. The site if permitted would add to a ribbon of development, that being 1, 3, and 5 Brae Road.

It is not considered that the proposal complies with policy CTY 8.

CTY 13 & 14 – the site benefits from surrounding mature trees and hedges and it is not considered that the proposal would be a prominent feature in the landscape. The application is for outline permission and no detailed design has been submitted. The proposal is not considered to be contrary to CTY13.

The proposal is not considered to be prominent in the landscape and would respect the traditional pattern of development in the area. Due to surrounding natural screening the proposal would not result in a suburban style build-up of development when viewed from existing and approved properties. The proposal would add to a ribbon of development and is therefore contrary to CTY14.

Policy CTY16 – the proposed dwellings would be served by septic tanks or Bio Disc or Viltru Treatment. NIEA Water Management Unit and NI Water have no objections subject to the necessary consent being obtained. The proposal is not contrary to CTY16.

The Belfast Road is a protected route. The site could be accessed from Brae Road therefore Transport NI have no objections.

The agent submitted supporting information on 18<sup>th</sup> May 2016 in the form of a statement of support. This statement has been fully considered however no additional information has been submitted that would change the recommendation of this report.

**Recommendation:**

Refusal

**Refusal Reasons:**

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

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads; and the dwelling would, if permitted, visually intrude into the open 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 addition of ribbon development along Brae Road and Belfast Road.

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 add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

## Proposed Speaking Rights Agenda in respect of Planning Application LA/2016/0365/F.

- ✦ Focal Point - Community Bus Stop
- ✦ Conflicting Case Officers assessments of the area -- Planning Approval R/2015 / 0022/O versa vice LA/2016/0365/F.

- ✦ SPPS Paragraph 6.72 –Residential Development. ( Direction & Guidance)

States:

“**☐** New dwellings in existing clusters: provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; **and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;**”

- ✦ SPPS Call for Evidence 'Development in the Countryside'.

“ Recent Council Responses to Call for Evidence SPPS.”

Local importance

### **(b) New dwellings in existing clusters of development**

21. This policy area attracted comments from 7 respondents, two of whom have asked for more guidance and direction whilst others consider the policy needs to be amended. Mid-Ulster District Council is in general agreement with the strategic policy approach, however it suggests that this type of development opportunity should not be restricted to sites outside farms and that this provision should also extend to existing clusters of development within farms. One individual respondent believes there should be no need for a focal point whilst others asked for a clearer definition of what a focal point is and how/when it applies. Lisburn & Castlereagh City Council has an opposing view to the other respondents suggesting this policy is too subjective and the lack of prescription does not protect the countryside.

<b>ITEM NO</b>	<b>11</b>			
<b>APPLIC NO</b>	LA07/2016/0474/O	Outline	<b>DATE VALID</b>	4/12/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr C Hanna 51 Mountview Road Dunbeg Upper Ballynahinch BT24 8JU		<b>AGENT</b>	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA 02897561488
<b>LOCATION</b>	Lands contained between 55 Mountview Road & 1 Martinpoole Road Ballynahinch BT24 8JU			
<b>PROPOSAL</b>	2 dwellings & garages			
<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 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 Mountview Road, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.
- 2 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0474/O**

**Date Received: April 2016**

**Proposal:**

Outline permission is sought for 2 dwellings and garages on lands between 55 Mountview Road and 1 Martinpoole Road, Ballynahinch.

Applicant: Mr C Hanna

**Location**

The site is located in the countryside off the Mountview Road several mile South West of Ballynahinch as identified in the Ards and Down Area Plan 2015, whereby this area is pre-dominantly rural in character although also includes several dwellings and holdings. There does not appear to be any other zonings affecting the site.

**Site Characteristics and area characteristics**

The site comprises a roadside plot/field off the Mountview Road, adjacent to the junction with the Martinpolle Road, whereby this field rises from the road.

This field is generally located between the dwelling of no.55 Mountview Road and the recently constructed dwelling of no.1 Martinpoole Road, whereby it is noted this dwelling and associated curtilage extends and opens onto the Martinpoole Road.

Both of these dwellings are single storey and front towards the roads, although no.1 does not have a frontage to the Mountview Road due to a combination of its set back, siting and portion of a field which separates the dwelling from the road.

The field comprising the application site includes a grass verge along the frontage and is enclosed by planting and post and wire fencing.

(Note: The site location plan submitted as part of this application indicates that the site is between no.1 and no.53, whereby no.53 adjoins the eastern boundary of the site, however for the purposes of this report no.53 is actually no.55, as indicated on the site address description on the P1 form and concept plan).

### Site History

A history search has been carried out for the site and surrounds whereby it was observed there have been a number of applications along this stretch of road, however no relevant history was observed relating to the application site.

### Consultees

Having account the nature of this proposal, and location and constraints of the site consultations have been carried out with Transport NI, NI Water, Environmental Health and NIEA, as part of this application, who offer no objections in principle.

### Representations

None received to date (29-06-16).

As part of the processing of this application neighbour notification was undertaken with no.1 and 2 Martinpoole Road and 53 and 55 Mountview Road in April 2016, while the application was also advertised in the local press on April 2016.

### Applicable Policy considerations- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS6, PPS21, and supplementary guidance

#### PPS 21

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

#### Policy CTY 1

Development in the Countryside. There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

There are a range of developments that may be permitted in the countryside in certain cases.

#### Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;
- a replacement dwelling in accordance with Policy CTY 3;



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

As stated above the site is located in the countryside whereby policy PPS21 (Sustainable Development in the Countryside) is key.

This is an Outline application for 2 dwellings and garages whereby a P1 form, site location plan, site concept/analysis plan, and Design and Access Statement have been submitted.

The information submitted indicates the applicant (Mr Hanna) lives at no.51 Mountview Road, and owns several adjoining fields, whereby Certificate A has been completed on the P1 form.

(Note: The site location plan submitted as part of this application indicates that the site is between no.1 and no.53, whereby no.53 adjoins the eastern boundary of the site, however for the purposes of this report no.53 is actually no.55, as indicated on the site address description on the P1 form. The site concept plan submitted correctly refers to no.55)

Based on the information submitted this application is for the development of a gap site under policy CTY8 of PPS21.

As stated above the site comprises a roadside plot off Mountview Road, close to the junction with Martinpoole Road, whereby the lands rise from the road. The field comprising the application site, comprises a rectangular plot, a portion of which is located between the dwelling of no.1 Martinpoole Road to the SW, while the dwelling and outbuilding of no.55 and additional buildings adjoin the site to the NE, with the road running along the frontage and farm lands to the rear.

It is noted this application is for 2 dwellings, whereby it is considered the proposed plot sizes as indicated on the site analysis are respective and reflective of those existing plot sizes in the vicinity of the site, which are considered large enough to accommodate a dwelling with sufficient provision for parking, amenity space, services and spacing with any other existing/approved property to prevent any unacceptable impact.

While it is noted the site may appear and be considered to be broadly located between the dwellings of no.1 Martinpoole Road and 55 Mountview Road, it is not considered to share a common frontage with these adjoining properties. Although it is acknowledged the dwelling of 55 Mountview Road fronts and opens onto the Mountview Road and shares a common frontage to this road whereby the curtilage also extends to adjoin this road, it is considered No.1 Martinpoole Road does not. This relatively recently constructed dwelling of no.1, is clearly addressed as being located on the Martinpoole road, whereby the dwelling also accesses onto this road.

It is also noted this dwelling is set back from the road where there is a portion of a field between the curtilage of this property and the Mountview Road, and while it may be considered to be sited to front towards the Mountview Road, it cannot be considered to share a common frontage to this road for the reasons outlined. The dwelling of no.55 currently marks the end of development along this side and stretch of Mountview Road.

As such it is considered the proposal fails this policy test.

As this is an Outline application no details have been provided regarding the siting or house type proposed, however in the event the principle of 2 infills are accepted, it is considered the design, size and siting of any dwelling should reflect those of the adjoining properties, which are single storey in form.

As stated above the field comprising the application site rises from the road, whereby the lands continue to rise, thus providing a backdrop to the site, thus no concerns are raised regarding compliance with policies CTY13 and 14.

It is also noted these dwellings will be served by septic tanks/bio disc, whereby it is considered there are sufficient lands to accommodate these services with associated soak-aways.

While it is considered the site may be large enough to accommodate 2 dwellings, with sufficient provision for parking and amenity space, while also being located a sufficient distance from any other property, it is considered it fails the policy test of CTY8 of PPS21.

Following initial consideration of the proposal a letter was issued to the agent on 14th June outlining the concerns and position of the Planning Dept referred to above, and afforded an opportunity to submit further information in support of the application.

Further correspondence was received from the agent on 28th June, comprising a 3 page supporting statement, which included reference to an appeal in 2011, for an infill dwelling in Bellagherty Road, Ballyronan (Derry Council Area), which was allowed in 2012.

This supporting formation including appeal decision is noted however it is considered the proposal remains unacceptable for the reasons stated.

#### **Recommendation:**

**Accordingly Refusal is recommended.**

#### **Refusal reasons:**

**- The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Mountview Road, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.**

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

## Proposed Speaking Rights Agenda in respect of Planning Application LA/2016/0474/O.

- ✚ PAC Decision 2011/A0044 Commissioner Pauline Boomer in Reason paragraph 5 stated:

Policy CTY8- Ribbon Development allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within "an otherwise substantial and continuously built-up frontage". In the headnote, it states that "for the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear".

In Paragraph 5.33 of the Justification and Amplification text, it explains that a road frontage includes a footpath or private laneway. It also states that "a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked."

(With the Commissioner concluding - as highlighted our emphasis).

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

The Commissioner stating in Reason 7

- ⌚ Although it utilises a different laneway and its curtilage does not extend to the laneway serving the appeal site, the Department conceded that as No. 39 fronts towards that laneway, it would therefore share a common frontage with the newly constructed dwelling to the south-west and the appeal site. The term "common frontage" refers to any frontage onto a common road or laneway and as No. 39a abuts the laneway serving the appeal site through which pedestrian access is available, I consider that it does also have common frontage onto that laneway. In this evidential context, I am satisfied that there exists a line of three or more buildings along this laneway which have a common frontage. There was no dispute that the appeal site represents a gap which can accommodate a single dwelling."

It is strongly contested that as this dwelling 1 Martinpoole Road "fronts" towards Mountview Road it adheres to the rational of Commission Boomers reasoning. Dwelling number 1 is "one" of the existing three plus ribbon dwellings within which the application site nestles.



Photo 1. Depicting direct "fronting" of dwelling 1 Martinpoole Road on to the Mountview Road.



Photo 2. Depicting the ribbon development Policy compliance "infill site" contained between 1 Martinpoole Road & 55 Mountview Road, Ballynahinch.

- 1 Martinpoole:- A "book end building" in a line of 3 or more buildings.
- 1 Martinpoole:- Intrinsically linked to the application site.

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

<b>ITEM NO</b>	<b>21</b>			
<b>APPLIC NO</b>	LA07/2016/1015/F	Full	<b>DATE VALID</b>	8/1/16
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Mr and Mrs M Lipsett 38 Fernisky Park Kells BT42 3LL		<b>AGENT</b>	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA  NA
<b>LOCATION</b>	Lands contained between 25 and 27 Rocks Road Ballyhornan Downpatrick BT30 7PJ			
<b>PROPOSAL</b>	Change of house type "dwelling 02" approved under Planning Approval R/2014/0293/ F			
<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>	
			0	0 0 0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/1015/F

**Date Received:** 1<sup>st</sup> August 2016

**Proposal:** Change of house type "dwelling 02" approved under Planning Approval R/2014/0293/F

**Location:** The site is located to the east of Ballyhornan settlement and is located within the settlement limit. The site is located approximately 10km to the southeast of Downpatrick.



### Site Characteristics & Area Characteristics:

#### Characteristics of Site

The site is located to the west of Rocks Road - between no 27 Rocks Road and the existing water pumping station. The site of approximately 0.1ha slopes upward

toward the west of the site and is currently covered with rough grass. The eastern boundary of the site is defined by a 1m post and wire fence. The southern boundary is partially defined by a 2m security fence surrounding the adjacent water pumping station. The remainder of the southern boundary is defined by a 1m post and wire fence. The western boundary is defined by a post and wire fence abutting the coastal path. The northern boundary is partially defined by a 1m post and wire fence and part of a stone boundary wall which remains from previously demolished buildings on the adjacent site.

### Characteristics of Area

The area is characterised by coastal dwellings lining Rocks Road to the west. Rocks Road is a narrow single lane road which leads to a dead end. To the east of the site is the shoreline. There are existing slips into the water from Rocks Road. To the north of the site is a garden area which was previously the site of no23/25 Rocks Road. There is an existing 2 storey dwelling located at 17/19 Rocks Road. To the south is a building site with 'dwelling 01' of previous approval R/2014/0293 / LA07/2016/0652/F currently under construction. Further south is a 1 ½ storey dwelling. To the west of the site there is a pedestrian coastal path – further west there are a number of old RAF cabins, the majority of which are uninhabited.

### **Site History:**

R/2002/1148/F	27 Rocks Road, Ballyhornan, Northern Ireland, BT30 7PJ Proposed replacement dwelling. Permission granted 07.05.2003
R/2007/0535/F	Lands at 23 & 25 Rocks Road, Ballyhornan – Proposed replacement of no's 23 & 25 Rocks Road, Ballyhornan, with a new dwelling and domestic garage – Granted
R/2014/0293/F	Lands between 25 and 27 Rocks Road Ballyhornan, Construction of two infill dwellings and associated site works Permission Granted 27.01.2015
LA07/2016/0270/NMC	Between 25 and 27 Rocks Road, Ballyhornan, The change relates to dwelling 1 and can be listed as follows: Removal of glass gable peaks on east elevation simplifying the façade, change to north and south gable (wider), ridge height remains the same, removal of ground floor opening on east elevation, bringing wall forward, internal alterations to floor plan, removal of corner windows facing due west, change hip roof to gable at rear of north/south elevation, change timber cladding to smooth textured render, colour white, footprint of dwelling is not increased. NMC Refused
LA07/2016/0652/F	Land between 25 and 27 Rocks Road Ballyhornan Proposed erection of dwelling, change of house type (dwelling 01) from previously approved R/2014/0293/F – granted 22.08.2016

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

I have assessed the proposal against the following relevant policies:

- The Regional Development Strategy (RDS)
- The Strategic Planning Policy Statement (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 7 – Quality Residential Environments
- Planning Policy Statement 7 – addendum – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 – Housing in Settlements
- A Planning Strategy for a Rural Northern Ireland

#### **Development Plan – The Ards and Down Area Plan 2015**

The site is located within the defined settlement limit of the small settlement of Ballyhornan. The site is located within an Area of Outstanding Natural Beauty (AONB) and an Area of Constraint on Mineral Developments.



**Consultations:**

- Statutory – Transport NI – No objections
- Statutory – NIEA – HMU / NED – No objections
- Statutory – NI Water – No objections

**Objections & Representations**

5 neighbouring properties were notified on 5<sup>th</sup> August 2016:

- 19 Rocks Road, Ballyhornan
- 21 Rocks Road, Ballyhornan
- 23 Rocks Road, Ballyhornan
- 25 Rocks Road, Ballyhornan
- 27 Rocks Road, Ballyhornan

The cabin located on the other side of the coastal walkway to the west of the site was notified by letter on 9<sup>th</sup> September 2016 which was placed under the door due to a lack of postal address and letter box.

The application was advertised on 8<sup>th</sup> August 2016.

There have been no representations received.

**Consideration and Assessment:**

NB. The application has been submitted by a Head of Service within Newry Mourne and Down Council. The application will go to the planning committee with a recommendation as require by the Councils Scheme of Delegation.

An application was approved for a replacement dwelling on land directly north of the proposal site under ref R/2007/0535/F. This approval has expired and no start was observed on site.

This proposal is for a change of house type of the dwelling located on site no2 of previously approved R/2014/0293/F which was granted permission for 2no dwellings between 25 & 27 Rocks Road. The previously approved dwelling was granted permission on 16<sup>th</sup> January 2015 with a time limit of 5 years. The previous approval is therefore live upon submission and the principle has already been established. This application will considered the amended design and access of the dwelling formerly approved as dwelling 2 under R/2014/0293/F.

**Design**

The proposed change of house type makes the following changes to the previously approved dwelling no2:

**Eastern Elevation (front)**

- The ridge maximum ridge height would be increased from 8m to 9.25m above ground level.
- The ground floor window and door would be 1.4m above ground level with a set of steps leading up to the front door.
- The front door to be covered by a 0.5m projecting zinc roof covering.

#### **Southern elevation (left side)**

- The gable depth would increase from 11.7m to 11.9m.
- Additional ground floor corner window serving bedroom 2
- Additional 1<sup>st</sup> floor window serving living area
- Chimney removed and replaced by a single flue
- Front corner window size reduced
- Retaining wall to be 1.8m along rear of dwelling.

#### **Northern elevation (right side)**

- 3no additional windows at ground floor level serving the entrance hall.
- 2no proposed skylight windows
- Side elevation continued to the rear of the dwelling where previously it stepped in.

#### **Western elevation (rear)**

- Proposed ground level door and 2no windows.
- Proposed window and sliding door to replace large window. Door to open onto a decking area which bridges the house to the rear garden. Bridge bound by 1m glazed balustrade

#### **Site plan**

- The dwelling is to be moved further south of the site to accommodate 2no car parking spaces to the north of the dwelling within the curtilage.
- Access is to be moved several meters south along the road frontage.
- The retaining wall to the rear of the site is to be moved forward by approximately 1.6m resulting in less cutting.
- Finished floor level 6.50
- Retaining wall to be extended along the south boundary for 4.2m until it adjoins the water pumping house boundary fence.
- Dwelling to be moved forward on the site by approximately 1.6m leaving a walkway to the rear between the dwelling and the retaining wall.

#### **Finishes**

- The roof is to be finished with zinc in standing seam finish with matching fascia and barge.
- External walls to be finished in smooth painted render.

- Stonework to be blue/grey basalt
- Windows and rainwater goods to be finished in black upvc

The proposed dwelling would retain its overall shape & form retaining the large front window at first floor level. The ridge height would be increased by approximately 1.25m. There are several 2 storey dwellings in proximity to the dwelling with comparable ridge heights. There is rising land to the west and southwest of the site which would provide a backdrop when viewed from the east and northeast. There are limited views from Rocks Road except for when passing the site. There is a 2 storey dwelling located further south on slightly elevated ground at no31 Rocks Road - it is not considered that the dwelling would appear prominent or that the increased ridge height would result in a significantly greater visual impact than the previously approved dwelling. The floor space has been increased along the north elevation however given the separation of approximately 26m between the dwelling and no19 it is not considered there would be any overshadowing issues. The increase ridge height would not result in any significant overshadowing of 'dwelling 1' given the sufficient separation distance of approximately 11m between dwellings.

There are additional ground floor windows proposed on the northern elevation. These would serve the staircase of the entrance hall. It is not considered there would be any overlooking issues with these windows given the separation between the windows and no19. There are no overlooking issues with front or rear elevation windows due to their orientation over the sea/rear garden. There are 2no additional windows proposed on the southern elevation. The recent change of house type for 'dwelling 01' which was granted 22/8/16 will have 3no ground floor windows on its northern elevation and 1no window at 1<sup>st</sup> floor level. The 2 dwellings would be separated by a distance of approx. 11m therefore it is not considered there would be any direct or significant overlooking between ground floor windows due to the screening provided by retaining walls and the adequate separation between the properties. The new living space window would not result in overlooking due to the separation distance between properties.

The rear bridge linking the dwelling and rear garden is marked on the floor plan as a deck and should be considered as a balcony. This bridge would be located approximately 12m from 'dwelling 01'. The rear private amenity of 'dwelling01' would be located to the south of the rear return and would therefore be screening from view from the rear of 'dwelling02'. Again ground floor windows along the northern elevation of 'dwelling01' would be screened by the water pumping station and the retaining wall. The upper window along this elevation of 'dwelling 01' is toward the middle of the elevation and would not be directly overlooked by the bridge/deck or vice versa. There are no windows on the west elevation of the rear return of 'dwelling01' which would overlook the rear garden of 'dwelling02'. The proposed bridge is considered acceptable given the separation distance between dwellings

and considering that there are no direct overlooking implications associated with the deck towards the private amenity space of the approved neighbouring dwelling. It is noted that there will always be a degree of overlooking from the gardens due to the sloping nature of the site to the rear of the dwellings.

The dwelling has been sited closer to dwelling01 however it retains an adequate separation which is considered acceptable.

The site is located within the settlement limit of Ballyhornan. The proposed finishes are considered acceptable for a seafront location and would integrate suitably with surrounding dwellings.

There is sufficient space surrounding the dwelling for bin storage parking and private amenity space.

### **Access**

The proposed access has been relocated however Transport NI have been consulted and have raised no objection to the amended access.

NIEA MED were consulted and have no objections to the proposal with informatives.

### **Summary**

Whilst the dwelling is modern in design it has traditional features and would integrate suitably into its surroundings. The proposal is considered acceptable and complies with policies QD1 of PPS7, EXT1 of PPS7 addendum, NH6 of PPS2 and PPS3.

**Recommendation:** Approval

### **Conditions:**

1. As required by Section 61 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The vehicular access, including visibility splays and any forward sight

distance, shall be provided in accordance with Drawing No 01 bearing the date stamped 1<sup>st</sup> August 2016 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. All waste water shall be directed away from Strangford Lough SAC/SPA, Killard ASSI and Sheepland Coast ASSI designated areas.

Reason: To prevent pollution of the sea water of the designated site.

5. All construction activity shall be confined within the site boundaries and the boundary of the designated area shall not be disturbed in any way without written consent from the Council.

Reason: To protect the integrity of Strangford Lough SAC/SPA, Killard ASSI and Sheepland ASSI designated sites, and to avoid any encroachment therein.

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

**ITEM NO** 4  
**APPLIC NO** LA07/2015/1346/F **Full** **DATE VALID** 12/16/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Brian McAlerney **AGENT** Barry Gray )Gray  
 Design Ltd) 5  
 Edward Street  
 Newry  
 BT35 6AN

**LOCATION** Lands 235m south west of 117 Bann Road  
 Castlewellan  
 BT31 9AE

**PROPOSAL** Proposed replacement dwelling

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>		
	0	3		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 and Policies CTY 1 & 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that access to the public road would prejudice road safety and significantly inconvenience the flow of traffic
- 2 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP3, in that it would, if permitted create an additional access onto a Protected Route as there is no evidence of an existing vehicular access.
- 3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays (of 2.4 metres x 160 metres) from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

## Reconsideration for LA07/2015/1346/F

This application was deferred at the Planning Committee dated 29<sup>th</sup> June 2016 to allow the applicant/agent to submit further information to demonstrate the existence of a vehicular access from the public road (A25 – Bann Road). It was agreed that the Planning Department would reconsider the proposal following on from a further re-consultation with Transport NI.

On 21<sup>st</sup> July a letter of support for this application was received from Cllr Patrick Clarke. The letter referenced that since the dwelling had become unoccupied the lands between the dwelling and main road had been used for agricultural purposes and as such the access had become overgrown. Cllr Clarke also refers to the 2 old stone posts located in a roadside position alongside the Bann Road and the fact that he believes it would be uncommon to find structures such as these in an agricultural environment

Following on from the Planning Committee on the 22<sup>nd</sup> July 2 additional letters of support and accompanying photographs were submitted by Mr P McAleenan and Mr B McAlerney. The two letters state that the existing property has been accessed via a laneway onto the Bann Road since the 1940's. They also advise that although the laneway to the house is overgrown it still remains in place with the access point still appearing visible.

Subsequently an amended drawing was submitted on the 3<sup>rd</sup> August 2016 which indicated a 3<sup>rd</sup> revision to the proposed access drawing. A subsequent re-consultation was then issued to TransportNI requesting their comments on both the original access which was submitted on the 16<sup>th</sup> December 2015 and the amended access. The consultation referred to the amended drawing date stamped the 18<sup>th</sup> March 2016, however this was a typing error and should have read as 3<sup>rd</sup> August 2016. Transport NI responded on 12<sup>th</sup> September 2016 recommending that the proposal be refused for the following reasons.

- *The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays (of 2.4 metres x 160 metres) from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.*
- *The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance (of 160 metres) is not available, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.*

Please note that a further email was received from Transport NI on 29<sup>th</sup> September 2016 to confirm that their response dated 12<sup>th</sup> September referred to the 3<sup>rd</sup> revision date stamped 3<sup>rd</sup> August 2016.

It is therefore my opinion that the proposal should once again be recommend as refusal. None of the evidence provided since the previous committee meeting warrants a change of opinion. The fact remains that PPS3 Policy AMP3 states that planning permission will *only* be granted for a replacement dwelling where there is an *existing* vehicular access onto the Protected Route. As no existing vehicular access or laneway appears evident at this location this policy requirement cannot be met. Please note that the refusal reasons have been

amended from those previously presented to the Planning Committee due to the submission of a further revision to the proposed access arrangements. Therefore the proposal should be refused for the reasons detailed above and also

- *The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY 1 & 3 of Planning Policy Statement 21 Sustainable Development in the Countryside in that access to the public road would prejudice road safety and significantly inconvenience the flow of traffic*
  
- *The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP3, in that it would, if permitted create an additional access onto a Protected Route as there is no evidence of an existing vehicular access.*

Case Officer: .....

Authorised Officer: .....

Date: .....



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

<b>ITEM NO</b>	7			
<b>APPLIC NO</b>	LA07/2016/0201/F	Full	<b>DATE VALID</b>	2/10/16
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Alterity Developments Ltd	<b>AGENT</b>	Insideout	
Montgomery House	Belfast BT1 4NX		Architects 77 High Street Bangor BT20 5BD 02891478835	
<b>LOCATION</b>	115-117 Main Street Newcastle Co Down			
<b>PROPOSAL</b>	The proposal consists of a new café on ground floor with 3 apartments over first and second floors addressing the Main Street. the rear building has 2 apartments over ground and first floor. (Amended plans received)			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	6	0	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: LA07/2016/0201/F**

**Date Received: Feb 2016**

**Proposal:**

Full permission is sought for the demolition of the existing building ((Ulster Bank, Main Street, Newcastle), with construction of a new 3 storey block to the front, comprising a cafe on the ground floor with 3 apartments above fronting Main Street, with an additional 2 storey block to the rear of the site comprising 2 apartments which will front towards Valentia Place.

Applicant: Alterity Developments Ltd.

**Location:**

The site is located within the boundary of Newcastle town centre, whereby the frontage is also within the Primary Retail Core, as identified in the Ards and Down Area Plan 2015. It is also noted Main Street is a Protected Route.

This site extends from Main Street through to Valentia Place to the rear, whereby the existing development along this stretch of Main Street is commercial in form at ground floor level with a mix of uses above including storage, office and residential, while the properties along this stretch of Valentia Place are also residential in character.

**Site Characteristics & Area Characteristics:**

The site comprises the grounds of the former Ulster Bank building and associated grounds which extend from Main Street to Valentia Place to the rear.

This site is currently vacant whereby the use as a bank has ceased, and includes a 2 storey building with car park to the rear, whereby the car park is accessed via Valentia Place.

This 2 storey building is detached with a road (Bryansford Gardens) and alley-way running along either side, with Main Street to the front and Valentia Place to the rear. It is also noted footpaths run along the front and rear of the site, although double yellow lines run along the front, side and rear of the site.

The existing building extends across the full width of the site and extends to adjoin the alley-way and road (Bryansford Gardens) to either side.

This building includes large glazed panels at ground floor with 6 windows at first floor with vertical emphasis, and also includes a hipped roof with slate roof and central chimney. The side gables are blank while the rear return includes a number of openings and small extensions.

This stretch of Main Street includes a mix of building sizes and designs whereby the terrace of no.105-113 to the north side of the site and beyond Bryansford Gardens are 3 storey high, while the adjoining buildings to the south side of the site are 2 storey high. The properties to the far side of this stretch of Main Street include a mix of 2 and 3 storey buildings, while the properties along Valentia Place in the vicinity of the site are generally 2 storey.

No.113 Main Street is currently vacant although was previously commercial in use, while no.119 is commercial in use (hot food carry-out with upper floor sit-in area). The properties to the rear along Valentia Place and Bryansford Gardens are residential in use.

### **Site history**

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

LA07/2016/1157- PAD- 115-117 Main Street, Newcastle, Demolition of existing building and development of 3 no 1bed apartments in 3 storey block and 6 no 2bed apartments in 3 storey blocks and 4 no car parking spaces, Applicant: Helm Housing Association.

### **Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6, PPS7 and Addendum, PPS8, PPS11, PPS12, PPS15, and supplementary guidance**

As stated above the entire site is located within the boundary of Newcastle town centre, whereby the frontage is also within the Primary Retail Core, as identified in the Ards and Down Area Plan 2015. It is also noted Main Street is a Protected Route.

This site extends from Main Street through to Valentia Place to the rear, whereby the existing development along this stretch of Main Street is commercial in form at ground floor level with a mix of uses above including storage, office and residential, while the properties along this stretch of Valentia Place are also residential in character.

This stretch of Main Street includes a mix of building sizes and designs whereby the terrace of no.105-113 to the north side of the site and beyond Bryansford Gardens are 3 storey high, while the adjoining buildings to the south side of the site are 2 storey high. The properties to the far side of this stretch of Main Street include a mix of 2 and 3 storey buildings, while the properties along Valentia Place in the vicinity of the site are generally 2 storey.

As these lands are located within the development limits, there can be no objections to the principle of development unless demonstrable harm will result.

### **Representations**

6 representations in opposition to this proposal have been received to date (06-10-16) from owner/occupiers of properties along Main Street, whereby the main issues raised include:

- there is no objection to modernising the site, but there are concerns regarding the cafe/further eating establishment and further competition in this area, ( A list of existing eating places is provided),
- a large brand coffee shop will not recruit from the local community and will have no benefit to the local economy as a whole. Many businesses in Newcastle are long standing and family run, which is what Newcastle traders pride themselves on,
- there is already over-provision of cafes in the town and there is no need for this,
- both buildings are not visually in keeping with the surrounding buildings,
- the access is coming off a busy and particularly awkward junction which often bottlenecks and impinges traffic flow on a regular basis,
- there has been a shortcoming regarding the distribution of NN,
- overshadowing, loss of light and loss of view from no.98a Main Street
- if any piling work is proposed there is the potential for structural damage to 98a,

See file for full content of representations received.

As part of the processing of this application neighbour notification and advertising was undertaken in Feb and March 2016.

Having account the extent of the red line and statutory requirements neighbour notification was undertaken with a number of properties along Main Street and Valentia Place in Feb 2016, while the case was also advertised in the local press in March 2016.

The above points are a summary of issues raised, and are not meant to be an exhaustive list. With regards to the points made it is considered neighbour notification has been carried out in line with current practice and statutory requirements. The potential amenity issues are covered below, while Transport NI were consulted on several occasions and also attended an office meeting, and have offered no objections in principle. The design of the frontage has also been amended to take account of the existing character, and while it is noted the main concern relates to the ground floor cafe, it is considered there are no grounds to refuse, as this use offers choice to shoppers and visitors alike.

### **Consultations-**

Having account the nature of this proposal, location and constraints of the site and area, consultations have been carried out with Transport NI, NIW, NIEA, Environmental Health, Shared Environmental Services and Rivers Agency, as part of this application, who offer no objections in principle. A Habitats Regulations Assessment Screening was also undertaken.

Transport NI initially requested a site meeting which duly took place in April 2016, and following the submission of further info, now offer no objections in principle. Rivers Agency had also requested further information which was duly submitted and now offer no objections.

The remaining consultees offered no objections in principle.

Having account the location, zonings and constraints of the site and surrounds, it is not considered necessary to seek comments from any other body to determine this proposal.

## **Assessment**

As stated above the site comprises the grounds of the vacant Ulster Bank building and associated car parking to the rear.

It is proposed to demolish this existing building and construct a new development comprising a 3 storey building to the front fronting Main Street and 2 storey building to the rear fronting Valentia Place, with central parking area.

This 3 storey building to the front will consist of a cafe on the ground floor with 3 apartments above, each with 2 bedrooms. The 2 storey building to the rear will consist of 2 apartments, each with 2 bedrooms.

The town centre location and zonings of the site are noted, however having account the vacant nature of the building and associated previous use, and existing mix of uses along this stretch of road, it is considered there can be no objection to the principle of a cafe at ground floor level, with residential accommodation above. The content of the Area Plan including reference to apartment developments and the town centre have been considered as part of this assessment whereby it is concluded the proposal does not offend these policies, and is in line with the general thrust of commercial use at ground floor with residential accommodation above along Main Street.

It is acknowledged the frontage along Main Street is within the Primary Retail Core however for the reasons outlined, no objections are offered to the principle of a cafe at ground floor level.

In addition the proposed residential use along Valentia Place will continue to protect the residential character and potential spread of commercial uses along this town centre peripheral location.

Also it is considered the proposal does not offend the content of the recently published SPPS for the reasons already stated, and will contribute to a vibrant town centre, providing a mix of commercial and residential uses.

It is noted the representations received have expressed concerns regarding the ground floor use as a cafe shop, however it is considered it is not possible to sustain a refusal on these grounds in policy terms in this instance.

An office meeting was facilitated with the agent in April 2016 at the request of Transport NI, to discuss their respective concerns. Planning concerns were also discussed with the agent at this meeting which included the design and finishes of the proposal, bin storage, and parking provision.

Following this meeting amended plans were submitted in May 2016, while Private Streets Determinations drawings were also submitted in June, and further information was also submitted for Rivers Agency in July.

This report is based on the amended scheme received in May, whereby the proposed development and associated siting remains the same, however the design of the front block has been amended to better respect the existing frontage along Main Street.

The amendments made include changes to the design and finishes, whereby the frontage to Main Street has been simplified and now includes painted render walls with stonework at ground floor level. Having account the existing character of the area and associated designs and finishes of adjacent properties it is considered the design and finishes now proposed are acceptable.

While it is noted the development proposed is larger than that currently existing on site, it is considered the 3 storey development to the front and 2 storey block to the rear are in keeping with the existing character of this area, thus no objections are offered.

Having account the town centre location of the site and associated density of the area it is considered the site is large enough to accommodate 2 blocks of units which is reflective of the existing character.

In addition it is considered the separation distance and spacing between units and all other adjoining/adjacent properties is sufficient to prevent any unacceptable impact in this town centre location, in terms of overlooking, overshadowing, loss of light or dominant impact and will not result in the loss of an unacceptable amenity. It is noted this area includes a mix of commercial and residential units whereby the relationships and distances between units in this higher density town centre location is similar to that proposed.

Similarly it is considered sufficient provision has been made for amenity space and parking for these units in this town centre location.

It is noted 5 parking spaces are being provided within the site (ratio of 1 to 1) for these 5 apartments, which is considered acceptable for this town centre location. It is also noted a new footway is to be provided along the side of the site, which will improve this stretch of road as no footpath existing along this stretch of road at present. An enclosed bin storage area is also to be provided for both the retail and residential units.

It is acknowledged no parking is being provided for the cafe however this is reflective for existing uses along Main Street and within the town centre area.

While it is noted there is opposition to this scheme on balance it is considered the proposal complies with the applicable policy context, whereby there are no justifiable grounds to sustain a refusal.

As such approval is recommended subject to conditions.

**Recommendation: Approval.**

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

<b>ITEM NO</b>	8			
<b>APPLIC NO</b>	LA07/2016/0313/F	Full	<b>DATE VALID</b>	3/7/16
<b>COUNCIL OPINION</b>	REFUSAL			
<b>APPLICANT</b>	Mr Colin Bell 85 The Mout Belfast BT5 4NB	<b>AGENT</b>	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT NA	
<b>LOCATION</b>	2 Ballynahinch Road Crossgar Co Down			
<b>PROPOSAL</b>	Proposed car wash and valeting centre			
<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 Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, prejudice the safety and convenience of road users since the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.



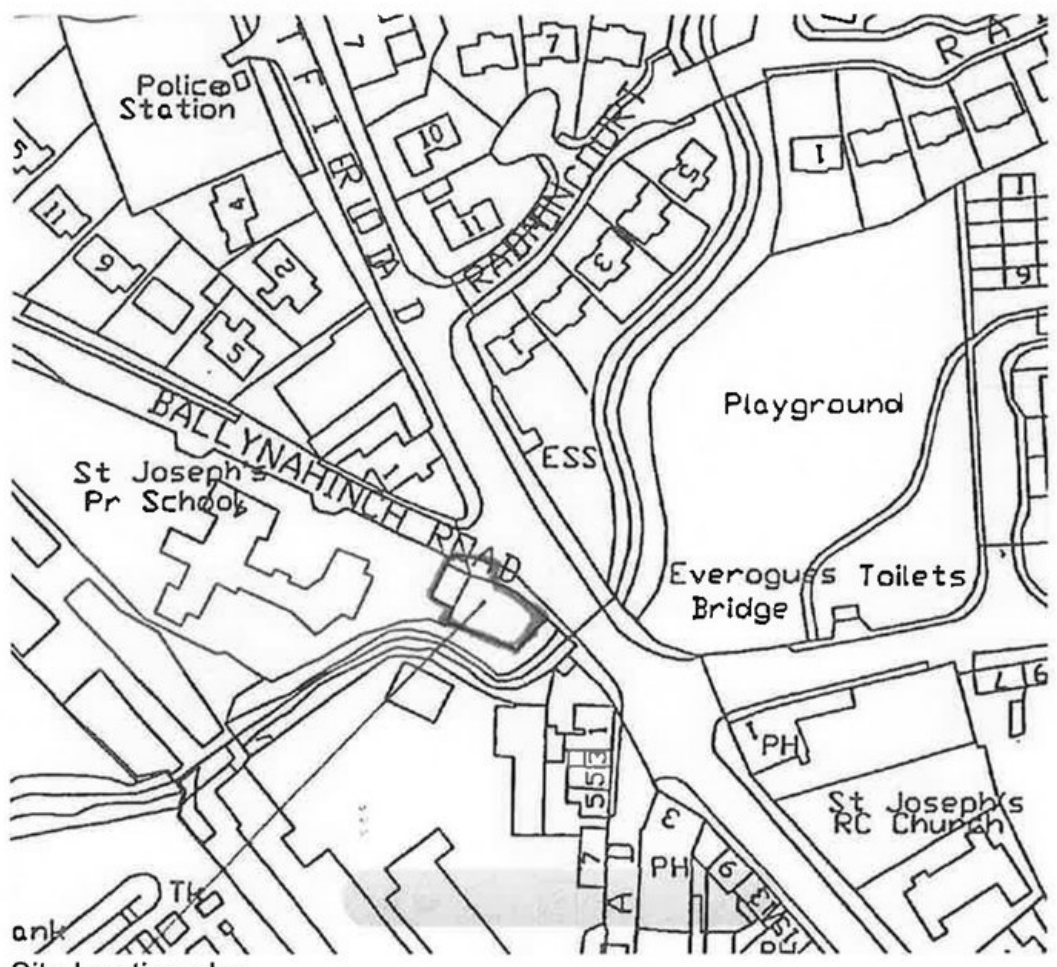
Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin  
**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0313/F

**Date Received:** 07.03.2016

**Proposal:** The application is for full planning permission for a proposed car wash and valeting centre.

**Location:** The application site is located within the settlement limits of Crossgar village as designated in the Ards and Down Area Plan 2015.



ank  
Site location plan





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

The application site is located at the junction of Ballynahinch Road and Saintfield Road. It is also located in close proximity to the small roundabout in Crossgar. The surroundings are mixed use. Adjacent and to the west of the site is St Joseph's Primary School. To the north is residential. Opposite and to the east is playground. To the south east is a row of shops at the roundabout including a photographers and a barbers. The glasswater River runs to the SE and south of the site. The site is currently operating as an unauthorised car wash and an enforcement case has been opened LA07/2015/0071/CA.

### **Site History:**

R/2013/0477/F St Joseph's PS Ballynahinch Road Crossgar,  
Construct car park extension on existing grass area create one way in and out traffic system Permission Granted 03.03.2014

R/1997/1031 St Joseph's Primary School 4 Ballynahinch Road Crossgar Extensions to school to provide office and storage accommodation Permission Granted.

R/2010/0368/F Glasswater Cross Community, Playgroup, 4 Ballynahinch Road, Crossgar, Downpatrick, BT30 9HS. Replacement Modular Building and associated ground works. Permission Granted 28.10.2010

R/2012/0110/CA 1 Ballynahinch Road, Lissara, Crossgar, Down, BT30 9HS, Alleged unauthorised car sales Enforcement Case Closed. 17.10.2012

LA07/2015/0071/CA Adjacent To 4 Ballynahinch Road, Creevyarnon, Crossgar, Down, BT30 9HS, Alleged unauthorised carwash. Negotiate To Resolve.

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

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPSS is the relevant policy document, which is read in conjunction with PPS 3.

**Consultations:**

NI water - Strategic – No objections

Transport NI – refusal reason

NIEA Water management – No objections subject to conditions

Rivers Agency - no objection to the development taking place.

Environmental Health – no objections subject to the proposal providing all power washers are designed and located not to cause noise disturbance to neighbouring residential or commercial property.

**Objections & Representations**

In line with statutory requirements nine neighbours have been notified on 31.03.2016

One letter of representation was received by the principal of the local adjacent primary school. The application was advertised in the Mourne Observer and the Down Recorder on 23.03.2016.

**Consideration and Assessment:**

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

The application is to use an existing building as a car valeting service and using the existing tarmac in order to wash cars thus facilitating a car wash business. Planning permission is therefore required for the use of the land. As such the main consideration of the application would be:

- Is the proposal in keeping with the surrounding area
- Does the proposal cause demonstrable harm to the residential amenities of the neighbouring properties?

**Visual Amenity**

The building is already in situ and no changes are proposed to the external appearance, this is considered to be acceptable and in keeping with the area and will not cause demonstrable harm to the character and appearance of the area. Signage is not considered under this application.

**Impact on Residential Amenity**

A letter of concern was submitted as part of the application by the principal of the primary school close by raising issues regarding traffic and safety. The local Cllr of the area has also raised concerns that residents were concerned regarding safety as the site is at a bad junction and a danger to the public.

The Council's Environmental Health department raised no objection to the proposal providing all power washers are designed and located not to cause noise disturbance to neighbouring residential or commercial property.

The agent was asked to provide additional information by way of a detailed site drainage plan. This information was deemed necessary to demonstrate that the proposal is adequately designed to mitigate against potentially polluting activities on-site. Water Management Unit has considered the additional information and clarification provided. As the applicant will be directing all discharge from the proposed development to the foul sewer and trade consent has been authorised by Northern Ireland Water (NIW), Water Management Unit is content. They have attached a condition to any planning approval.

**Road Safety – Transport NI**

Transport NI have been consulted regarding the proposal. They have offered a reason for refusal.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

Refusal is recommended.

**Recommendation:**

Refusal

**Refusal Reason:**

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

Case Officer

Date

Appointed

Date





## Planning Committee Schedule of 26th October 2016

Planning reference: **LA07/2016/0313/F**

Proposal: **Proposed car wash & valeting Centre**

Date Valid: **7th March 2016**

Applicant: **Colin Bell**

Location **2 Ballynahinch Road Crossgar**

Recommendation: **Refusal**

### Reasons

1 The proposal is contrary to Planning Policy Statement 3, Development Control: Roads

Considerations in that it would, if permitted, prejudice the safety and convenience of road users since the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

### Site Description

The site is located within the development limits of Crossgar a village as designated in the Ards and Down area Plan 2015 being the relevant area plan for this settlement.

The site is located on the Ballynahinch Road close to the junction with the Saintfield Road and adjacent to the Everogues Bridge and the mini roundabout which is located some 70m to the south in the direction of Downpatrick at the junction of Downpatrick Street, Killyleigh Street and Kilmore Road all located within the designated 30mile an hour speed limit.

The land uses in the vicinity are mixed including residential, shops, school, play group, community building, church and associated carwash within its carpark which is located some 40 m from the mini roundabout.

## Planning Policies & Considerations

The subject site is as previously stated located in a settlement as defined in the Ards and Down Area Plan 2015 and the relevant policy document is Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 3 (PPS 3) SPPS states that planning authorities must determine the sustainability of proposals having regard to the relevant area plan and development should be permitted unless it will cause demonstrable harm to interests of acknowledged importance - meaning that the proposal must accord with an up-to-date development plan and as such can benefit from an approval, the current proposal is to reuse an existing egg processing, distribution and sales building which has been used by the applicants family, thus resulting in daily and nightly movements to and from the site as eggs were collected processed and redistributed all over the country

Policy AMP 2 of PPS 3 states Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes

This proposal is to reuse an existing building and access for a similar use with no increase in traffic movement as a result and as such is compliant with the policy.

## Planning History

There is no planning history which related to this site which as described has been used for over 50 years as processing, storage and distribution centre for whole sale and retail items.

The Council currently hold an enforcement case in abeyance in relation to the current proposal which was commenced without the benefit of the approval which is now sought in reattribute.

## **Impact**

The current proposal will have no effect on the visual amenity of the area as the building on the site has stood for many years and there is no proposal to enlarge the structure, the tarmacked area to the side has been used extensively in association with the previous usage and the only impact on this site would be as a result of associated signage which would require an express consent.

## **Objections**

The detailing of the refusal on the Council list states that there were no Objection letters, petitions or letters of support, petitions. However we are informed in the report to the Council that concerns were raised by the principal of the school and a Councillor in relation to traffic and safety, it is unclear as to the content of these, as the complaints refer to a bad junction which we would indicate is located adjacent to the school and as no intensification of the access to the application site is proposed it can be assumed that vehicles dropping of and picking up children from the school may be the cause of such a problem at this so called bad and dangerous junction. No substantive objections have been received from any of the statutory consultees with the notable exception of Transport Ni

## **Assessment of reason for Refusal**

The reason put forward for refusing this proposal are solely based on Transport Ni assertion that the proposed use will lead to intensification of use and no consideration has been taken in relation to the former use and the movement of vehicles associated with use.

A survey is currently being carried out to determine the vehicle movements at present versus the previous movements

## **Conclusion**

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





<b>ITEM NO</b>	<b>13</b>			
<b>APPLIC NO</b>	LA07/2016/0590/F	<b>Full</b>	<b>DATE VALID</b>	5/5/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Niall Waters 7 Ardtole Road	<b>AGENT</b>	Conor McKenna	
	BT30 7SL		Carryduff	BT8 8PE
			07817266339	
<b>LOCATION</b>	3 Green Road			
	Ardglass			
	BT30 7UA			
<b>PROPOSAL</b>	Replacement dwelling and garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	2	0	0	0
	<b>Addresses Signatures</b>		<b>Addresses Signatures</b>	

- 1 The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that:
  - The development fails to preserve or enhance the character and appearance of the Conservation Area
  - The development is not in sympathy with the characteristic built form of the area and does not conform with the guidance set out in the Ardglass Conservation Area document
  - its scale / form / massing / proportions / height / materials, and detailing do not respect the characteristics of adjoining buildings in the area;
  - the development would result in the loss of important views within, into, and out of the area 12
  - The development does not conform with the guidance set out in the Ardglass Conservation Area document.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy BH14 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building makes a material contribution to the character and appearance of the Ardglass Conservation Area and no exceptional reason has been demonstrated which, in the judgement of the Council, justifies its demolition.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy BH14 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building makes a material contribution to the character and appearance of the Ardglass Conservation Area and no exceptional reason has been demonstrated which, in the judgement of the Council, justifies its demolition.
- 4 The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape by reason of its scale/design/massing/materials which are out of keeping with the character of the area.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of PPS2 in that:
  - The development is not of an appropriate design, size, and scale for the locality;
  - The development fails to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality;
  - The development fails to respect local architectural styles and patterns; and local materials and design



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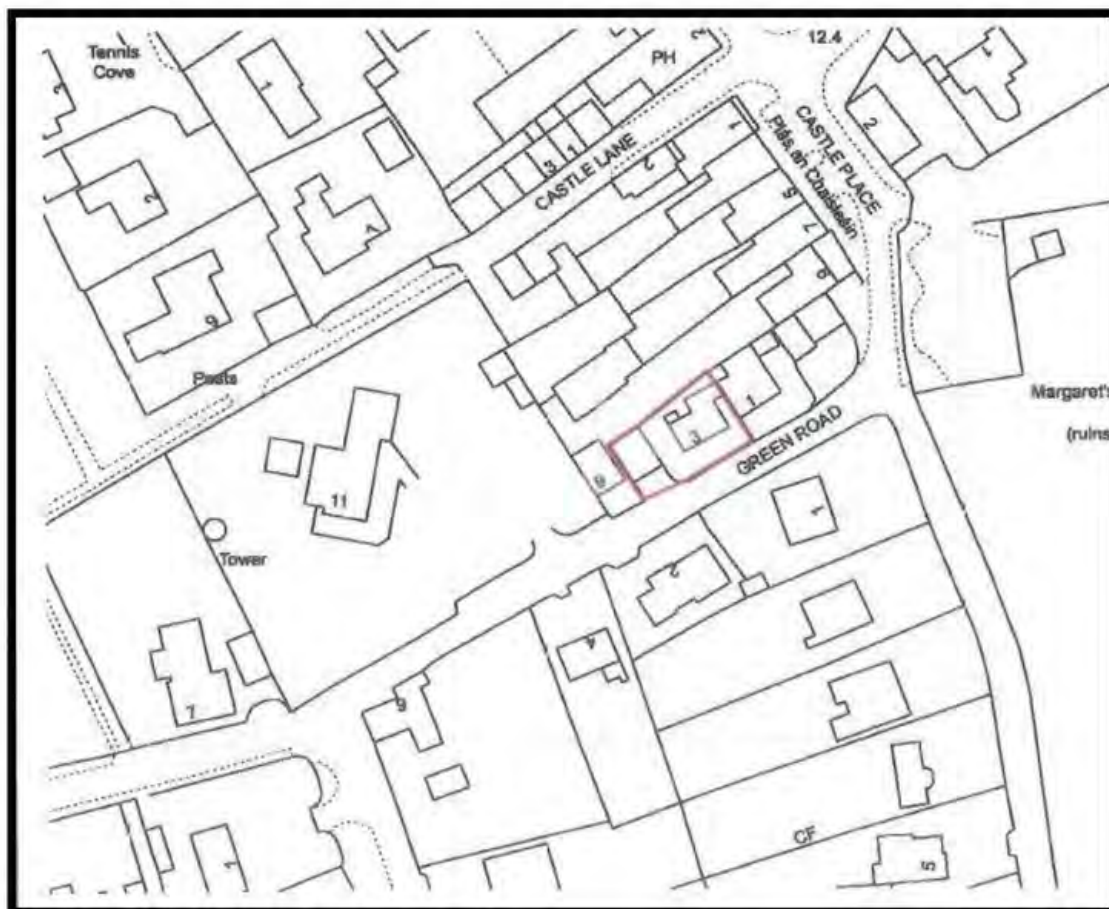
**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0590/F**

**Date Received:** 21th April 2016

**Proposal:** Replacement dwelling and garage

**Location:** The site is located at no 3 Green Road, Ardglass which is situated within the defined settlement limit of Ardglass. The site is located to the south of the town and is approximately 10km to the southeast of Downpatrick.



## Site Characteristics & Area Characteristics:

### Site Characteristics

The site contains a single storey detached bungalow and mono-pitched shed with small front and side gardens. The site is accessed via a pedestrian gateway from Green Road and from a hard standing parking area within the site to the southwest, again accessed from Green Road.

The existing dwelling is finished with painted dash with non-profiled black/grey roof slates and red brick chimney located on the ridge line. The main roof is hipped with a small pitched roof projection to the front of the dwelling. There is an enclosed verandah to the front of the building. There is a small rear return with a mono-pitched roof and a flat roofed extension to the rear which projects beyond the side elevation. Windows and doors are finished with white upvc.

The front and side gardens are defined by mature garden hedges. The western boundary of the site is demarked by a high stone wall against which the corrugate sheet metal lean-to shed has been constructed. The shed is painted black with front and side entrance doors and side and rear windows.

The site is located off Green Road which slopes upward from northeast to southwest.

### Characteristics of area

The site is located within the Ardglass Conservation Area. The site is in close proximity to a tower house located 30m to the northeast and 2 castles approximately 75m to the east of the site at Ardglass golf club.

To the south of the site across Green Road there are large detached dwellings of various styles and sizes – these properties are located outside the conservation area. Directly to the east is no1 Green Road which is of a similar age, size and design of the dwelling to be replaced at no3. Further east is Ardglass Golf Club and the coastline. To the northeast is a listed Victorian terrace that is 1-7 Castle Place with rear gardens stretching back to the rear of the site to the north. There are further listed buildings along Kildare Street further north. To the west of the site is a two storey dwelling with a pedestrian entrance directly from Green Road through a high stone wall. Further to the west of the site is a large dwelling set on spacious grounds behind high stone walls. There is a listed watch tower (the Eye of Ardglass) within this dwellings grounds. The surrounding walls are thought to have enclosed the gardens of Ardglass Castle. There is a listed single storey dwelling to the southwest at no7 Green Road.

### **Site History:**

R/1996/0602

1 Green Road, Ardglass – Dwelling –Granted

R/1997/0534

1 Green Road, Ardglass – Demolition of existing single storey house including flat roofed rear extension and lean to timber framed garage – Granted

LA07/2016/0594/DCA

3 Green Road, Ardglass, BT30 7UA - Demolition of existing cottage and shed – Pending

**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 7
- Planning Strategy for a Rural Northern Ireland
- Ardglass Conservation Area Guide (June 1996)

The site is located with the Ardglass Defined Settlement Limit and within Ardglass Conservation Area. It is also located within a designated Area of Outstanding Natural Beauty and Area of Archaeological Potential. It is in proximity to several archaeological site and monuments.

**Consultations:**

- Statutory NI Transport – No objections
- Statutory Historic Environment Division (Historic Buildings & Historic Monuments) – No objections w/ conditions
- Non-Statutory NI Water – No objections
- Advice and Guidance Environmental Health – No objections

**Objections & Representations**

The following neighbouring properties were notified on 26<sup>th</sup> May 2016

- 1 Downs Road, Ardglass
- 1 Green Road, Ardglass
- 2 Green Road, Ardglass
- 9 Green Road, Ardglass
- 9 Castle Place, Ardglass

The application was advertised on 25<sup>th</sup> May 2016.

2no letters of objection have been received in relation to this application from the owner/occupiers of no9 Green Road and no9 Castle Place

The objections raised the following issues:

- Neighbour notification letter not received
- Concerns regarding the demolition of the property which contains asbestos
- First floor patio would result in overlooking into no9.
- First floor WC window would overlook neighbour rear garden – request that this window is permanently retained in obscure glass

With regards to the no9 Green Road not receiving a neighbour notification letter, a neighbour notification letter was sent to this property from the Council on 26<sup>th</sup> May

2016. The owner/occupier is aware of the proposal and no further notification is considered necessary.

**Consideration and Assessment:**

This application is for full planning permission for a replacement dwelling at no3 Green Road, Ardglass. The site is located within the Defined Settlement of Ardglass and within Ardglass Conservation Area. An application for Conservation Area Consent (LA07/2016/0594/DCA) has been submitted and will be determined alongside this application.

Principle

PPS 6 – BH14 – Demolition in a Conservation Area states that the Council will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.

It goes on to state that in assessing proposals the [Council] will have regard to the same broad criteria outlined [in para 6.5 and policy BH10] for the demolition of listed buildings. Consideration should be given to these criteria when assessing whether the building makes a material contribution to the character or appearance of the Conservation Area rather than the individual merits of the building itself.

SPPS paragraph 6.18 states that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.

Paragraph 6.19 goes on to state that ‘in the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should:

Be sympathetic to the characteristic built form of the area;

- Be sympathetic to the characteristic built form of the area.
- Respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing;
- Not result in environmental problems such as noise, nuisance, disturbance;
- Protect important views within, into and out of the area;
- Protect trees and other landscape features contributing to the character or appearance of the area;
- Conform with the guidance set out in any published Conservation Area design guides; and
- Only consider demolition of an unlisted building where the Planning Authority deems that the building makes no material contribution to the character of the

area and subject to appropriate arrangements for the redevelopment of the site.

The proposal for demolition must take into account the new build proposal, and for the statutory requirements to be met, the demolition and replacement should leave the character of the CA unharmed. The relevant test is whether the rebuilding proposal makes a contribution to the character and appearance of the CA which is equal or greater to that of the existing building on the site.

Consideration should first be given as to whether the building makes a contribution to the character of the conservation area.

No3 Green Road is similar to the neighbouring no1 Green Road. These two properties were likely built at the same time and have each been modified over the years – despite some small modifications and extensions, the two dwellings remain very similar in appearance, particularly along the front elevation. The additional information submitted to the Council on 26<sup>th</sup> July states that the dwelling was constructed in the 1930's

Views of the dwelling become available when descending Green Road from the south-west toward Castle Place. High stone walls line each side of Green Road, however views of the site open up when passing the neighbouring property at no9 Green Road. There is a 2m high mature garden hedge lining Green Road; however the dwelling is set on slightly elevated ground behind the hedge making the majority of the dwelling visible from this direction.



The dwelling is visible from the northeast at the corner of Castle Place and Green Road and when travelling onto Green Road from Castle Place. The topography of the land rises from northeast to southwest. Mature garden hedges to the front of no1 & no3 restrict views of the dwellings however the upper windows and roofs are clearly visible from Green Road.



There is a more recently constructed garage to the eastern side of no1 Green Road which is linked to the main dwelling. No3 Green Road has a red brick chimney on the main roof ridge and blue painted timber eaves. The dwelling appears to be in good structural condition and windows and doors are generally finished with upvc and double glazing. The dwelling is currently unoccupied however it appears to have been recently inhabited. Gardens and surrounding grounds are well kept.

The Conservation Area boundary follows the street pattern established in the early 19<sup>th</sup> Century and the designation was established to assist the protection and the regeneration of the village.

The dwelling to be replaced is modest in scale and typical of its era. The dwelling respects the surrounding buildings and roof lines on Green Road and reads visually as part of a series of buildings along this stretch of green Road. The dwelling has a front elevation of 9.8m with a ridge height of 4.6m above finished floor level. The dwelling is well integrated and set among mature boundaries with a low ridge height, with an appropriate design and finishes. Due to its sympathetic design, condition, and mature landscaped setting, it is considered that it does make a contribution to the character and appearance of the Conservation Area. The dwelling remains to be a good example of the architecture of its era.



The supporting statement submitted 26<sup>th</sup> July 2016 argues that due to the absence of reference to dwellings at 1, 3, 5 Green Road in the Conservation Design Guide, that they are incidental to the overall value and character of the Conservation Area



and had no role in the designation. I do not agree that because these dwellings were not referenced specifically that this should infer that they had no role in the designation.

It is noted that the neighbouring property was granted conservation consent to demolish and a replacement under R/1996/0602 & R/1997/0534, this was determined under a different policy context prior to the enactment of PPS6 which was published in March 1999. The current proposal for no3 Green Road has been considered under the current policy context.

I will now consider whether the rebuilding proposal makes a contribution to the character and appearance of the CA which is equal or greater to that of the existing building on the site.

#### Proposed Replacement Dwelling

The proposed replacement is a 2 storey dwelling of contemporary design with unusual building angles and a shallow hipped roof. The dwelling would be sited further west on the site than the existing dwelling with a ground floor garage annex located on the site of the existing shed. Above the proposed garage annex there would be a large roof terrace bound on 2 sides by a 1.8m close board fence and the other side by 1.1m railings. This roof terrace would be accessed through doors from the upper kitchen and from a set of steps from the rear of the property. A small garden area is proposed to the front of the dwelling and along the eastern area of the site. The existing pedestrian access would remain in its existing location off Green Road. Provision for parking is to the front of the proposed garage.

The proposed walls have been angled so that windows face southeast toward the sea. 2 large windows on the south eastern elevation serve the upper storey living room and ground floor bedroom. There are 2no balconies at first floor level along the front elevation. The proposed dwelling would have a ridge height of 5.65m above finished floor level and the front elevation measures 16.5m in length.

The roof is finished in black zinc standing seam. The walls are to be finished with white render and window frames to be grey anthracite aluminium.

The proposed dwelling would require some cutting into the site. The roof itself would measure 1m from eave to ridge and has a very shallow pitch ranging from approximately 15-20 degrees.

It is considered that the proposed roof would appear disproportionate to the building and would have 6 faces due to the shape of the building. I could not identify any similar roof types within the surrounding area. Notwithstanding this there are a range of roof types throughout the area including mansard / standard pitched / and hipped roofs. An example is given in the design an access statement of a hipped roof on the Village Salon located near the harbour - this building has a standard hipped roof however this example is considered to be well proportioned to the small single storey building.

It is considered that the proposed design is out of keeping with the surrounding buildings and streetscape. The Design and Access Statement refers to the proposed roof as boat like however it is not considered that the proposed roof would have an

obvious link to the boating heritage of the village. The use of zinc as a roofing material is not considered to be in keeping with surrounding buildings roof finishes. The proposed balconies and large roof terrace with associated railing and fences are also considered uncharacteristic of the conservation area.

The Design Guide states in para 8.1 that 'new work must have regard to the scale and proportions of the existing buildings and be in keeping with the established architectural rhythms of the existing streetscape'.

The proposed dwelling would increase the gap between no1 & no3 Green Road by approximately 4.7m. The roof ridge would be approximately 1m higher than the existing dwelling. It is not considered that the dwelling would be in keeping with the established architectural rhythms of the existing townscape. The applicant has argued that the proposed dwelling would overcome the unsatisfactory relationship with the nearest neighbours; however it is not considered that there is any existing problem with overlooking into no1 Green Road, or the gardens of no9 Castle Place.

The proposed roof terrace would be located approximately 2m from the neighbouring property at no9 Green Road. Whilst a 1.8m high fence is proposed to address potential overlooking, it is considered that the roof terrace would result in unacceptable amenity issues by way of noise and disturbance due to the close proximity to the neighbouring dwelling. It is therefore considered contrary to PPS7 QD1.

Para 8.2 states that new buildings should generally replicate the scale and proportions of the existing and should include important themes or elements such as chimney stacks and pots – the proposed dwelling would be of a greater scale, height and length than the existing dwelling. It is not considered that it includes important themes or elements of the existing building.

Para 12.1 states that all roofs should pitch away from the street frontage at angles similar to those on neighbouring properties. The proposed roof pitch is shallow and varies between 15-20 degrees. The neighbouring dwelling at no1 Green Road has a standard hipped roof which appears proportionate to the building. There is a standard hipped roof on a 2 storey building within the curtilage of no 11 Green Road – this building is square in shape and again the roof is considered proportionate to the buildings shape and size. There are no roofs of a similar style or angle on neighbour properties.

The proposed dwelling is considered contrary to the SPPS, BH12, and BH14 in that it is not considered sympathetic to the characteristic built form of the area; it fails to respect the characteristics of adjoining buildings in the area by way of its scale form, material and detailing; it fails to conform with the guidance set out in the published Conservation Area design guide; and it is considered that the building to be replaced makes a material contribution to the character of the area.

The proposal is contrary to policy DES 2 of the Planning Strategy as the proposed dwelling fails to make a positive contribution to the townscape and would not be sensitive to the character of the area surrounding the site in terms of design, scale, and use of materials.

The proposal is contrary to policy NH6 of PPS2 in that the proposed dwelling is not considered to be of an appropriate design, size and scale for the locality; fails to be sympathetic to the special character of the AONB in general and the particular locality; fails to respect local architectural styles and patterns and local materials and design.

Asbestos

The agent has advised that the property contains asbestos and extracts of an asbestos survey completed in 2015 is provided within the supporting statement which demonstrates that there is asbestos present within the existing dwelling. The recommendations of the report advise that the asbestos can be safely managed in-situ and if major refurbishment / demolition is proposed then a refurbishment/demolition survey would be recommended.

Full consideration has been given to the presence of asbestos within the property. As detailed in the asbestos survey the asbestos can be dealt with and removed by trained professionals. It has not been demonstrated that the asbestos could not be dealt with in-situ. Therefore it is not considered that the presence of asbestos within the dwelling would add sufficient weight to justify its demolition where it has been determined to make a material contribution to the Conservation Area.

Additional Information

A supporting statement was submitted to the Council on 26<sup>th</sup> July 2016 prepared by Mr Frederic Moore MA, MA, PG Cert Architectural Conservation, IHBC. This statement was fully considered in the assessment of this application.

**Recommendation:**

Refusal

**Refusal Reasons/ Conditions:**

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy BH14 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building makes a material contribution to the character and appearance of the Ardglass Conservation Area and no exceptional reason has been demonstrated which, in the judgement of the Council, justifies its demolition.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Ardglass Conservation Area and the development would, if permitted, not preserve or enhance the character and appearance of the area.

The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that:

- The development fails to preserve or enhance the character and appearance of the Conservation Area
- The development is not in sympathy with the characteristic built form of the area and does not conform with the guidance set out in the Ardglass Conservation Area document
- its scale / form / massing / proportions / height / materials, and detailing do not respect the characteristics of adjoining buildings in the area;
- the development would result in the loss of important views within, into, and out of the area

- The development does not conform with the guidance set out in the Ardglass Conservation Area document.

The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape by reason of its scale/design/massing/materials which are out of keeping with the character of the area.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of PPS2 in that:

- The development is not of an appropriate design, size, and scale for the locality;
- The development fails to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality;
- The development fails to respect local architectural styles and patterns; and local materials and design.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that;

- The development fails to preserve or enhance the distinctive character and appearance of the Ardglass Conservation Area
- The development fails to respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale, proportions, massing, and appearance of buildings, structures and landscaped and hard surfaced areas;
- The development fails to draw upon the best local traditions of form, material, and detailing;
- The design and layout will conflict with adjacent land uses in that the proposed roof terrace would create an unacceptable adverse effect on the neighbouring property at no9 Green Road in terms of noise and disturbance.

- 6 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that;

The development fails to preserve or enhance the distinctive character and appearance of the Ardglass Conservation Area

The development fails to respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale, proportions, massing, and appearance of buildings, structures and landscaped and hard surfaced areas;

The development fails to draw upon the best local traditions of form, material, and detailing; The design and layout will conflict with adjacent land uses in that the proposed roof terrace would create an unacceptable adverse effect on the neighbouring property at no9 Green Road in terms of noise and disturbance.

Dear Sir/Madam

Re: Planning Meeting regarding 3 Green Road Ardglass  
LA07/2016/0590/F & LA07/2016/0594/DCA  
Demolition of Dwelling & Replacement Dwelling.

As Agent for the above application I request speaking rights in the forthcoming meeting on 26th October regarding the above application.

The 5minutes will be shared between myself and conservation specialist and town planner Fred Moore.

We hope the short time affords us to set out clearly and stridently that the application must be deferred on the grounds of public health. A meeting must be granted with the department prior to final determination to gain clarity on the incompatible concerns of asbestos removal and the imposed retention of the original pre-fab dwelling.

An immediate refusal (without any opportunity to discuss these complex issues) leaves the applicant in limbo in terms of the character of any interior and exterior refurbishment to make the dwelling habitable.

An immediate refusal (without any opportunity to discuss these complex issues) brings into disarray any liability for asbestos within the retained portions of the dwelling.

The department has recommended refusal of the demolition of the 1930s pre-fabricated timber framed building based on its siting within the Ardglass Conservation Area. We have outlined most clearly the asbestos contamination of the dwelling is replete and inherent in both the external and internal fabric of the vacant timber framed dwelling. The imperative to remove the asbestos is a de-facto demolition, we seek to ensure the Planning Department is cogent of this fact and for any determination conditions to take note of the same.

The department have insisted from the outset the asbestos can be removed and the building remain. With what authority can they say this? The Department never sought internal access to the dwelling with any suitably qualified surveyor. Where then does the liability lie with this determination to retain the building? We believe the planning department should have re-consulted Environmental health once the in-house opinion to retain the dwelling was reached.

We are in possession of a new more detailed asbestos survey from a UKAS registered asbestos engineer, we believe this will bring clarity to the extent of the asbestos contamination. We ask a deferral and the opportunity to discuss this new report with the department to gain clarity on the above.

We ask the committee to consider the severe and undue burden that an immediate refusal without clarity on the asbestos will impose on the applicant.

In addition we have some observations and queries regarding the application process.

1. Why was public health not re-consulted once the opinion to retain the asbestos contaminated dwelling was reached?. What in-house qualifications or information do the planning department have to

determine what asbestos free elements will remain?

2. Why was a Conservation Architect or Conservation Specialist not consulted regarding the demolition?. We engaged Fred Moore a local Town Planner and long-standing Conservation Specialist from the outset and his report concluded the dwelling was not characteristic of the C.A and its inclusion was incidental. It is reasonable to expect the Department would have engaged a specialist of comparable qualifications to counter our position.

3. We have made it clear several times we are amenable and flexible on the replacement dwelling design. We were not afforded a meeting to discuss this either.

With the above points in mind we believe a deferral and a subsequent meeting with the planners is the only appropriate step at this point and could help bring the application to an outcome favourable to both the department and the applicant.

We look forward to presenting our case to you.

Best regards

Conor McKenna  
Architect.



<b>ITEM NO</b>	<b>14</b>			
<b>APPLIC NO</b>	LA07/2016/0594/DCA	Demolition w	<b>DATE VALID</b>	5/5/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Niall Waters 7 Ardtole Road		<b>AGENT</b>	Conor McKenna
	BT30 7SL			Carryduff BT8 8PE 07817266339
<b>LOCATION</b>	3 Green Road Ardglass BT30 7UA			
<b>PROPOSAL</b>	Demolition of existing cottage and shed			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	2	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy BH14 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building makes a material contribution to the character and appearance of the Ardglass Conservation Area and no exceptional reason has been demonstrated which, in the judgement of the Council, justifies its demolition.



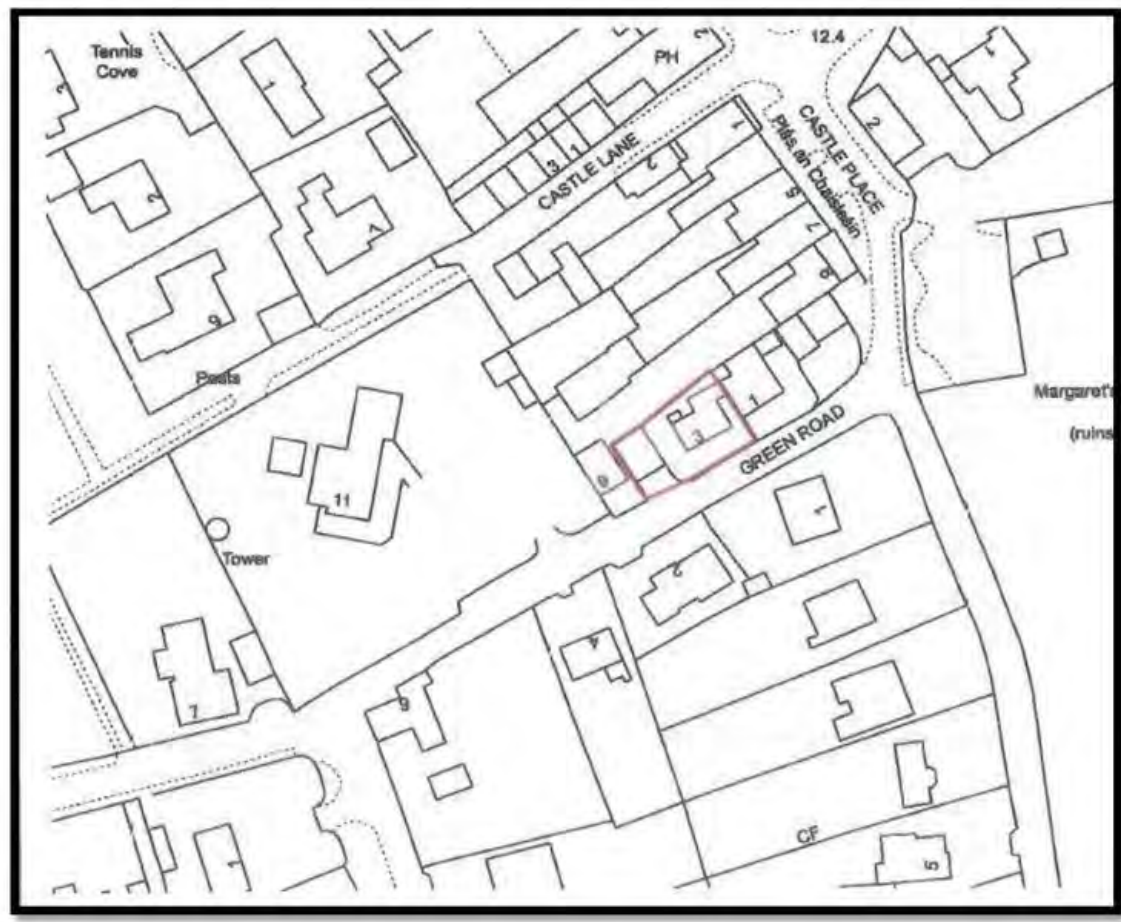
Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin  
**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0594/DCA

**Date Received:** 21th April 2016

**Proposal:** Demolition of existing cottage and shed

**Location:** The site is located at no 3 Green Road, Ardglass which is situated within the defined settlement limit of Ardglass. The site is located to the south of the town and is approximately 10km to the southeast of Downpatrick.



## Site Characteristics & Area Characteristics:

### Site Characteristics

The site contains a single storey detached bungalow and mono-pitched shed with small front and side gardens. The site is accessed via a pedestrian gateway from Green Road and from a hard standing parking area within the site to the southwest, again accessed from Green Road.

The existing dwelling is finished with painted dash with non-profiled black/grey roof slates and red brick chimney located on the ridge line. The main roof is hipped with a small pitched roof projection to the front of the dwelling. There is an enclosed verandah to the front of the building. There is a small rear return with a mono-pitched roof and a flat roofed extension to the rear which projects beyond the side elevation. Windows and doors are finished with white upvc.

The front and side gardens are defined by mature garden hedges. The western boundary of the site is demarked by a high stone wall against which the corrugate sheet metal lean-to shed has been constructed. The shed is painted black with front and side entrance doors and side and rear windows.

The site is located off Green Road which slopes upward from northeast to southwest.

### Characteristics of area

The site is located within the Ardglass Conservation Area. The site is in close proximity to a tower house located 30m to the northeast and 2 castles approximately 75m to the east of the site at Ardglass golf club.

To the south of the site across Green Road there are large detached dwellings of various styles and sizes – these properties are located outside the conservation area. Directly to the east is no1 Green Road which is of a similar age, size and design of the dwelling to be replaced at no3. Further east is Ardglass Golf Club and the coastline. To the northeast is a listed Victorian terrace that is 1-7 Castle Place with rear gardens stretching back to the rear of the site to the north. There are further listed buildings along Kildare Street further north. To the west of the site is a two storey dwelling with a pedestrian entrance directly from Green Road through a high stone wall. Further to the west of the site is a large dwelling set on spacious grounds behind high stone walls. There is a listed watch tower (the Eye of Ardglass) within this dwellings grounds. The surrounding walls are thought to have enclosed the gardens of Ardglass Castle. There is a listed single storey dwelling to the southwest at no7 Green Road.

### **Site History:**

R/1996/0602	1 Green Road, Ardglass – Dwelling –Granted
R/1997/0534	1 Green Road, Ardglass – Demolition of existing single storey house including flat roofed rear extension and lean to timber framed garage – Granted
LA07/2016/0590/F	3 Green Road, Ardglass, BT30 7UA – Replacement dwelling and garage

**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 6
- Planning Policy Statement 7
- Planning Strategy for a Rural Northern Ireland
- Ardglass Conservation Area Guide (June 1996)

The site is located with the Ardglass Defined Settlement Limit and within Ardglass Conservation Area. It is also located within a designated Area of Outstanding Natural Beauty and Area of Archaeological Potential. It is in proximity to several archaeological site and monuments.

**Consultations:**

- Statutory Historic Monuments)                      Historic Environment Division (Historic Buildings & No objections w/ conditions

**Objections & Representations**

No neighbours were notified on this application in accordance with Regulation 5 of The Planning (Conservation Area) Regulations (NI) 2015. Neighbouring occupiers were notified in relation to the full application.

The application was advertised on 25<sup>th</sup> May 2016.

2no letters of objection have been received in relation to this application from the owner/occupiers of no9 Green Road and no9 Castle Place.

The objections raised the following issues in relation to the Demolition of the dwelling:

- Concerns with Asbestos – risk to children and adults in neighbouring B&B from dust spores and noise. Concerns that neighbouring business would need to be vacated during demolition
- Noise impact on business customers and concerns that business would need to be closed due to unacceptable noise levels and H&S risks.
- Request for suitable conditions to be applied to any planning permission with regards to asbestos regulations – Request that demolition dates be agreed with neighbours
- Concerns regarding the demolition of the property which contains asbestos

With regards to the no9 Green Road not receiving a neighbour notification letter, a neighbour notification letter was sent to this property from the Council on 26<sup>th</sup> May 2016. The owner/occupier is aware of the proposal and no further notification is considered necessary.

#### **Consideration and Assessment:**

This application is for full planning permission for a replacement dwelling at no3 Green Road, Ardglass. The site is located within the Defined Settlement of Ardglass and within Ardglass Conservation Area. A full application for a replacement dwelling and garage (LA07/2016/0590/F) has been submitted and will be determined alongside this application.

#### Principle

PPS 6 – BH14 – Demolition in a Conservation Area states that the Council will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.

It goes on to state that in assessing proposals the [Council] will have regard to the same broad criteria outlined [in para 6.5 and policy BH10] for the demolition of listed buildings. Consideration should be given to these criteria when assessing whether the building makes a material contribution to the character or appearance of the Conservation Area rather than the individual merits of the building itself.

SPPS paragraph 6.18 states that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted

buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.

Paragraph 6.19 goes on to state that 'in the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should:

Be sympathetic to the characteristic built form of the area;

- Be sympathetic to the characteristic built form of the area.
- Respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing;
- Not result in environmental problems such as noise, nuisance, disturbance;
- Protect important views within, into and out of the area;
- Protect trees and other landscape features contributing to the character or appearance of the area;
- Conform with the guidance set out in any published Conservation Area design guides; and
- Only consider demolition of an unlisted building where the Planning Authority deems that the building makes no material contribution to the character of the area and subject to appropriate arrangements for the redevelopment of the site.

The proposal for demolition must take into account the new build proposal, and for the statutory requirements to be met, the demolition and replacement should leave the character of the CA unharmed. Consideration should be given to whether the rebuilding proposal makes a contribution to the character and appearance of the CA which is equal or greater to that of the existing building on the site. The replacement dwelling will be considered in the report for LA07/2016/0590/F.

Consideration is now given as to whether the building makes a contribution to the character of the conservation area.

No3 Green Road is similar to the neighbouring no1 Green Road. These two properties were likely built at the same time and have each been modified over the years – despite some small modifications and extensions, the two dwellings remain very similar in appearance, particularly along the front elevation. The additional information submitted to the Council on 26<sup>th</sup> July states that the dwelling was constructed in the 1930's.

Views of the dwelling become available when descending Green Road from the south-west toward Castle Place. High stone walls line each side of Green Road, however views of the site open up when passing the neighbouring property at no9 Green Road. There is a 2m high mature garden hedge lining Green Road; however the dwelling is set on slightly elevated ground behind the hedge making the majority of the dwelling visible from this direction.



The dwelling is visible from the northeast at the corner of Castle Place and Green Road and when travelling onto Green Road from Castle Place. The topography of the land rises from northeast to southwest. Mature garden hedges to the front of no1 & no3 restrict views of the dwellings however the upper windows and roofs are clearly visible from Green Road.



There is a more recently constructed garage to the eastern side of no1 Green Road which is linked to the main dwelling. No3 Green Road has a red brick chimney on the main roof ridge and blue painted timber eaves. The dwelling appears to be in good structural condition and windows and doors are generally finished with upvc and double glazing. The dwelling is currently unoccupied however it appears to have been recently inhabited. Gardens and surrounding grounds are well kept.

The Conservation Area boundary follows the street pattern established in the early 19<sup>th</sup> Century and the designation was established to assist the protection and the regeneration of the village.

The dwelling to be demolished is modest in scale and typical of its era. The dwelling appears to be in good condition and it respects the surrounding buildings and roof lines on Green Road and reads visually as part of a series of buildings along this stretch of green Road. The dwelling has a front elevation of 9.8m with a ridge height of 4.6m above finished floor level. The dwelling is well integrated and set among mature boundaries with a low ridge height, with an appropriate design and finishes. Due to its sympathetic design, condition, and mature landscaped setting, it is considered that it does make a contribution to the character and appearance of the Conservation Area. The dwelling remains to be a good example of the architecture and style of its era and is sympathetic to the surrounding conservation area.



The supporting statement submitted 26<sup>th</sup> July 2016 argues that the absence of reference to dwellings at 1, 3, 5 Green Road in the Conservation Design Guide



indicates that they are incidental to the overall value and character of the Conservation Area and had no role in the designation. I do not agree that because these dwellings were not referenced specifically that this should infer that they had no role in the designation.

#### Asbestos

The agent has advised that the property contains asbestos and the supporting statement provides extracts of an asbestos survey completed in 2015 which demonstrates that there is asbestos present within the existing dwelling. The recommendations of the report advise that the asbestos can be safely managed in-situ and if major refurbishment / demolition is proposed then a refurbishment/demolition survey would be recommended.

Full consideration has been given to the presence of asbestos within the property. As detailed in the asbestos survey the asbestos can be dealt with and removed by trained professionals. It has not been demonstrated that the asbestos could not be dealt with in-situ. Therefore it is not considered that the presence of asbestos within the dwelling would add sufficient weight to justify its demolition where it has been determined to make a material contribution to the Conservation Area.

#### Additional Information

A supporting statement was submitted to the Council on 26<sup>th</sup> July 2016 prepared by Mr Frederic Moore MA, MA, PG Cert Architectural Conservation, IHBC. This statement was fully considered in the assessment of this application.

#### **Recommendation:**

Refusal

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

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy BH14 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building makes a material contribution to the character and appearance of the Ardglass Conservation Area and no exceptional reason has been demonstrated which, in the judgement of the Council, justifies its demolition.

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

<b>ITEM NO</b>	<b>15</b>				
<b>APPLIC NO</b>	LA07/2016/0606/F	<b>Full</b>	<b>DATE VALID</b>	5/6/16	
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>				
<b>APPLICANT</b>	Mr B Boyd Rademon House 60 Ballynahinch Road Rademon Crossgar BT30 9HR	<b>AGENT</b>	Strategic Planning 4 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ 028 90425222		
<b>LOCATION</b>	320m NE of 45 Church Road Rademon Crossgar Downpatrick BT30 9HR				
<b>PROPOSAL</b>	Replacement of existing turbine approved under R/2012/0330/F with a Vestas V52 measuring 40m to hub with 26m blade length. Output not to exceed 250kw.				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	6	0	0	0	
			<b>Addresses Signatures</b>		
			0	0	0 0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0606/F**

**Date Received: May 2016.**

**Proposal:**

Full permission is sought for the replacement of the existing turbine approved under R/2012/0330/F with a Vestas V52, measuring 40m to hub with 26m blade length. Output not to exceed 250kw, on lands 320m NE of 45 Church Road, Rademon, Crossgar.

(Approval R/12/0330 comprised a 40m tower with 15m blades (30m rotor diameter))

Applicant: Mr B Boyd

**Location:**

This site is located in the countryside, between Crossgar and Kilmore, outside the boundary of the grounds of Rademon Historic Park, Garden and Demesne, as identified in the Ards and Down Area Plan 2015. There do not appear to be any other zonings affecting the site, although it is noted there are a number of monuments and listed structures in the vicinity of the site.

**Site Characteristics & Area Characteristics:**

The site outlined in red comprises a circular shaped plot of land, set back approx 280m from the Church Road, on low lying lands, and comprises an existing turbine at present. It is noted there is a cemetery and several dwellings along this stretch and side of the church Road. The site is accessed via an existing gated entrance with gravel surface and existing track which leads to the site which is located in a wooded area, with mature woodland beyond the rear. It is also noted the Ballynhinch River runs along the rear of the site.

As stated above the site for the proposed turbine is relatively low lying whereby the lands in this area undulate and include several drumlins and hill tops.

**Site History**

A history search has been carried out for the site and surrounds which includes an existing turbine (which is to be replaced), whereby the most relevant history observed includes:

R/12/0330- Lands 320m NE of no.45 Church Road, Increase in Hub Height of Wind Turbine previously approved under planning ref R/2011/0742/F from 30m to 40m. Same location. Output not exceeding 250kw, Full, Approval, 03-10-12, Applicant: Mr Boyd.

R/11/0742- Lands 320m NE of no.45 Church Road, Erection of wind turbine with 30m hub height and 30m rotor diameter, with a maximum output not exceeding 250KW, Full, Approval, 04-05-12, Applicant: Mr Boyd.

### **Representations**

6 representations in opposition to the proposal have been received to date (10-10-16) from no.44 Church Road, 65 Kilmore Road, 24 Church Road, 68 Church Road, and also Donaldson Planning (on behalf of residents in Church Road), and Councillor Andrews whereby the main issues raised include:

- lack of neighbour notification,
- concerns regarding the impact this larger turbine will have on this rural area,
- separation distances required from a turbine are referred to (10 times the rotor diameter) with reference to an appeal decision also included (2015/A0041). This proposal does not comply with this requirement thus is regarded as completely unacceptable in terms of dominance and impact upon amenity,
- other appeal decisions (Enifer Downs and Newlands) are also referred to,
- the proposal is contrary to policy RE1 of PPS18, as it will have an unacceptable landscape impact and an adverse impact upon residential amenity,
- the history and background to the site is also referred to,
- this increased size of turbine of 66m will be obtrusively visible over a much wider area than the original, while the noise associated with it will also be considerably increased,
- wildlife issues have not been addressed in this application,
- the impact of the current turbine is also referred to,

See file for full content of representations received. The above points are a summary of the main issues raised and are meant to comprise an exhaustive list.

With regards to the comments made, having account the extent of the red line, in line with current procedures, practice and requirements, no neighbour notification has been undertaken as part of this application, although the application was advertised in the local press in May 2016.

The appeal decision including reference to separation distances to any property is noted, however it is considered this requirement of siting a turbine a distance of 10 times the rotor diameter relates to shadow flicker, while any reference to requiring a turbine to be sited a minimum distance of 500m from any occupied property is considered to relate to wind farm development only, and not for proposals for single turbines. Shadow Flicker is considered below.

The remaining issues will be covered in the report below.

## Consultations

Due to the nature of this proposal and location and constraints of the site and area, consultations have been carried out with HED (Historic Environment Division), NIW Windfarms, Environmental Health, Transport NI, BIA (Belfast Int Airport), Belfast City Airport, NATS (National Air Traffic Services), NIEA, and Ofcom, who offer no objections in principle to this proposal, although NIEA have requested further information (Bat Survey).

A Bat Survey was submitted in August whereby NIEA now offer no objections in principle and have raised no other concerns.

## **Policies: RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS18, and supplementary guidance Best Practice Guidance to PPS 18 and Wind Energy Development in Northern Ireland's Landscapes (August 2010), PPS21.**

PPS21- Sustainable development in the countryside

As stated above the site is located in the countryside, thus policy PPS21 applies.

This policy states that with regards to development proposals for renewable energy project in the countryside, PPS18 applies.

PPS 18 - policy RE 1

Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- 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, and
- e) Public access to the countryside.

Wind Energy Development

Applications for wind energy development will also be required to demonstrate all of the following:

- (1) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- (2) that the development has taken into consideration the cumulative impact of existing wind turbines, those of which have permissions and those that are currently the subject of valid but undetermined applications;
- (3) that the development will not create a significant risk to landslide or bog burst;
- (4) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunications systems;
- (5) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (6) that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

(7) that 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.

#### Assessment

As stated above this application proposes to replace the existing turbine on site. The existing approved turbine includes a hub height of 40m with 15m blade length and output of 250kw, with max height to blade tip of 55m.

The proposed replacement turbine will again have a hub height of 40m with blade lengths of 26m, whereby the output will again be 250kw, and max height to blade tip of 66m.

As part of this application a P1 form, P1W form, site location plan, site plan, detailed plans, noise assessment and shadow flicker report have been submitted.

It is noted from the information submitted, the applicant (Mr Boyd) lives at Rademon House (No.60 Ballynahinch Road), which is approx 500m north/north west of the site for the proposed turbine. It is noted this site of the turbine is outside the boundary of Rademon Historic Park, Garden and Demesne, whereby the applicants home address is centrally located within. It is noted the applicant owns/controls a large volume of the surrounding lands along this side of the Church Road, extending towards and including the Historic Park, Gardens and Demesne.

#### Policy RE1:

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

The location of the turbine is considered to be sited 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 72m.

All other consultees regarding aviation and security safety have also responded with no objections to the proposal.

PPS 18 states that in this region, only properties within 130 degrees either side of north, relative to the turbines can be affected by shadow flicker. The policy also states that at distances greater than 10 times the rotor diameters from a turbine, the potential for shadow flicker is very low.

In this instance this would equate to a distance of 520m whereby it is acknowledged there are a number of properties that fall within this distance. A

Current guidance advises that careful site selection, design and planning can help avoid the possibility of shadow flicker, however it is recommended that shadow flicker at neighbouring dwellings within 500m should not exceed 30 hours per year or 30 minutes per day.

A shadow flicker report has been submitted by the applicant/agent which concludes that when using the interpolated figures the levels of potential shadow flicker fall comfortably under current limits as outlined above.

A history search has been carried out for the site and surrounding area to ensure all relevant existing and committed developments have been considered as part of this application.

Environmental Health has considered the potential noise impact of the proposed turbine and has offered no objection to the proposed development.

It is therefore considered that due to the location of the proposed turbine and separation distance to any existing/approved dwelling, no unacceptable adverse impact on residential amenity should result from this proposal in line with current guidelines and good practice.

(b) Visual amenity and landscape character

With regard to Wind Energy Development in Northern Ireland's Landscapes (Supplementary Guidance), the site appears to fall within LCA 91- Quoile Valley Lowlands.

This guidance document states that this Landscape Character Area has an overall sensitivity rating of High, whereby the extent, intact character and cohesiveness of this drumlin landscape make it sensitive to wind energy development, where the small scale of the drumlins, with their often distinctive profiles and the high concentration of natural and cultural landscape features found here heighten the areas overall sensitivity.

While it is acknowledged this is often a mainly inward looking landscape, with a relatively high tree cover that theoretically could screen wind energy development to some degree, the scale of the landscape features and subtle, small scale of the topography mean that this landscape is highly sensitive to wind energy development.

The proposal is for a single 250kw wind turbine with a hub height of 40m and a rotor blade diameter of approx 52m, giving an overall blade tip height of around 66m. The structure is to be positioned in a field and will be set back approx 350m from the Church Road, on low lying ground. This turbine will be accessed via the existing entrance and associated laneway.

While it is noted the lands in this area undulate and include gentle drumlins and sloping fields, the existing turbine is considered to be located on a low lying field and area with mature planting and woodland, whereby it is also noted the existing turbine is well screened and is only partially visible.

It is also noted this site is not in an AONB, and is located inland and away from the lough, shore edge, and it is considered its location and nature of landscape will not have a significant or unacceptable adverse impact on the skyline, character or landscape of the area.

(c) Biodiversity, nature conservation and built heritage interests

The site is agricultural in nature and does not appear to be part of any special designations.

It is noted the site is located outside the boundary of the local AONB, as identified in this plan, and although it is noted there are registered archaeological sites and monuments in the vicinity of the site, Historic Environment Division (HED) were consulted as part of this application who offer no objections.

(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. This proposed turbine will be accessed via the existing laneway and access and is set well back from the road, thus no concerns are expressed in this respect.

In addition to the above, consideration must also be given to the impact the proposed development would create when considered with existing turbines in the area, those which have permission and those that are currently the subject of pending applications. As it is proposed to replace the existing constructed and approved turbine on site with this current proposal, it is considered no issues can be raised regarding any potential cumulative impact issues.

Taking into account the above, while it is noted there is opposition to this proposal, having account current policy, guidance and best practice, it is considered the proposal will not result in any unacceptable harm on any adjoining property or character of this area.

As such approval is recommended.

Note: Having account the number of representations received this application is required to be presented to the Planning Committee in line with the agreed scheme of delegation and protocols.

**Recommendation: Approval.**



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

<b>ITEM NO</b>	<b>17</b>			
<b>APPLIC NO</b>	LA07/2016/0739/F	Full	<b>DATE VALID</b>	6/6/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr H Edemen 3 Lislane Court Saintfield BT24 7HT	<b>AGENT</b>		
<b>LOCATION</b>	3 Lislane Court Saintfield BT24 7HT	NA		
<b>PROPOSAL</b>	Proposed dormer to the rear to allow for roof space conversion			
<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 Addendum to PPS 7, Policy EXT 1 in that the scale, massing, and design of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the character, appearance and quality of this residential area.
- 2 The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 – in that if approved it will unduly affect the privacy and amenity of neighbouring residents.

**Application Reference:** LA07/2016/0739/F

**Date Received:** 06.06.16

**Date of site visit:** 13.06.16



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**Proposal:**

The Council has received an application seeking planning approval for proposed dormer extension to the rear to allow a roof space conversion to existing dwelling.



**Location:** 3 Lislane Court, Saintfield

**Characteristics of site:**

This site is comprised of a two storey domestic dwelling and associate domestic curtilage. This dwelling has the characteristics and appearance of part of a semi-detached block and is part of a group of four terraced dwellings with the attached property to the R.H.S being single storey and at a lower level. The building fronts directly onto the road and is set back approximately 12.0m from the road kerb and sits slightly above the level of the road. This dwelling has a small garden to the front with off street parking and a rectangular shaped rear amenity space.

The treatment to front boundary separating this site from the footpath adjacent to public road and both neighbouring properties (No's 1 and 5) is comprised of a 1.2m high vertical boarded timber fence. The front of this property is quite open and visible when viewed from the road. The rear amenity space of this property is screened to all three sides by a 1.8m high vertical boarded timber fence. The rear amenity space of this property is of a private nature and has limited views in and out.

**Characteristics of area:**

The site is located on the edge but within the settlement limit of Saintfield as stated in the Ards and Down Area Plan 2015 and shown on Map No. 3/015a. It is located within a large, medium density mature residential area with a mixture of two storey terrace houses and single storey terrace bungalows.

**Site History:**

R/2010/0162/F 1 Lislane Drive, Saintfield, BT24 7HU.  
New boundary fence (retrospective).  
Permission granted - 16.04.2010

R/2009/0889/F 1 Lislane Drive, Saintfield, BT24 7HU.  
Extension to dwelling and increase in height to allow addition of first floor,  
and new vehicular access on side boundary of the site.  
Permission granted - 24.02.2010

R/2009/0738/Q 1 Lislane Drive, Saintfield, Co. Down  
Convert property from bungalow into a two storey dwelling  
Pre-Application Enquiry - 02.09.2009

R/1981/0609 Listooder Road, Saintfield.  
Proposed Public Authority Housing Development.  
Permission granted.

**Planning Policies & Material Considerations:**

Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland  
This policy provides overall context under which the Council will determine planning applications.

Addendum to PPS7 Residential Extensions and Alterations

The Addendum to Planning Policy Statement 7; Residential Extensions and Alterations  
Policy EXT 1 sets out the main considerations that the Council will take into account in assessing  
proposals for residential extensions and/or alterations. The provisions of this policy will prevail  
unless there are any other overriding policies or material considerations that outweigh it and justify  
a contrary decision.

**Consultations:**

No consultations were sought in relation to this application.

**Objections & Representations:**

6 No. neighbouring properties within proximity to this site (No's. 1 & 5 Lislane Court, No's. 19 & 20  
Lislane Park and No's. 1 & 3 Lislane Drive) were notified on 13.06.16. This application was advertised  
in the local press on 22.06.16 and to date no objections or representations have been received.

**Consideration of the proposal:**

The originally submitted application as shown on superseded plans date stamped 06.06.16 was in  
two parts. Firstly it was initially proposed to construct a single storey extension to the front  
elevation. The proposed extension to the front projected 2.3m from the front elevation and was to  
be 4.3m in width. This single storey front extension was to have a mono-pitch roof and had a quite  
large window measuring 1.5m high by 3.1m wide to proposed front elevation. Secondly it was  
proposed under this application construct a large box style dormer to enable the conversion of the  
existing attic roof-space to a new bedroom and en-suite accommodation.

With reference to the above it was felt that the original proposal did not comply with the Addendum to Planning Policy Statement 7 – Residential Extensions & Alterations. The Planning Department considered this proposal contrary to policy EXT 1 – Residential Extensions and Alterations in that the scale, massing, and design of the proposal were not sympathetic with the built form and appearance of the existing property and would detract from the character, appearance and quality of this residential area and that if approved it would unduly affect the privacy and amenity of neighbouring residents.

It was considered that the proposed extension to the highly prominent front elevation of this terrace row was not sympathetic with the built form and appearance of the existing property. The proposed dormer window to the rear elevation roof was considered to be not in keeping with the scale and style of the existing dwelling and adjoining properties and due to its location, height and width it could afford a possible over-looking opportunity to rear amenity space of neighbouring properties to each side and to the rear.

A letter was sent to the applicant on 07.07.16 highlighting the concerns of the Planning Departments with regard to this application and outlining the reasons why it was being refused. The applicant subsequently revised the proposal and amended drawings and application form with amended proposal description were received on 11.08.16 and it is this amended proposal that will henceforth be discussed.

The previously submitted plans to also construct a single storey extension to the front has now been omitted from this amended proposal. The amended design now considered under this application proposes to construct a large box dormer extension to the rear elevation roof of existing dwelling. This roof-space conversion involves the construction of a large box style dormer roof extension to the rear elevation roof. This extension is to have a flat roof connecting to the existing roof at the same height as existing ridge line.

The proposed vertical sides and rear elevation of this dormer extension are to be covered with vertical hanging tiles to match those of existing pitched roof. The roof of this dormer extension is to be finished in bitumen roofing felt. This box style dormer roof extension as amended has now been reduced in width. It was originally to be 5.2m wide (almost full width of existing roof), now it is to be 4.8m wide (stepped in 0.5m from the parting line of roof to neighbouring property No. 5 Lislane Court and stepped in 0.6m from the parting line of roof to neighbouring property No. 1 Lislane Court).

The side walls are to be 1.8m high (reduced in height from previously proposed 2.1m) with a 0.2m thick roof covering projecting 0.2m beyond proposed side and rear elevations. The vertical rear elevation of proposed dormer will begin 0.6m above the existing eaves height (1.2m measured along the plane of the roof). This flat roof will now project 3.9m (originally it was to project 4.6m) from the existing main roof ridge line towards the rear of this property.

Both of the vertical side elevations of this dormer roof extension are to be completely solid. The proposed rear elevation is to have two windows. One transparent bedroom (escape) window measuring 1.4m wide by 1.2m high and a frosted glass window to en-suite measuring 0.8m wide by 1.0m high. As part of this roof space conversion and extension it is also proposed to install a small skylight to the L.H.S of front elevation roof.

The existing dwelling has a red/brown coloured concrete profiled tile covered roof with dash rendered walls painted cream sitting on a recessed facing brick plinth. The dwelling has black uPVC rainwater goods and is finished with white uPVC windows and doors to both front and rear elevations. The finishes of proposed dormer window to roof extension to the rear are all to match existing main dwelling.

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 to the rear. However the proposed dormer window to the rear elevation roof is considered to be not in keeping with the scale and style of the existing dwelling and adjoining properties and due to its location, height and width it could afford a possible over-looking opportunity to rear amenity space of neighbouring properties to each side and to the rear. It is also considered that the proposed dormer window will detract from the appearance and significantly erode the character of this terrace.

The case officer is satisfied that this proposal is not visually harmonious and if approved will detract from the character, appearance and quality of this residential area. This proposed development is not considered to be in harmony with, or complementary to, its neighbours or having regard to the existing and adjoining architectural style. Furthermore this proposed development is not considered to respect the character of this existing property and surrounding residential area. The proposed large dormer extension to the rear roof is considered to create a negative visual impact and has a top-heavy, unbalanced appearance. In conclusion it is considered that this proposal does not respect the existing architectural style and it will have a visually disruptive impact on the existing townscape.

**Note:**

With regard to The Planning (General Permitted Development) Order (Northern Ireland) 2015 Part 1, Development within the curtilage of a dwelling house, Class B: The enlargement, improvement or other alteration of a dwelling house consisting of an addition or alteration to its roof this proposal could not be classed as permitted development because B.1 (c) any part of the alteration or addition would, as a result of the works, be closer than 0.5 metres to the ridge of the existing roof and B.2(b) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse, which is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse, shall be (i) obscure glazed; and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

**Recommendation:**

After consideration of all relevant planning policy and other material considerations this proposal is not deemed to satisfy the requirements of the policy and I therefore recommend it is refused.

**Refusal Reasons:**

1. The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 – in that the scale, massing, and design of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the character, appearance and quality of this residential area.
2. The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 – in that if approved it will unduly affect the privacy and amenity of neighbouring residents.

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

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

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

**ITEM NO** 29  
**APPLIC NO** R/2014/0159/F **Full** **DATE VALID** 3/27/14  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Philip Patterson 31 Brae Road  
 Ballynahinch **AGENT** James Anderson  
 202 Belfast Road  
 Ballynahinch  
 BT24 8UR

**LOCATION** 31 Brae Road Ballynahinch  
**PROPOSAL** Replacement agricultural shed

<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 and Policies CTY1 and CTY10 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the existing agricultural holding is not currently active and established.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposed building is not necessary for the efficient use of the agricultural holding.



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**Application Reference:** R/2014/0159/F

**Date Received:** 1st April 2014

**Proposal:** Agricultural Shed

**Location:** The site is located at 31 Brae Road, Ballynahinch, Co. Down, in the north of the district.

**Site Characteristics & Area Characteristics:**

The site is set back from the eastern side of the Brae Road by approximately 60m. The site can be accessed via 2 laneways – one which enters to the north of the site and also provides access to the associated dwelling known as 31 Brae Road, the alternative access enters the yard from the south of the site. The topography of the site rises from the road in a south easterly direction before falling again adjacent to the application site. This undulating topography partially screens the site from view from the road. The site is defined by a large gravel area on which various containers and sheds of temporary constructions are located. There are piles of logs and crates and other bags of material which have been stacked together.

**Site History:**

R/2004/1304/F

31 Brae Road, Creevytenant, Ballynahinch, Northern Ireland, BT24 8UN

Extension to dwelling to form Granny flat.

Permission Granted

R/2003/0009CA

Site adjacent to 31 Brae Road, Ballynahinch.

Operational Devt

**Planning Policies & Material Considerations:**

In assessment of this application, regard shall be given to the Regional Development Strategy (RDS) 2035, Ards and Down Area Plan 2015, Strategic Planning Policy Statement (SPPS), Planning Policies 3 and 21.



**Consultations:**

In assessment of the application, a consultation was carried out with DARD. Their response dated 02.05.14 advised that the farm business ID has been in existence for more than 6 years, while single farm payments were only claimed in 2005 & 2006.

**Objections & Representations**

The proposal was advertised in the local press on 16.04.14. No neighbours have been notified of the proposal and no objections have been received.

**Consideration and Assessment:**

As the site is located within the rural area, the policy context is contained within PPS 21- Sustainable Development in the Countryside. Policy CTY 12 deals specifically with agricultural buildings on farms and states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that criteria (a) – (e). For the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10. In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all the following

- There are no suitable existing buildings on the holding or enterprise that can be used
- The design and materials to be used are sympathetic to the locality and adjacent buildings; and
- The proposal is sited beside existing farm or forestry buildings

In assessment of the above, it is considered that the applicant has not successfully demonstrated that the farm business is active and established. While it is acknowledged that a Farm Business ID exists (640940), it has not been shown that the business has claimed single farm payment for the last 6 years. The proposal is therefore flawed from the outset, in that it has not met the first test.

In addition, insufficient information has been submitted to demonstrate that the shed is necessary for the efficient use of the agricultural holding. It is noted that supporting evidence submitted on 22.09.14, provides some detail on the work carried out by the applicant i.e. annual potatoes, turkeys, keeping land in good order. However, the statement clearly indicates that the applicant does not farm all of the land within the holding and rents land to another farmer. In addition, it is noted that the applicant requires the shed for the storage of the farm machinery and vintage vehicles. Such use is not considered necessary for the efficient use of the holding. On this basis the proposal fails to meet the policy criteria and is therefore recommended for refusal.

**Recommendation:**

Refusal

**Refusal Reasons/ Conditions:**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the existing agricultural holding is not currently active and established.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposed building is not necessary for the efficient use of the agricultural holding.