

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

ITEM NO 6
APPLIC NO LA07/2015/0809/F Full **DATE VALID** 8/25/15
COUNCIL OPINION REFUSAL
APPLICANT Michael Magennis C/O Agent **AGENT** Gray Design Ltd 5
 Edward Street
 Newry
 BT35 6AN
 028 30251885

LOCATION
PROPOSAL Lands 55M East of No 63 Forkhill Newry
 Proposed Stables for domestic use

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

- 1 The proposal is contrary to 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 Forkhill Road.
- 2 The proposal is contrary to Policy CTY14 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 Forkhill Road and result in a suburban style of development by reason of build up.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2015/0809/F

Date Received:

25.08.2015

Proposal:

Proposed Stables for domestic use.

Location:

The site is located 55m north of 63 Forkhill Road, approximately 3 miles SW of Newry City.

Site Characteristics & Area Characteristics:

The site is located along the roadside on Forkhill Road in a field separate to the main dwelling house in the open countryside – see Image 1. An existing embankment encloses the site along the roadside boundary. The boundary adjacent to the main dwelling is screened with existing mature trees separating the garden of the dwelling and the site. In the immediate area of the site there is two dwellings to the North 60 and 62 (main dwelling house) and to the south there are a number of buildings as indicated on the agent's site location plan.



Image 1

Site History:

The site history primarily relates to the main dwelling house outlined below. There is no site history on the field of the proposed stables.

- P/2003/2270/F - 62 Forkhill Road, Newry. Extension to dwelling, new front boundary wall, railings and gates. Application Withdrawn on 27.08.2004.
- P/1998/0372 - 62 Forkhill Road, Newry. New front entrance wall and railings. Permission refused.
- P/1997/0183 - 62 Forkhill Road, Newry. Extension to Dwelling. Permission granted.

Planning Policies & Material Considerations:

This planning application was assessed against the Banbridge Newry and Mourne Area Plan 2015, Strategic Planning Policy (SPPS) for Northern Ireland and Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation and PPS21 - Sustainable Development in the Open Countryside.

Consultations:

Transport NI—No objections 05.10.2015

NI Water - Generic response received 30.09.2015

NIEA—Content 06.10.2015

Objections & Representations

Two neighbour notifications were issued on 16 September 2015 and advertised in the local press on 9 September 2015 and on 25 May 2016. No representations received.

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

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limits of Newry as illustrated on map 3/01. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

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

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 outlines a range of types of development which in principle are acceptable in the countryside. One of the categories listed for non-residential development involves outdoor sports and recreational uses in accordance with Planning Policy Statement 8 (PPS 8) which I will now assess:

PPS 8 Open Space, Sport and Outdoor Recreation

Policy OS 3 of PPS 8 deals specifically with outdoor recreation in the countryside. and the headnote states that "*The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met*". The listed criteria refer to impact on visual amenity, conservation features, residential amenity, design, public safety and road safety.

Policy OS 3 relates to the provision of outdoor recreation in the countryside but does not distinguish between recreational facilities for personal use and larger commercial use. Therefore there is ambiguity in the policy, however Policy OS 3 is arguably the best fit to assess this proposal as outlined in a similar appeal decision - 2010/E055.

Built Heritage

In this instance the proposal will not have an adverse impact on built heritage, conservation as there are none of these features in the immediate area of the site.

Loss of Agricultural Land

The proposal will not result in the permanent loss of the best and most versatile agricultural land and there will be no impact on nearby agricultural activities.

Visual Impact

The proposed stables are sited in a field separate to the main dwelling house - 62 Forkhill Road. Whilst the building itself has a ridge height of 4.3m I don't feel this would be prominent in the landscape. However I have concerns that the proposed building would add to the built up frontage when read in the context of the existing buildings in the surrounding area. I will address this further within this report under the section - CTY 8 of PPS 21.

Residential Amenity

The proposal will not unduly affect the privacy or amenity of neighbouring residents as the proposed development a considerable distance from adjacent dwellings and the amenity space of the main dwelling house is not affected by the proposal.

Public Safety

I am content that the proposal will not prejudice public safety.

Design

The proposal involves the construction of domestic stables which is sited in a field separate to the main dwelling house. It is accessed via an existing entrance to the

field from Forkhill Road. The stables measure 4.3m in height by 10m long and 5.6m in width. The external materials include smooth render, cladded roof and two hardwood doors with two timber frame windows. I am content that this design is acceptable in the countryside, however I have concerns that the siting of this proposal will create a ribbon of development. I will address this issue below.

Access and Road Safety

Transport NI have confirmed they have no objections to the proposal in regards to their remit of road safety. The P1 form states there will be no vehicles attending the site therefore I am content there will not be implications for road safety or access to the site for disabled persons.

PPS 21 Sustainable Development in the Countryside

I raised concerns earlier in this report regarding the built up frontage when read in the context of the existing buildings in the surrounding area and I will now assess this issue against the policies below contained within PPS21.

Policy CTY 8 - Ribbon Development

Policy CTY 8 of PPS 21, states that "*planning permission will be refused for a building which creates or adds to a ribbon of development.*" Given the existing context of the local area I feel that the proposal would result in the creation of ribbon development when read in conjunction with 60, 62 and the buildings to the south of the application site along Forkhill Road. These existing buildings have a common frontage on to Forkhill Road and approval of the proposed stables would add to this creating a substantial and built up frontage. For this reason the proposed development is recommended for refusal.

CTY14 – Rural Character

This policy assesses the impact the proposal will have on rural character of the local area. As outlined above I feel that in this instance the proposal when taking cumulatively with other existing buildings in the immediate area it would result in a build-up of development which would be detrimental to the rural character of the local area. For this reason the proposal fails criteria (d) of the policy test as it will create a ribbon of development.

Recommendation:

Refusal

Reason for Refusal:

1. The proposal is contrary to 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 Forkhill Road.
2. The proposal is contrary to Policy CTY14 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 Forkhill Road and result in a suburban style of development by reason of build up.

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|--------------------------------------|
| Case Officer Signature: |
| Date: 14.06.2016 |
| Authorised Officer Signature: |
| Date: |



GRAY DESIGN LIMITED

Architecture Interior Design Project Management

83

Planning Office
Newry Mourne & Down Council
O Hagan House
Monaghan Row
Newry

Proposed Stables at Forkhill Road, Newry

21st June 2016

Ref. GD2833

Your Ref. LA07/2015/0809/F

Dear Sir / Madam,

We understand that the above application is to be presented with the opinion to refuse on the grounds of

1. The proposal is contrary to 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 Forkhill Road.

2. The proposal is contrary to Policy CTY14 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 Forkhill Road and result in a suburban style of development by reason of buildup.

We would request that the Planning Service afford us the opportunity to discuss this matter and provide additional information in support of our application on the basis that:

NEWRY

 5 Edward Street, Newry, BT35 6AN
 028 3025 1885
 newry@graydesignltd.co.uk

BELFAST

 20 Adelaide Street, Belfast, BT2 8GB
 028 9051 7085
 belfast@graydesignltd.co.uk

WARRENPOINT

 18 Carrick Road, Warrenpoint, BT34 3QU
 028 3025 1885
 warrenpoint@graydesignltd.co.uk

www.graydesignltd.co.uk

- The proposed stable is of modest size and scale and is proposed on the lowest part of the site. In addition there is an existing mound front the entire site that restricts views from the main road.
- To the north of the proposed location there are two dwellings, there is in excess of 60m between the stable and nr 62, providing substantial relief from the road frontage.
- Access to the proposed stable is via an existing agricultural entrance, this field already serves an agricultural use.
- The existing development line and pattern is undisturbed by this proposal, due to its modest size and scale. The location of the stable is proposed to help the integration.
- During the planning process the case officer had always been positive and informed us that the application was being presented as an approval, this is obviously concern to our client.

In conclusion we would ask the department to please review this application and also note that we are prepared to revise the current proposal in any manner to satisfy the Planning Service.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Barry Gray', written in a cursive style.

BARRY GRAY

For and on behalf of GRAY DESIGN LTD

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

ITEM NO 7

APPLIC NO LA07/2015/0877/F **Full** **DATE VALID** 9/4/15

COUNCIL OPINION REFUSAL

APPLICANT Mr Diarmid Sloan 10
Tullybrannigan Brae
Newcastle
BT33 0DG

AGENT Sean Gallagher 12
Old Road
Upper Clarkill
Castlewellan
BT31 9BN
07803757048

LOCATION 10 Tullybrannigan Brae
Newcastle
BT33 0DG

PROPOSAL Roof space conversion, replacement roof and 2 storey extension

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|------------------------|--------------------|--------------------|----------------------|----------------------|
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 2 | 0 | 0 | 0 |

| | | | |
|------------------|---|-------------------|---|
| Addresses | | Signatures | |
| 0 | 0 | 0 | 0 |

- 1 The proposal is contrary to policy EXT 1 from addendum to PPS 7 Residential Extensions and Alterations in that the extension would, if permitted adversely affect the amenities of the neighbours by reason of its unsympathetic scale and subsequent overbearing and dominant impact on neighbouring properties including no 3 Kinghill Avenue and no 8 Tullybrannigan Brae.
- 2 The proposal is contrary to policy EXT 1 from addendum to PPS 7 Residential Extensions and Alterations in that the extension would, if permitted adversely affect the amenities of the neighbours by reason of overlooking and subsequent loss of privacy.
- 3 The proposal is contrary to policy EXT 1 from addendum to PPS 7 Residential Extensions and Alterations in that the extension would, if permitted adversely affect the amenities of the area by reason of its unsympathetic character and appearance on the surrounding area.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0877/F

Date Received: 4th September 2015

Proposal: Two storey extension to include kitchen and bedroom roof space conversion and replacement of existing roof.

Location: 10 Tullybrannigan Brae, Newcastle.



Site Characteristics & Area Characteristics:

The site in question is located within an existing housing settlement known as Tullybranigan Brae. The dwelling in question is a single storey detached dwelling with a detached single storey garage and a relatively small rear garden to the site. The site sits higher than the adjacent dwelling no 12.

Site History:

R/1997/1015/F – 8 Tullybrannigan Brae – one and a half storey extension to dwelling – refused – 24-03-1998.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, Addendum to PPS 7 residential Extensions and Alterations and SPPS.

Consultations:

No additional consultations were required in order to assess the application fully.

Objections & Representations

6 neighbours were notified with 2 objections being received, both from the same address. The application was advertised on 30-09-2015 and this expired 14-10-2015. The letters of objection raised the following issues:

- the large dwelling would be out of keeping with adjoining dwellings and would have an overbearing effect to the rear.
- The extension would be out of character with adjoining property.
- There will be a loss of privacy and a loss of light and subsequently a loss of enjoyment of the objectors home.
- A loss of an existing view is also noted, though not a material consideration.

Consideration and Assessment:

There are several elements to the proposal, one of which has not been noted in the proposal description is the extension of the garage to provide 1st floor accommodation. There is also a two storey extension to the rear of the dwelling 6m in height. The existing roof is also to be raised to allow the 1st floor accommodation and floating dormers placed to the front of the roof.

The actual raising of the roof would be considered acceptable, there will not be any demonstrable harm as a result of the works, no additional overlooking would occur, the window to the side of the dwelling at 1st floor that is proposed does however offer a potential ability to overlook the adjacent dwellings space and in particular the rear amenity of dwelling no 12 given the size of the openings.

The extension to the garage to include 1st floor accommodation would have a negative impact in terms of character and also it would have an overbearing impact on the dwelling to the rear and to the side and is not in keeping with policy.

The proposed extension to the rear of the property offering a door opening and balcony style opening to the site will likely offer the opportunity for overlooking of adjacent properties rear amenity. The height and position of the extension in relation to surrounding buildings and in particular rear amenity space would provide a dominant and overbearing impact. At the closest point the extension is 2m from the rear boundary. Given the nature of the development and the proximity to existing dwellings the proposal would be dominant and overbearing on rear amenity and would also have the potential to create a situation of overlooking with subsequent loss of privacy. The character of the extension is not considered in keeping with the existing area and is considered to be contrary to Addendum to PPS 7 Residential Extensions and Alterations.

The letters of objection submitted have also been taken into consideration in the assessing of the above.

The agent was made aware on 06th April 2016 that the application was considered unacceptable for the reasons stated above and in order for the application to be acceptable amended plans would be required reducing the rear extension to single storey and removing the 1st floor extension to the garage and if the garage is to be altered in any way it needs to be included in the proposal description. The agent was also advised that the 1st floor gable windows to the main dwelling need to be removed or made high level or altered to reduce the ability to overlook.

The agent was given a two week period from 06th April 2016 and to date there have been no amended plans received and no request for an extension of time, the application must now be refused.

Recommendation:

As the issues have not been addressed the application remains contrary to policy and therefore refusal is recommended.

Refusal Reasons/ Conditions:

- The proposal is contrary to policy EXT 1 from addendum to PPS 7 Residential Extensions and Alterations in that the extension would, if permitted adversely affect the amenities of the neighbours by reason of its unsympathetic scale and subsequent overbearing and dominant impact on neighbouring properties including no 3 Kinghill Avenue and no 8 Tullybrannigan Brae.
- The proposal is contrary to policy EXT 1 from addendum to PPS 7 Residential Extensions and Alterations in that the extension would, if permitted adversely affect the amenities of the neighbours by reason of overlooking and subsequent loss of privacy.
- The proposal is contrary to policy EXT 1 from addendum to PPS 7 Residential Extensions and Alterations in that the extension would, if permitted adversely affect the amenities of the area by reason of its unsympathetic character and appearance on the surrounding area.

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

ITEM NO 8
APPLIC NO LA07/2015/0936/O Outline **DATE VALID** 9/18/15
COUNCIL OPINION REFUSAL
APPLICANT Owen Gribben C/O Agent **AGENT** O'Callaghan
 Planning Unit 1
 10 Monaghan
 Court
 Monaghan Street
 Newry
 BT35 6BH
 02830835700/0773

LOCATION 50 Metres south of 100 Burren Road
 Ballydesland
 Warrenpoint.

PROPOSAL Site for dwelling with detached garage on a farm

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

- 1 The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
 - verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
- 2 The proposal is contrary to 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 Burren Road.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries meaning the proposed building relies primarily on the use of new landscaping for integration.
- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0936/O

Date Received: 18/09/2015

Proposal:

Site for dwelling with detached garage on a farm.

The applicant seeks outline permission for a detached dwelling and detached garage on a farm. The applicant argues that a location close to the existing farm is not practical and has applied for planning permission on an alternative site.

Location:

50 Metres south of 100 Burren Road, Ballydesland, Warrenpoint.

The site is located approximately 1.5 miles north of Warrenpoint.

Site Characteristics & Area Characteristics:

This is a rural site consisting of an agricultural field currently used for grazing. The site is relatively flat. The north-western boundary with no.100 Burren Road is bound by large trees in close proximity to each other. All four boundaries have a wire stock proof fencing approximately 1m high around them. The south-eastern and south-western elevations of the site also have a hedge approximately 1.5m around them. The north-eastern elevation fronts onto the Burren Road and is fully enclosed with wire fencing and part of the boundary is a grass verge and the remainder is comprised of a hedge. The site is accessed from the north-eastern boundary and the Burren Road. The existing farm is accessed from a concrete laneway adjacent to no.9 Milltown Street.

The site is located in a rural area approximately 1.5 miles north-west of the town of Warrenpoint as identified in the Banbridge / Newry and Mourne Area Plan 2015.

The site is located outside of the Mourne Area of Outstanding Natural Beauty but the Banbridge / Newry and Mourne Area Plan 2015 shows the site is located within the Site of Local Nature Conservation Importance. North of the site is a storey and a half style dwelling (no.100) which is well screened from the site by the trees along the north-western site boundary and opposite the site is a two storey farm house with outbuildings. Approximately 200m of the site, foundations have been put in place for a meeting house of a church organisation. The site is in close proximity to two monuments: DOW 051:042 (barrow) and DOW 051:072 (multivallate enclosure). The farm is located at the rear of 9 Milltown Street and accessed by a concrete laneway. The yard is currently laid in loose stone and has one main building, a shed and a container. Beyond the farm is agricultural land.

Site History:

There is no recent or relevant planning history for this site.

Planning Policies & Material Considerations:

The application has been assessed under:

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 15 (Revised) – Planning and Flood Risk
- PPS 21 – Sustainable Development in the Countryside
- The Building on Tradition Sustainable Design Guide.

Consultations:

- NI Water – 22/12/2015 – Generic response.
- DARD NI – 07/01/2016 – Standard response.
- NIEA – 07/01/2016 – Historic Monuments Unit requested to be re-consulted during a subsequent reserved matters of full application due to potential existing for archaeological remains. Water Management Unit is content subject to conditions. Natural Environment Division identified there may be natural heritage issues with the proposal.
- Environmental Health – 08/01/2016 – Site is within 75m of an unconnected working farm to the applicant so the applicant was requested to reconsider the site.
- Rivers Agency – 11/01/2016 – the red line is within the 1 in 100 year fluvial flood plain but as the proposed location is outside the 1 in 100 year fluvial flood plain there are no objections subject to informatives.
- Transport NI – 21/03/2016 – No objections in principle subject to conditions.

Objections & Representations

The application was advertised in the local press on 28/09/2015. Two neighbours were notified and no objections have been received.

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

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is located outside of settlement limits, is located in a SLNCI and is outside the Mourne Area of Outstanding Natural Beauty. There are no specific policies in the plans that are relevant to the determination of the application so the application will be considered under the operational policies of the SPPS and PPS 21. The impact of the development on the SLNCI will be considered under PPS 2.

PPS 21 – Sustainable Development in the Countryside

As there is no significant change to the policy requirements for dwellings on farms following the publication of the SPPS and it is arguably less prescriptive, the retained

policy of PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS

Policy CTY 1 states that a range of different types of development are acceptable in principle in the countryside. This includes farms dwellings provided the proposed development is in accordance with Policy CTY 10.

Policy CTY 10 requires three criteria to be met for planning permission to be granted for a dwelling on a farm:

Criteria (a) requires the farm business to be currently active and to have been established for at least 6 years. DARD advised in a consultation response dated 07/01/2016 that the farm business (Ref: 611724) has been established for more than 6 years and it claims the single farm payment, which is the main means used to determine if the farm is active. Therefore the business is active and established and is eligible for a dwelling under criteria (a).

Criteria (b) requires that no dwellings or development opportunities have been sold off the farm holding since 25th November 2008. The application was accompanied by full details of the land owned by the farm business and there is no evidence that any land or development opportunities have been sold off the farm in this period. Therefore criteria (b) is met.

Criteria (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access should be from an existing lane. This application has applied for an alternative site approximately 580m away from the farm buildings and criteria (c) states *"consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s)."* The basis of the applicants argument for the alternative site is primarily health and safety concerns. The applicant has listed a number of health and safety concerns with accessing the site through the farmyard but as stated in Paragraph 5.42: *"Where an alternative site is proposed under criteria (c) which is removed from the existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting."*

No independent evidence was submitted to support the use of an alternative site. The applicant also includes the access onto Milltown Street from the farm as being unsafe.

Criteria C also allows the use of an alternative site if there are verifiable plans to expand the farm business. *"Evidence relating to the future expansion of the farm business may include valid planning permissions, building control approvals or contractual obligations to supply farm produce."* The applicant has suggested that they plan to erect a new building on the farm later this year but is currently unable to independently verify these plans.

On drawing no.2, submitted to the council on 18/09/2015, the blue line boundary of land in the applicant's ownership does not accurately reflect the DARD maps received by the Council on 18/09/2015 which show that further land is in the

ownership to the applicant to the south-east of the existing farm buildings. The nearest field is approximately 40m from the farm building.

The applicant has failed to fully justify the need of an alternative site both in terms of health and safety concerns and providing verifiable plans to expand the farm business at the existing building group. Therefore the proposed development fails to meet Criteria (c), as required.

As the three criteria are all required to be met, the proposed development fails to meet the requirements of Policy CTY 10.

Policy CTY 8 states planning permission will be refused for a building which creates a ribbon of development. The development would add to a ribbon of development when read with existing buildings adjacent to the site: no.100 Burren Road and a large outbuilding north of the dwelling. The proposed development is therefore contrary to CTY 8.

Policy CTY 13 requires a new building in the countryside to be able to be integrated visually with the landscape in which it is set. The proposed site for the farm dwelling relies heavily on new landscaping for integration as the site lacks the natural boundaries to provide a suitable degree of enclosure for the building to integrate into the landscape. The western and southern boundaries are completely reliant on new landscaping for integration. The policy states *“a new building will be unacceptable where it relies primarily on the use of new landscaping for integration.”* The north-eastern boundary has an effective natural boundary but the remaining boundaries will rely too heavily on new landscaping.

The policy also states that *“a new building will be unacceptable where in the case of a dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm.”* As discussed previously, the proposed dwelling is not sited to cluster with the farm buildings but an alternative site has been adopted which fails to meet the requirements of CTY 10.

The proposed development fails to meet the requirements of CTY 13.

Policy CTY 14 requires new buildings in the countryside to not cause a *“detrimental change to, or further erode the rural character.”* The proposed dwelling would result in a suburban style build-up of development when viewed against existing buildings. Therefore the proposed development fails to meet the requirements of CTY 14.

PPS 2 – Natural Heritage

Policy NH 4 states that *“planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on a local nature reserve or wildlife refuge”*. NIEA, in their response dated 07/01/2016 have indicated that if planning permission was granted, informatives relating to badgers and birds should be attached. The proposed development is not likely to have an adverse impact on the SLNCI and therefore meets the requirements of Policy NH 4.

PPS 3 - Access, Movement and Parking

Policy AMP 2 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. A new access will be created onto the Burren Road. Transport NI, in their response dated 21/03/2016, have stated that they have no objections in principle to the proposal but have included the requirements for access

to public roads that must be adhered to. Visibility splays of 2.0m x 60m are to be provided.

PPS 6 – Planning, Archaeology and the Built Heritage

NIEA were consulted due to the proximity of the site to historic monuments DOW051:042 and DOW051:072 and in their response dated 07/01/2016 stated they were content with the proposal.

PPS 15 (Revised) – Planning and Flood Risk

Rivers Agency, in their response dated 11/01/2016, stated that The Flood Hazard Map (NI) indicated that the site boundary lies within the 1 in 100 year flood plain but the proposed location of the development is outside the 1 in 100 year flood plain. Therefore Rivers Agency had no reason to object to the proposed development based on Policy FLD 1 provided the proposed dwelling is erected in that location.

Recommendation:

Refusal.

Contrary to CTY1, CTY 8, CTY 10, CTY13 and CTY 14.

Refusal Reasons:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
 - verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
2. The proposal is contrary to 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 Burren Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries meaning the proposed building relies primarily on the use of new landscaping for integration.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development.

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|------------------------|------------------------|
| ITEM NO | 8 |
| APPLIC NO | LA07/2015/0936/O |
| COUNCIL OPINION | REFUSAL |
| APPLICANT | Owen Gribben C/O Agent |
| AGENT | O'Callaghan Planning |

Refusal Reasons:

1 The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that: - health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm. - verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

2 The proposal is contrary to 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 Burren Road.

3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries meaning the proposed building relies primarily on the use of new landscaping for integration.

4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development.

Overview



Fig. 1 The applicant's farm land, outlined in red. Additional lands, outlined in yellow, had previously been taken in conacre, however the owner of this land had recently advertised this land for sale by private treaty.



Fig. 2- Aerial view of the applicant's residence, showing the single means of access thereto, and showing the position of the agricultural building to the rear of No. 9 Milltown Street.

It is worth noting that the land to the immediate front (west) of the agricultural building lies within the statutory development limit (SDL) of Burren. Accordingly, there is but a single building on the farm (outwith the SDL). On that basis, technically the proposal is not located on an "alternative site" [which is deemed not to be sited so as to cluster or visually link with an established group of buildings on a farm].

This image illustrates that in order to erect a new dwelling on the farm, it would have to be sited to the east of the agricultural building and the farm yard. There would be an unacceptable risk of accident arising if the occupiers or visitors to a notional new dwelling had to traverse the existing farm yard, especially when animals are feeding therein, or machines are operating or passing through this area. It is clear that the above image was captured in good weather, and in times of good weather livestock can graze in the fields, however agricultural contractors have to travel through this area, and slurry has to be mixed at the immediate south of the shed, in the yard, while the yard becomes un-useable for anything other than feeding during winter months.

If a new dwelling was built to the rear of No. 9 Milltown Street, its access would have to skirt the front or the rear of this agricultural building, and it would also necessitate passage through an active farm yard, which would be an unacceptable health and safety risk.



Fig. 3 – Image showing the restricted width of the existing laneway leading into the farm – verifying that it is not suitable for increased use. This is the only means of accessing the farm at present. Aside from the obvious health and safety risk (due to potential conflict with agricultural operations), the use of this laneway as a means of access to a new dwelling would be contrary to planning policy (PPS 3) and guidance (DCAN 15).



Fig. 4 – Image showing the lack of sight line to the north of the existing farm entrance. The existing access is clearly not suitable for increased use.

Analysis:

1. The applicant seeks permission for a dwelling on an active and established farm holding. DARD's consultation response has verified that the proposal complies with criteria a of Policy CTY 10 of PPS 21, while no development opportunities have hitherto existed on the holding (and therefore none can have been transferred outwith the holding). Consequently, the proposal complies with criteria b of Policy CTY 10 of PPS 21. Thereafter, assessment of the proposal becomes complex.
2. As has been outlined above, the proposal is not clustered with an established group of buildings on the farm. It is contended that such a group does not in fact exist, (since the buildings inside the SDL are of no relevance to the assessment of proposals in the open countryside, save for the assessment of urban sprawl).
3. The rationale for the recommendation to refuse permission is set out in the development management report, which has been published on the planning portal.
4. In the said report, there is no mention of the buildings within the SDL, or their relevance to this proposal. Instead, the assessment of the proposal moves straight into the consideration of this as an "alternative site" (which is catered, purportedly only, for in exceptional circumstances).

Exceptional Circumstances – Instances where it is permissible to site a new dwelling away from a group of buildings on a farm

5. Policy CTY 10 states that "Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group(s).

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

6. A detailed statement in support of the proposal was submitted along with this planning application. Within this statement, a number of issues were addressed, including the need to site the dwelling away from the farm building to the rear of 9 Milltown Street.
7. Regrettably, the evidence contained within the supporting statement was attributed little weight, because it was not “independent”, and although the planning report did acknowledge the applicant’s contention that the existing access at Milltown Street is “unsafe” there is no evidence that any consideration was actually given to this matter or to the implications of siting a new dwelling to the rear of Milltown Street, using an unsafe access. That matter ought to be given due consideration, even at this late stage in the processing of the application.
8. Irrespective of the initial absence of independent evidence, the Council ought to have been able to apply a commonsense approach to the assessment, given the health and safety issues are obvious to all.
9. The planning report indicated that the application site’s blue line boundary does not correspond with the applicant’s farm maps. The reason for this is that some of the lands appearing on the applicant’s farm map were taken in conacre, and were not actually owned by the applicant. Accordingly, this land was not outlined in blue on the map referred to by the planning officer in his professional planning report.
10. The planning report actually stated that the farm maps “*show that further land is in the ownership of the applicant to the south east of the existing farm buildings. The nearest field is approximately 40 metres from the farm building*”.
11. However, this statement contradicts an earlier passage of text within the planning report, wherein it is stated that:

“The application was accompanied by full details of the land owned by the farm business and there is no evidence that any land or development opportunities have been sold off the farm in this period”.

12. If indeed, the planning officer was satisfied that the application was accompanied by full details of the land owned by the farm, one would be forced to ask how the officer concluded that the farm maps show that “further land is in the ownership of the applicant to the south east of the existing farm buildings”, as referenced above.
13. The Council has determined the application on the basis of its assumption that the applicant controlled further lands. Furthermore, this “assumption” appears to have been based upon a DARD farm map, whereas such maps are clearly marked to advise that they do not represent proof of ownership or proof of title.
14. This matter was addressed in the supporting statement that accompanied the planning application. However, if the Council had cause to suspect that, contrary to my preliminary submission, the applicant did in fact own the additional lands hereby referred to, there was ample time to write to me to request ownership details. Nonetheless, above mentioned passage of text, contained in the planning report, confirms that the application was considered on the basis of a suspicion that the applicant did in fact own other land that was located in closer proximity to the farm building and which was not blighted by the constraints referred to in the initial planning statement that accompanied the application. Now that there is an opportunity to set the record straight in this respect, the refusal recommendation ought to be reversed.

CTY 8 – Ribbon development

15. The planning report states that

“The development would add to a ribbon of development when read with existing buildings adjacent to the site: no.100 Burren Road and a large outbuilding north of the dwelling. The proposed development is therefore contrary to CTY 8”.

16. However, earlier in the report, in appraising the site’s physical attributes, it was acknowledged that

“The north-western boundary with no.100 Burren Road is bound by large trees in close proximity to each other”.

“North of the site is a storey and a half style dwelling (no.100) which is well screened from the site by the trees along the north-western site boundary and opposite the site is a two storey farm house with outbuildings”.

17. Given the initial appraisal of the site's physical attributes recognised that No. 100 is well screened from the site, the degree of visual linkage between the proposal and No. 100 is not indicative of ribbon development.



Fig. 5 – View of site from the southern approach, confirming the lack of visual linkage with No. 100, supporting the contention that ribbon development is not a genuine concern in this instance.

CTY 13

18. The third refusal reason refers to the purported lack of long established natural boundaries to the site which purportedly means the proposed building relies primarily on the use of new landscaping for integration.
19. However, the planning report acknowledged the presence of large trees in close proximity to each other, along the north western boundary, while the south eastern and western boundaries were acknowledged as having 1.5 metre hedges around them, and a hedge along the road frontage was noted.
20. Image 5, above, shows the maturity of the site boundaries, when travelling along the only section of public road that the site can actually be seen from. In this respect, it is contended that the proposal complies with Policy CTY 13. Furthermore, as this is an application for outline planning permission, the Council has the luxury of granting permission subject to conditions, which may or may not include ridge height restrictions, and the orientation of the dwelling (to minimise the potential visual impact of the development).

CTY 14

21. The refusal reasons indicate that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and that it would add to a ribbon of development. Ribbon development has been addressed, insofar as the images shown above illustrate the lack of visual linkage between the proposal and No. 100 to the north (while the planning officer in his report also acknowledged the fact that No. 100 is "well screened from the site").
22. The planning report states that:

"the proposed dwelling would result in a suburban style build-up of development when viewed against existing buildings. Therefore the proposed development fails to meet the requirements of CTY 14".

However, it does not specify which existing buildings the proposed dwelling will be viewed with. Apart from the purported ribboning, there is no explanation as to how the

settlement pattern will be suburban, and it is contended that the proposal appears entirely consistent with the advice proffered in the Building on Tradition publication.

23. The horizontal and vertical alignment of Burren Road is varied at this locus. This, combined with the abundance of roadside vegetation, ensures that there are limited views into or through the site from the surrounding public road network or indeed other positions of general public access or assembly.
24. The failure to identify the location of critical viewpoints in the planning report is considered a serious omission. However, as the site cannot be seen from the northern approach, it cannot be deemed likely to have a suburbanising effect when viewed from there. Figures 5 & 6 (above) illustrate the views of the site from the southern approach and it is respectfully contended that this cannot be the offending vista.




Fig. 6 – image captured from the southern approach to the site. This also illustrates how the proposal will not create a suburbanising effect. Also, when viewed from the site's road frontage, the relationship between the proposal and No. 101 could not be described as suburban.

25. Although one has to be mindful of the committed development on the site of the church / meeting house to the south east of the site, it must be acknowledged that the separation between the two buildings will be in excess of 200 metres. There is a substantial green space between the two, and there is no prospect of this proposal precipitating further development in the gap between the site and the church / meeting house (for example, through the provisions for infill development on a gap site). All things considered, the proposal is not considered to pose any real threat of effecting an irreversible change to the established rural character of the area, and it is certainly not contrary to Policy CTY 14.
26. As has been outlined above, the applicant commissioned an independent health and safety review of the farm business. Now that the Council has this information in its possession, the application can be fully re-considered, if in fact such is necessary (the issue of an alternative site need not be significant, given the proposal is technically not sited away from an established group of buildings on the farm – since there is no group of buildings outside the SDL).

CONCLUSION

27. In light of the above anomalies, and the facts that actually support the approval of this application, the Council is respectfully requested to reverse this current recommendation to refuse this application. As a minimum, it is believed that the submission of the independent Health and Safety review of the proposal ought to allow for the reassessment of the proposal.
28. I trust that this submission is of benefit for the purposes of aiding discussions surrounding the refusal recommendation. However, in the event that the Council requires any additional information, please do not hesitate to contact the undersigned.

Yours Faithfully,



Colin O'Callaghan
Chartered Town Planner
BSc Hons Dip TP MRTPI



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Health & Safety, Quality & Environmental Consultants

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Jacqueline McParland
Newry, Mourne and Down Council
Planning Department
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

22nd June 2016**Your ref:****Proposal:** Site for Farm Dwelling**Location:** South East of 100 Burren Road, Warrenpoint.

Dear Jacqueline,

MG Safety Services has been engaged to provide a Health and Safety Audit on a livestock & Machinery-intensive farm at 9 Milltown Street, Burren. The purpose of the audit is to appraise current health and safety risks and also to ascertain the potential for further risks in the event of a new dwelling being erected within the existing farm complex.

The following commentary outlines the author's perception of the dangers of building a house in a position that is sited in such a manner as to cluster with the existing farm buildings (as required by current planning policy).

The author is a Health & Safety, Quality & Environmental Consultant with 10 years' experience in the Construction Industry, the last five years of which have been spent in general practice. Professional qualifications include National Examination Board in Occupational Safety and Health (NEBOSH) accreditation, Internal Auditors Qualification, First Aid cert. & CSR cert. The author specializes in Health & Safety Site Inspections & Risk Assessments along with the setting up of companies ISO 9001, ISO 14001 & ISO 18001, Safe-T-Cert and helping with Investors in people.

Access & Egress to the property:

It has been noted that if the dwelling was sited so as to cluster with the farm buildings, and access was obtained via an existing laneway, the risk of contact with machinery and animals would be greater than necessary. Poor surface conditions would exacerbate any difficulties.

Due to the location of the farm buildings, access to the new dwelling would require the exiting of any vehicle currently up to 3 times to open and close gates that segregate livestock. With some of the animals being Bulls, this would be seen as an unnecessary risk especially if the person traversing the yard and opening the gate is a visitor or is unfamiliar with a farm or the dangers of livestock.

Some of the land within the farm is used for silage and potato growing. Contractors are used during the year and this means a large number of agricultural machines pass through the same entrance as the house. This would be of significant danger to the applicant's young family.



Tel/Fax: 028 4023 8673 Mobile: 07525 269 067

E: mark@mgsafetyervices.com www.mgsafetyervices.com
62 Downpatrick Street, Rathfriland, Newry, Co. Down BT34 5DQ



Dangers to occupants:

Mr Gribben has applied for planning permission for a new dwelling. The dangers and hazards on the farm are known to Mr Gribben. However, Mr Gribben's partner is not familiar with health and safety obligations on working farms and it can be assumed that their children would likewise be ignorant in this respect.

Children who live or regularly visit farms are at greater risk of injury and death than their parents or farm workers. The under-15 age group is one of the most vulnerable to work-related farm accidents. They account for one in seven farm deaths.

The existence of farm buildings and the consequent exposure to significant health and safety risks ensure that it would be unadvisable to site this new dwelling in a location that is physically clustered with the existing farm buildings at this location. Potential risks include slatted slurry tanks. During the (slurry) mixing process, fumes created are capable of travelling and are flammable. The risk of fire or inhalation of fumes would ensure that it would not be appropriate to site a new dwelling in close proximity to these facilities.

While every farm is different, hazards common to most farms include:

- Animals – injuries inflicted by animals can include bites, kicks, crushing, ramming, trampling, and transmission of certain infectious diseases such as giardia, salmonella, ringworm and leptospirosis.
- Bulls are a dangerous animal especially in mating season. Bulls cause over 50% of livestock related deaths on Irish farms. No matter what kind of bull a farmer has, they are potential killers even, seemingly quiet bulls. Farmers along with people handling bulls must treat them with caution and respect at all times. The older the farmer the more the risk due to reduced mobility and speed.
- A Bull's temperament changes as it matures, from playful aggression as a yearling to defensive, territorial aggression as a 2-3-year-old. People handling bulls should be very vigilant at all times and never turn their back on a bull. They should be fully aware of the dangers when handling bulls and properly trained. All bulls need to be ringed in the nose when 10 months old and the ring should be examined regularly.
- Chemicals – pesticides and herbicides can cause injuries such as burns, respiratory illness or poisoning.
- Confined spaces – such as silos, water tanks, milk vats and manure pits may contain unsafe atmospheres, which can cause poisoning or suffocation.
- Electricity – dangers include faulty switches, cords, machinery or overhead power lines.
- Heights – falls from ladders, rooftops, silos and windmills are a major cause of injury.
- Machinery – hazards include tractors without roll-over protection structures (ROPS), power take-off (PTO) shafts, chainsaws, augers, motorbikes and machinery with unguarded moving parts.
- Noise pollution – noise from livestock, machinery and guns can affect your hearing.
- Vehicles – crashes or falls from motorbikes, two-wheel and quad bikes, tractors and horses can result in major injuries.
- Water – drowning can occur in as little as five centimetres of water. Dams, lakes, ponds, rivers, channels, tanks, drums and creeks are all hazards. Young children are particularly at risk.



The farm at Milltown Street was noted as being consistent with the categorisations highlighted above and the possibility of explosion from gases created during mixing was noted. Measures are required to be taken to prevent the spillage of fuel, as this could be physically damaging to human health but it could also result in accidents.

It was noted that the absence of security fencing and lockable gates would undermine health and safety on the farm. The prospect of erecting anti-climb fencing around the farm complex was discussed however Mr Gribben advised that such measures would not be practicable or economically viable, and he also opined that they would also have a significant (adverse) impact upon the character and amenity of the area.

It was also noted that there is no area for a separate access/egress to any new dwelling which means using the existing laneway directly through the current farm buildings and numerous gateways requiring regular interaction with farm machinery, as well as interaction with unpredictable Bulls and other livestock.

Recommendations:

- Mr Gribben is advised to provide a separate access and egress from the farm for his intended new dwelling and the existing farm complex, if this is not possible then an alternative site should be sought.
- Due to the existence of multiple risks, and Mr Gribbens Family's unfamiliarity with health and safety practices, it is recommended that Mr Gribben does not build the new dwelling in close proximity to the existing farm buildings. The separation distance between the new dwelling and the existing buildings should be maximised. Noting the general expectation that new farm buildings should be sited at least 75 metres away from nearby dwellings, Mr Gribben is likewise advised to ensure the new dwelling is sited at least 75 metres from all existing and proposed agricultural buildings on this farm. Maximising physical separation will minimise the danger of fumes when mixing slurry.
- Please see attached photographs and explanations, highlighting the dangers of accessing any new dwelling through the existing laneway or in close proximity with the existing farm activities.



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The above photos are taken during the emptying of the slurry tank and show that the entrance to the proposed new dwelling would be completely blocked, also during the contracting of spreading slurry, collecting silage etc. there is little room for machinery to manoeuvre, while the introduction of personal cars or children accessing this area would propose a high risk.



The above photos show the access lane to the right of the left hand picture above. A number of gates would require opening and closing, endangering the person doing this due to the potential of encountering livestock as they are free to exit the fields to roam and feed in this area and also all farm machinery entering the fields.

This lane is heavily trafficked by agricultural machinery and its condition would be poor during wet weather due to the runoff from the fields and stacked round bails etc.

The above photo also shows the crush area which would be directly in front of the proposed dwelling. This is a very dangerous area for children as during the crushing process animals can be highly unpredictable.



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The above photos show evidence of overflow animal feeding areas on the existing laneway which would cause a danger to both visitors and livestock if this laneway was regularly traversed by occupants and visitors of any dwelling.

The second picture also shows evidence of fertilizer bags, tonne bags of blocks, the opening to the slurry tank, water supply, the area where chemicals are mixed for spraying and also the shed which is used to store animal medicines. This area would have to be used by the applicant's children to walk to their grandmother's house if residing in the proposed new dwelling to the rear of the farm buildings.

I trust that this document adequately outlines the risk to human health and to residential amenity. However, should you require clarification of the above, please do not hesitate to contact me.

Yours faithfully,

Mark Gracey (Tech IOSH, CBA, CMC, MIC, MIM)

Senior Health & Safety, Quality, Environmental and Business Consultant

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

| | | | | |
|------------------------|--|--------------------|----------------------|--|
| ITEM NO | 9 | | | |
| APPLIC NO | LA07/2015/1016/F | Full | DATE VALID | 10/9/15 |
| COUNCIL OPINION | REFUSAL | | | |
| APPLICANT | Parish of Saul & Ballee 10 St Patrick's Road Saul Downpatrick BT30 7JG | | AGENT | MB Architectural Design Services 28 Cathedral Park Downpatrick BT30 6GF 07738854520 |
| LOCATION | Adjacent to 10 St Patrick's Road Saul Downpatrick | | | |
| PROPOSAL | Proposed new pastoral hall | | | |
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 0 | 0 | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |
| | | | Addresses | Signatures |
| | | | 0 | 0 |

- 1 The proposal is contrary to policy BH11 of PPS 6 in that the proposal does not respect the listed building in terms of scale, height, massing and alignment; the massing of the proposed building is incongruous with the historic setting, particularly the shallow pitched roof coupled with building depth, which would be 'skylined' in the critical views from the church to the west past the parochial house.
- 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: LA07/2015/1016/F

Date Received: 09.10.2015

Proposal: The application is for full planning permission for proposed new pastoral hall

Location: The application site is located outside the settlements in the open countryside as designated in the Down and Ards Area Plan 2015. The site is located approximately 3 miles to the NE of Downpatrick.



Site location Plan



Site Characteristics & Area Characteristics:

The application site is located to the north west in the grounds and within the curtilage of Saul Parochial House. There is a surface car park which is accessed off the St Patricks Road which is surrounded by a stone wall. To the west of this car park are a row of mature fir trees with vehicular access gained to the Parochial House. There is an area of tarmac and a pedestrian access to the north leads to the Church which is listed. The modular building was already on the site at the time of

site visit and was on concrete blocks and surrounded on two sides (north and west elevation) by an existing 1.2m stone wall. Adjacent to this wall is the existing graveyard and a public toilets block. The area is rural in character and is characterised by single dwellings in the countryside.

Site History:

R/2009/0542/F - Proposed extension to cemetery including columbarium. 10 St Patricks Road permission granted 16.10.2009.

Planning Policies & Material Considerations:

The application lies outside the settlement limit in the open countryside within an AONB and within an Area of Mineral Constraints as defined within the Ards and Down Area Plan 2015 and as such policies SPPS, PPS 3, PPS 6 and PPS 21 are all applicable to the application.

Consultations:

Transport NI - no objections provided there is no intensification of the access

NIW - no objections

Rivers Agency - No objections

NIEA Water management Unit

NIEA HBU (Historic Buildings Unit) - considers that the proposal will have an adverse impact on the listed building under BH 11 (Development affecting the Setting of a listed Building) of PPS 6.

Objections & Representations

In line with statutory requirements four neighbours have been notified on 20.10.2015. No letters of representation neither support nor objection were received. The application was advertised in the Mourne Observer and the Down Recorder on 28.10.2015.

Consideration and Assessment:

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

PPS3 - Access, Movement & Parking
DCAN15 -Vehicular Access Standards

It is proposed to access directly from the St Patrick's Road. TransportNI was consulted and has no objections to the proposal subject to there being no intensification of the access.

PPS 6 - Policy BH 11 - Development affecting the setting of a listed building

The application for a new pastoral centre is adjacent to St Patricks RC Church, St Patricks Rd which is (Grade B) listed and is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011. St Patricks Church is approx 0.5km west of St Patricks Monument.

Historic Buildings Unit (HBU) have been consulted as part of the application and has considered the impacts of the proposal on the building and on the basis of the information provided, advise that it considers that the proposal would have an adverse impact on the church under Policy BH 11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

The curtilage of the church envelops the parochial house, the graveyard, boundary structures and several ancillary buildings. The proposed hall is sited within curtilage walling adjacent to the parochial house and adjacent to the graveyards.

HBU have recommended that the proposal is unacceptable for the following reasons: the detailed design [should] respect[s] the listed building in terms of scale, height, massing and alignment;

- its massing is incongruous with the historic setting, particularly the shallow pitched roof coupled with building depth, which would be 'skylined' in the critical views from the church to the west past the parochial house.

The relationship between the parochial house and the church is attractive and valuable to the setting, and must be considered by the proposals.

This form and position is therefore key to the proposals successful integration to the group. They state that the works proposed [should] make use of traditional or sympathetic building materials and techniques which respect those found on the building;

- the details are incongruous with those of an ancillary building within the churches setting, including overhanging eaves, raised ground floor level, fenestration type and pattern and materials.

Although the building is of a relatively minor scale, its form and alignment, by virtue of the detailing risk posing a competing and disharmonious focus within the curtilage group.

HED considers the provision of a new pastoral centre to be an opportunity to bring new uses and growth to the church community, but must ensure that any building introduced to this group acknowledges and respects the special architectural or

historic importance of the building and its setting by being of good quality design, subservient to the church, and strengthening the value of the listed structures.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for non-residential development in the countryside in the following cases which are listed, one such instance is - a necessary community facility to serve the local rural population.

Further information was submitted by the agent following the comments of HBU, including the location, siting, security, historic buildings and alternatives. While views of the site would be limited from the public road due to the screening with mature fir trees of this part of the curtilage of the parochial house, there would still be views of the modular building from within the grounds of the Church, which would be considered as a place of public assembly. I would agree with the analysis of HBU and its affect on the setting of the listed building. The building would detract from both the setting of the listed building and the parochial house due to the scale and proportions and finishes of the building.

The proposal is contrary to policy BH11 of PPS 6 in that the proposal does not respect the listed building in terms of scale, height, massing and alignment; the massing of the proposed building is incongruous with the historic setting, particularly the shallow pitched roof coupled with building depth, which would be 'skylined' in the critical views from the church to the west past the parochial house.

While the facility may be needed to serve the local rural parish population, the need does not outweigh these concerns. The application is contrary to CTY 1 of PPS 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.

Refusal is recommended.

Recommendation:

Refusal

Refusal Reasons:

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

2.The proposal is contrary to policy BH11 of PPS 6 in that the proposal does not respect the listed building in terms of scale, height, massing and alignment; the massing of the proposed building is incongruous with the historic setting, particularly

the shallow pitched roof coupled with building depth, which would be 'skylined' in the critical views from the church to the west past the parochial house.

Case Officer Signature

Date

Appointed Officer Signature

Date

Application Number: LA07/2015/1016/F

Applicant: Parish of Saul and Ballee

Proposal and Location: Adjacent to 10 St. Patrick's Road, Saul

Councillor's Name: Councillor Sharvin

Reason(s) for requesting application appear before the Planning Committee:

This application has been rejected under grounds that have not considered the below. I fully support the application and believe it meets the requirements of planning policy and should be approved under Section 85(8) of the Planning Act (NI)

Under Section 85(8) of the Planning Act (NI) 2011 listed building consent is not required for the alteration or extension of a listed ecclesiastical building of any denomination provided that the building is used for ecclesiastical purposes both before and after the works.

Therefore it should not be a consideration for the new Temporary Building which will also be used for ecclesiastical purposes.

22nd June 2016

Dear Sir/Madam

Please find herewith submission for the Committee's attention in connection with its consideration of the above Planning Application.

I would also request to speak on the day in respect of the application.

Can you confirm time and location of meeting.

Many thanks

Michael Bailie

Parish of Saul and Ballee.

**Proposed Pastoral Centre adjacent to Parochial Hall at
10, St Patrick's Road, Saul, Downpatrick.**



Saul Chapel, view from St Patrick's Road, Saul, Downpatrick ... note that the Pastoral Centre cannot be seen from the public road.

Comment on and rebuttal of suggested reasons for refusal of the above proposal:

- 1. The proposal is contrary to policy BH 11 of PPS 6 in that the proposal does not respect the listed building in terms of scale, height, massing and alignment: the massing of the proposed building is incongruous with the historic setting, particularly the shallow pitched roof coupled with building depth, which would be 'skylined' in the critical views from the church to the west past the parochial house.***
- 2. The proposal is contrary to Policy CTY 1 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.***

MB.....March 2016

It is taken that members of the Planning Committee are familiar with the submission which accompanied the Planning Application. For those who are not, a copy accompanies this document.

The Saul and Ballee Parish, like many others, is experiencing a significant growth in lay involvement in the activities of the Church ... from flower arranging, through Pastoral Council, outreach programmes, marriage and baptism courses, St Vincent de Paul, to training for Reader, Minister of the Eucharist, etc.. The traditional buildings, the Church or the Parochial House, are unsuited to these activities; for example, there are issues with 'Health and Safety' and public access.. Resources limit the Parish's response to this upsurge in demand for space – this, alas, is reflected in the nature of the proposed building, and the fact that it is actually on site.

Location within the Church curtilage was a non-starter, location elsewhere, other than the chosen site, was ruled out on access, visual and security grounds. The site suggested by HBU was simply not big enough and would have prejudiced formal graves; furthermore, the area is thought to contain some unmarked children's graves.

Ecclesiastical Exemption; can the Planning Committee ask for clarification vis-à-vis its pertinence to this proposal as all the activities at the Pastoral Centre are Church focused?



Reason 1, consideration

1. To aid understanding of the physical context

Photo' from viewpoint favoured by HBU. Note ...from left ... partially hidden Parochial House, subject building and lavatory block and, right, intrusive recent residential developments.

This is the photo' taken by HBU. Note ...

**Parochial House
Range of outhouses to side and rear
Lavatory Block**



2. It is important also to realise the application site lies outside the physical curtilage of the Listed Chapel and Grounds, and beyond the 'Pink Wash' area defined by HBU as being critical; rather, site (and building) lies together with the (unlisted) Parochial House and clearly within the latter's curtilage.

Comment

It is considered the emphases expressed in reason 1 are misplaced;

- The critical views to be considered here are the public viewpoints of the association of the proposal with the Listed Building ... of which there are none. The building can be seen from the public road only with contrivance, and certainly not in association with the Chapel. Viewpoints from the Chapel are limited only to those who benefit from the addition of the Centre.
- The siting of the new structure will screen from the latter viewpoints a range of buildings behind the Parish House, none of which may be described as 'congruent' in the terms quoted by HBU.
- To suggest that the building would be '*skylined in the critical views ... past the parochial house*', is simply misleading ... to which both photographs attest.
- The 'critical views' of which HBU expresses concern should also be seen in context; a range of outhouses, the lavatory block, intrusive modern residential development, and a new school.

From the public viewpoint there is no meaningful change in the setting of the Listed Building, and those who will have sight of it are also those who will benefit. The chosen siting does have some positive aspects. But above all, a balance has to be struck which satisfies the principal users and the public good. Ultimately, the question is, '*Does the location of the new building impact unfavourably on the 'public good'?*' In this case it, the public good, remains largely unaffected.

Reason 2, consideration

To suggest that the new Pastoral Centre is 'footloose' and could readily be sited in any settlement as opposed to a rural area, as in this case, at the Parochial House and St Patrick's Parish Church, is to misunderstand and underrate, even deny, the close association between the Parish and the Community. Besides meaning rural, bucolic, of the countryside, etc., 'pastoral' in the current, i.e. Christian church, sense may be described as '*concerning or appropriate to the giving of spiritual guidance.*'

St Patrick's is the hub of Saul and Ballee Parish, it is the focus of formal worship in the Parish and of the growth in church related activities organised and developed by the laity; the one cannot be separated or distinguished from the other. Other factors add to the feeling of being the heart of the community ... the area's association with St Patrick, the local adjacent primary school, St Patrick's Monument, games and sporting clubs, even Saul Church. To locate a Pastoral Centre elsewhere would be akin to tearing the heart out of the community.

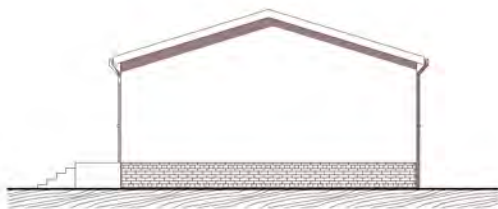
Conclusion

The Parish considers the creation of the Pastoral Centre to be essential for the well-being of the community, and within the resources presently available is attempting to provide appropriate accommodation. It is of the view that the proposed satisfies the Parish and Community needs while being protective of the wider public interest.

The Council is asked to approve the scheme.



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



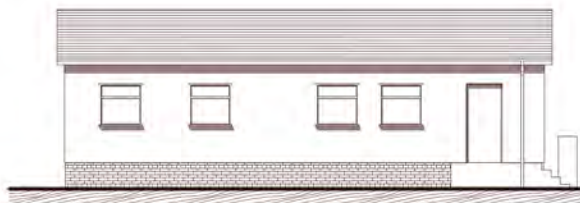
PROPOSED SIDE ELEVATION

FINISHES SCHEDULE
 ROOF - PROFILED SHEET ROOF (REPLICATING ROOF TILES)

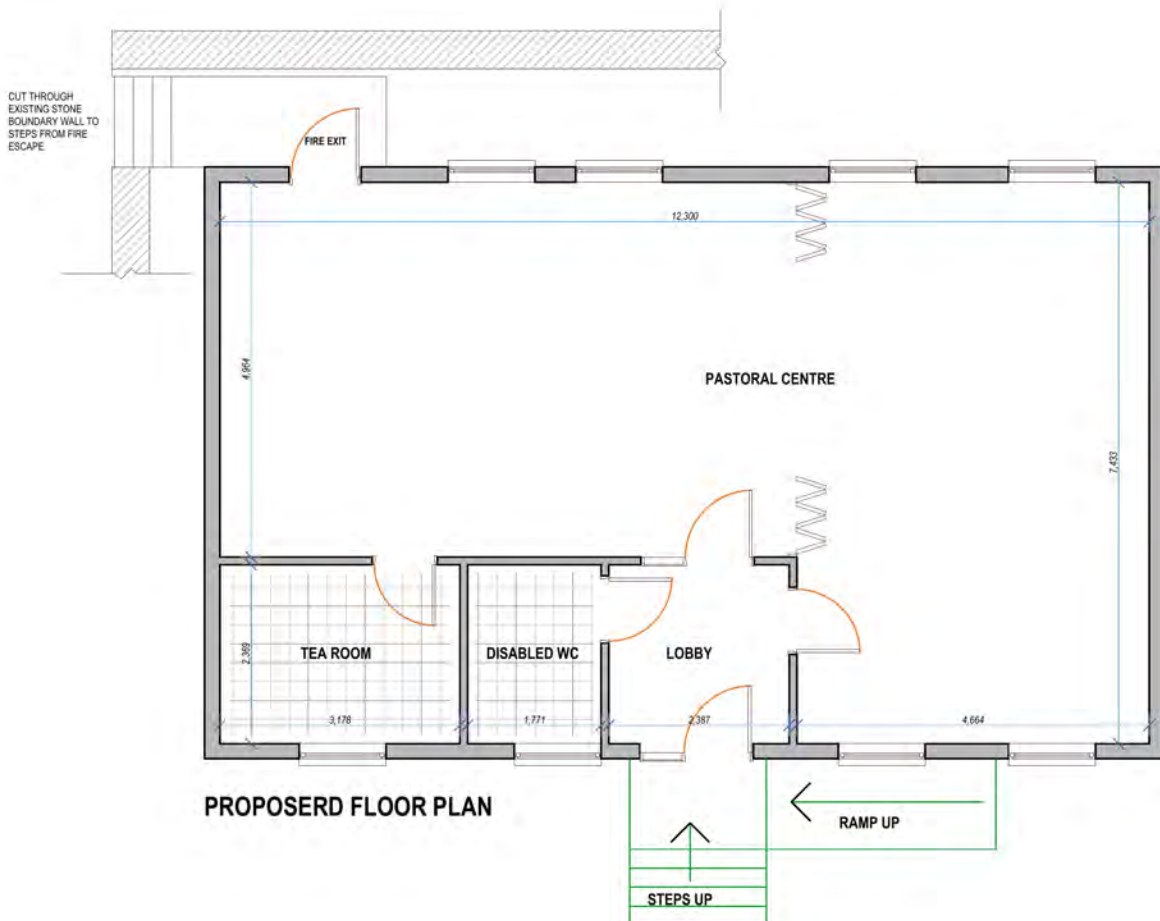
WALLS - RENDERED PANELS TO TAKE PAINTED FINISH. BRICK/BLOCK PLINTH

WINDOWS/DOORS - uPVC; PROFILE AND STYLE AS PER ELEVATIONS.

RAINWATER GOODS -uPVC.ROUND DOWNPIPES AND HALF ROUND GUTTERS.



PROPOSED REAR ELEVATION



PROPOSED FLOOR PLAN

Job Title

Drawing Name
PROPOSED PLANS AND ELEVATIONS.

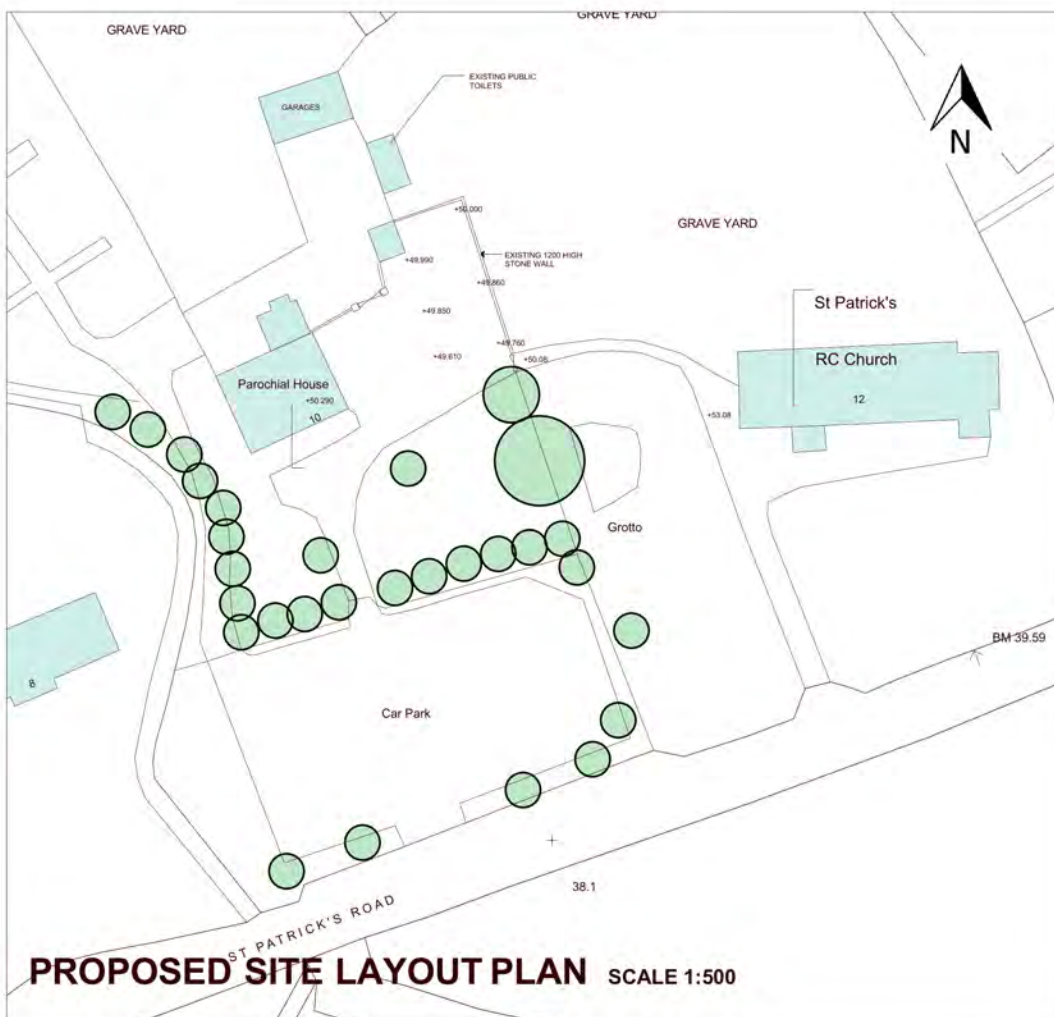
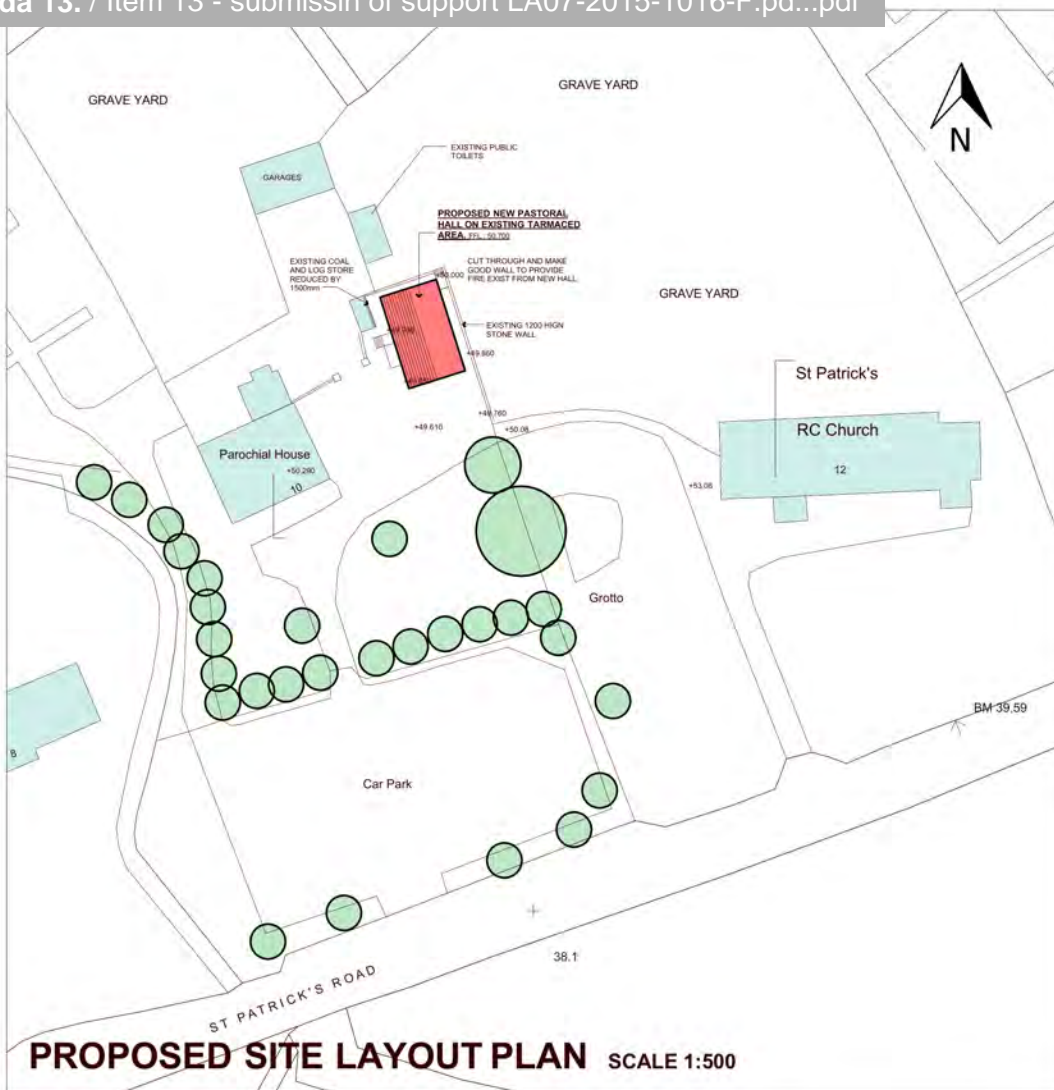
Drawn by MB Date

MB

Drawing Scale
 1:100

Drawing no. SB - 003

Revision



MB ARCHITECTURAL DESIGN SERVICES
 PLANNING • BUILDING CONTROL • SURVEYS • CONSERVATION
 T. 077 3885 4528 • E. MICHAEL.BAILEY@TISCALI.CO.UK
 28 CATHERAL PARK • DOWNPATRICK • BT13 6SF

Job Title:
 PROPOSED NEW PASTORAL CENTRE
 ADJACENT TO No 10 ST PATRICKS
 ROAD, SAUL, FOR
 THE PARISH OF SAUL AND BALLEE.

Drawing Name:
 EXISTING AND PROPOSED SITE
 PLANS.

Drawn by:
 MB

Date:
 OCTOBER
 2015

Drawing Scale:
 1:100

Drawing no:
 SB - 002

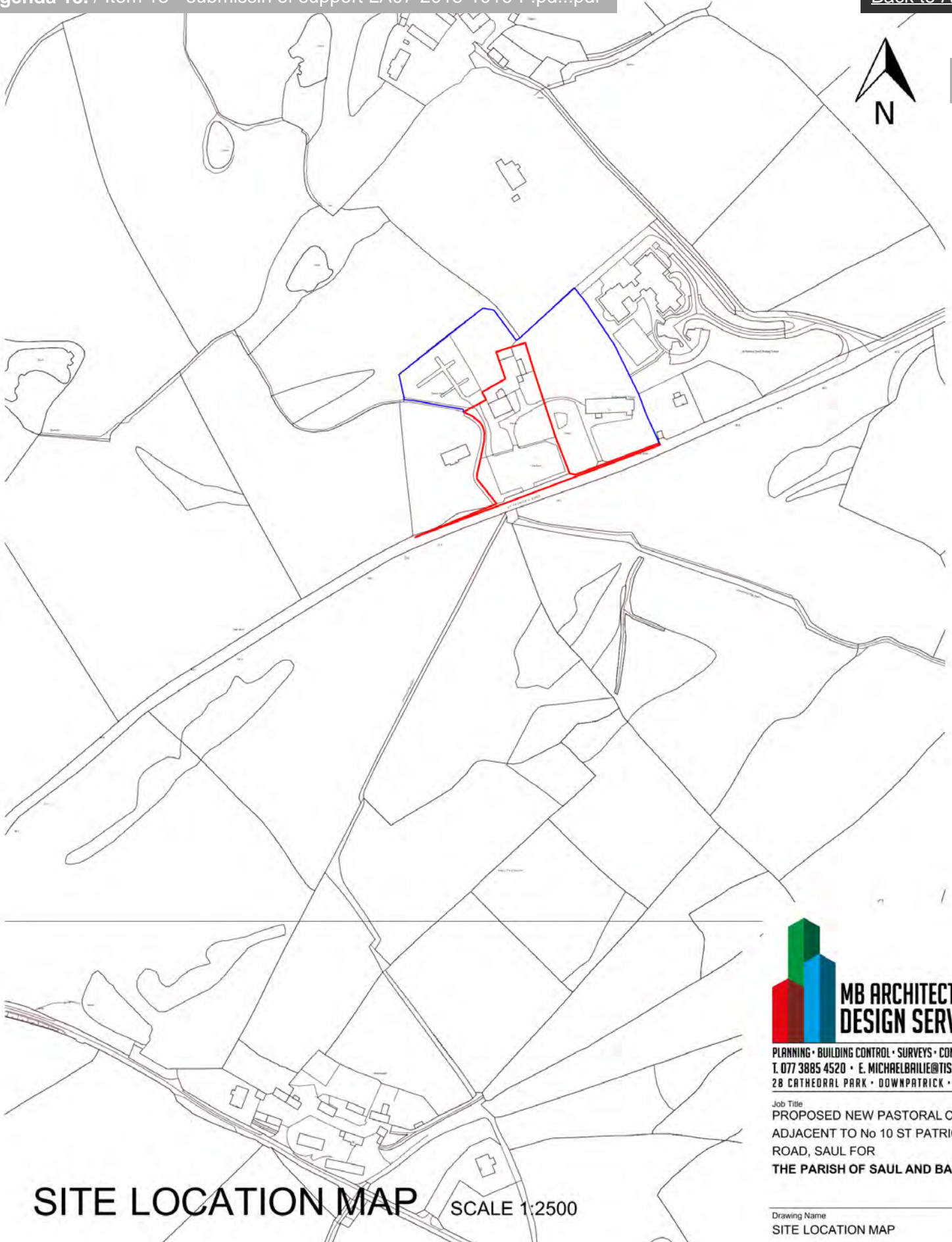


MB ARCHITECTURAL DESIGN SERVICES
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 28 CATHEDRAL PARK • DOWNPATRICK • BT13 0SF

Job Title: PROPOSED NEW PASTORAL CENTRE ADJACENT TO No 10 ST-PATRICKS ROAD, SAUL, FOR THE PARISH OF SAUL AND BALLEE.

Drawing Name: EXISTING AND PROPOSED SITE PLANS.

| | |
|----------------------|--------------------|
| Drawn by: MB | Date: OCTOBER 2015 |
| Drawing Scale: 1:100 | |
| Drawing no: SB - 002 | Revision: |



SITE LOCATION MAP SCALE 1:2500



**MB ARCHITECTURAL
DESIGN SERVICES**
 PLANNING • BUILDING CONTROL • SURVEYS • CONSERVATION
 T. 077 3885 4520 • E. MICHAELBAILIE@TISCALI.CO.UK
 28 CATHEDRAL PARK • DOWNPATRICK • BT30 6GF

Job Title
**PROPOSED NEW PASTORAL CENTRE
ADJACENT TO No 10 ST PATRICKS
ROAD, SAUL FOR
THE PARISH OF SAUL AND BALLEE.**

Drawing Name
SITE LOCATION MAP

| | |
|-----------|-------------------------|
| Drawn by | Date |
| MB | OCTOBER 2015 |

Drawing Scale
1:2500

Drawing no. **SB - 001**

Revision

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

| | | | | |
|------------------------|--|--------------------|---|----------------------|
| ITEM NO | 10 | | | |
| APPLIC NO | LA07/2015/1071/F | Full | DATE VALID | 10/22/15 |
| COUNCIL OPINION | REFUSAL | | | |
| APPLICANT | E Flynn 98 Carrickmannon Road Ballygowan BT23 6JR | AGENT | Dempsey Architects 677 Lisburn Road Belfast BT9 7GT 02890664086 | |
| LOCATION | 39/39A Inishmore Killyleagh BT30 9TP | | | |
| PROPOSAL | 2 no. semi-detached dwellings (in substitution of detached dwelling previously approved under R/2007/0310/F), at Site no.39 Inishmore. (Corrected description received) | | | |
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions |
| | 6 | 0 | 0 | 0 |
| | | | Addresses Signatures | |
| | | | 0 | 0 0 0 |

- 1 The proposal is contrary to policy QD1 (h) of the Department's Planning Policy Statement 7, Quality Residential Environments in that the development would not create a quality residential environment, and would, if permitted result in unacceptable overlooking of the adjoining properties at no.29a Seaview and No.3 Shore Road, and consequent lack of privacy.
- 2 The proposal is contrary to Policy QD1 (h) of the Department's Planning Policy Statement 7, Quality Residential Environments in that the development would, if permitted result in unacceptable overshadowing, loss of light, dominant and overbearing impact over the adjoining properties of no.29a Seaview and No.3 Shore Road.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1071/F

Date Received: Oct 2015.

Proposal:

Full planning permission is sought for 2 no. semi-detached dwellings (in substitution of detached dwelling previously approved under R/2007/0310/F), at Site no.39 Inishmore, Killyleagh
(Corrected description received)

Applicant: E Flynn

Location:

The site is located within the development limits of Killyleagh, on land zoned for housing (HPA3) as identified in the Ards and Down Area Plan 2015. This area is largely residential in character, whereby development is on-going for the creation of new units within the large cul-de-sac of Inishmore.

This existing development of Inishmore comprises detached dwellings which are single storey in from finished in painted render towards the upper end, while the newer units towards the lower end comprise 1 1/2-2 storey semi-detached and terraced units which are finished in a mix of brick and render.

Site Characteristics & Area Characteristics:

The site is located towards the bottom end of the large cul-de-sac of Inishmore off the Downpatrick Road. The application site is enclosed by fencing and is overgrown and used for the storage of materials and soil at present, whereby the existing ground levels slope gently down towards the boundary with no.29a and 3 Shore Road, and also towards the development of the Anchorage.

Site history

A history search has been carried out for the site and surrounds whereby it was noted there have been several previous applications on this site, the most of which observed includes:

R/02/0035- Land to SE of existing development at Inishmore, Residential development, outline, approval, 27-08-02,

R/04/0745- Land to SE of existing development at Inishmore, Phase 2 Residential Development, full, approval, 15-10-05,

This development comprised a total of 34 units (Site No.21-54) in the SE corner of this development, including a mix of detached, semi-detached and terraced units. Site no.38 was located in the corner being set at an angle and comprised a detached bungalow. No.39 comprised an end 1 1/2 storey terraced unit, which was located approx 12m from the rear boundary adjoining no.29/29a Seaview. The FFL of no.38 was indicated as being 12.20 while that of no.39 was 12.98.

R/07/0310- Land to SE of existing development at Inishmore, Revised layout of residential accommodation approved in previous application R/04/0745/F, full, approval, 05-09-11,

This development and layout referred to some 21 units (Site No.21-41) in the SE corner of this development, whereby the revisions related to several units, namely Site no. 31, 35, 38, 39, 40, 41.

Site no.38 and 39 relate to the application site of the current proposal and these approved house types (Type K) comprised 2 detached bungalows with ridge heights of approx 5.5m and were finished in facing brick. The FFL of these units were: 52.45 for Site no.38, and 53.25 for Site no.39.

No.38 was located in the corner and was set at an angle, while no.39 backed onto and sat parallel to the boundary with no.29/29a Seaview, being located approx 10m from the boundary.

R/13/0177- Sites 38/38a Inishmore, Change of house to dwelling previously approved under R/07/0310 at site no.38, with 1 additional dwelling at site 38a, Full, Approval, 02-09-14, Applicant: Strangford Lough Properties Ltd.

This approved application included a pair of 1 1/2-2 storey semi-detached dwellings (approx 4.5m to eaves and 8m to ridge) which were finished in brick at ground floor and render at first floor. The side gables included WC and landing windows with parking to the side of no.38a and parking to the front of no.38. The FFL of each unit was 52.45.

(It is noted this application initially proposed 4 dwellings with a pair of semi-detached dwellings at both site no.s 38 and 39, however was amended/reduced as the case progressed, with site no.39 being omitted from the scheme, due to being considered unacceptable).

It is also noted no.29a obtained planning permission for a sun room and study extension to the rear (R/04/0886), which has been constructed, while there is also a current application ongoing for 2 dwellings at site no.38 (REF LA07/15/0996)

Consultees

Due to the nature of this proposal (Change of house type and additional dwelling), consultation has been carried out with Transport NI, NIW and NIEA, who offer no objections in principle.

Representations

6 letters of objection have been received to date (15-06-16) from the owner/occupiers of no.3 Shore Road, 30 The Anchorage, 29a Seaview, whereby the main issues raised include:

- overlooking and loss of amenity/privacy
- separation distances are contrary to policy,
- there is a current Ombudsman case on-going concerning this site
- overshadowing (may also result in loss of energy from the installed solar systems),
- overshadowing and dominant impact on the adjoining property,
- house types are too large for this site
- the site history is referred
- concerns regarding boundary treatment and ensuring these works are carried out,

See file for full content of issues/concerns raised.

As part of the processing of this application, having account the extent of the red line and ownership of the application, neighbour notification has been carried out with a number of properties within the Inishmore development, and also the development of The Anchorage, Seaview and Shore Road on several occasions as part of this application, most recently in May 2016, while the application was advertised in both Nov 2015 and June 2016.

Policy- RDS, Ards and Down Area Plan 2015, SPPS, PPS3, PPS7, PPS12, Creating Places, DCAN8

As stated above site is located within the development limits of Killyleagh, on land zoned for housing (HPA3) as identified in the Ards and Down Area Plan 2015, whereby this area is residential in character.

Zoning HPA3- Lands off Inishmore and adjoining The Anchorage.
This zoning includes 5 key design considerations.

Assessment

As stated above the site is located at the bottom end of the sizeable cul-de-sac of Inishmore and comprises a vacant site at present which is enclosed and fenced off.

This proposal seeks full permission for a change of house type from the previously approved detached dwelling (bungalow) to a pair of semi-detached dwellings at Site no.39/39a.

This site no.39/39a backs towards no.3 Shore Road and no.29a Seaview, whereby it is noted from the information provided and site history outlined above this proposal seeks to replace the previously approved bungalow with 2 dwellings.

The dwellings now proposed comprise a pair of 2 storey semi-detached buildings which will be approx 9m high (5m to eaves)

It is acknowledged that while the design and finishes of these units are slightly different from the remainder of this development, the overall scale is in keeping with existing development within this cul-de-sac, thus they will not result in any unacceptable impact on the character of the area or street-scene.

However, having account current policy and supplementary guidance (Creating Places), it is considered these large units will result in unacceptable overshadowing and dominant impact over the adjoining properties (No.3 Shore Road and No.29a Seaview) due to their size and also proximity to both the boundary and dwellings of these adjoining properties.

Concerns have been expressed from third parties that the development will affect the solar panels that have been erected on the roof of no.29a, however having account the elevated location of these panels, path of the sun and relationship between units, no concerns are expressed regarding this issue.

Similarly it is considered these proposed dwellings will also result in unacceptable overlooking over no.29a Seaview and no.3 Shore Road due to the inadequate separation distances to these dwellings.

It is noted a 3m strip of buffer planting is proposed along the rear boundary as per the requirements of zoning HPA3. It is also noted in-curtilage parking is proposed for each unit, while sufficient provision is made for amenity space for each of these 3 bedroom units.

It is noted from the site layout plan the levels and FFL will be similar to those previously approved, however it is considered the house types currently proposed are unacceptable being too large for these sites.

(These are the same concerns that were expressed for a similar proposal under application R/13/0177 prior to it being amended).

While it is noted there is an on-going Ombudsman case regarding this development it is considered there is no reason to hold this application while this case proceeds.

Following initial consideration of the case a letter was issued to the agent advising the proposals are unacceptable for the reasons outlined above, and afforded an opportunity to amend the scheme.

Amended plans were then received on 8th March, following which neighbour notification was again undertaken, while an amended P1 form with corrected description was also received in May. The agent also submitted further supporting information via email in May 2016 in photos on site.

It is noted a total of 6 representations have now been received to date (15-06-16), whereby the main concerns are-iterated while also advising the minor amendments made do not resolve the areas of concern.

The amendments made include reducing the height of the dwelling to 7.9m above FFL and reducing the depth of the dwellings to 9.3m. The eaves height (5m), width (7m). FFL and finishes have remained unaltered. (It is noted the reduction in roof was effectively made by reducing the roof pitch).

It is considered the amendments made do not resolve the areas of concern as outlined above, whereby the scheme remains to be considered unacceptable for the reasons previously stated.

Accordingly refusal is now recommended.

Recommendation: Refusal

Reasons:

- The proposal is contrary to policy QD1 (h) of the Department's Planning Policy Statement 7, Quality Residential Environments in that the development would not create a quality residential environment, and would, if permitted result in unacceptable overlooking of the adjoining properties at no.29a Seaview and No.3 Shore Road, and consequent lack of privacy.
- The proposal is contrary to Policy QD1 (h) of the Department's Planning Policy Statement 7, Quality Residential Environments in that the development would, if permitted result in unacceptable overshadowing, loss of light, dominant and overbearing impact over the adjoining properties of no.29a Seaview and No.3 Shore Road.

Application Number: LA07/2015/1071/F

Councillor's Name: Councillor Terry Andrews – Rowallane DEA

Reason(s) for requesting application appear before the Planning Committee:

The proposal is for a pair of semi detached dwellings similar to those that have already built over some years. The dwellings in themselves are normal and the dimensions of the dwellings and plot sizes are also normal. All of these factors would in themselves would have obtained planning approval. In deed the same dwellings and plot sizes have just been approved for the adjacent site at 38/38A on the same planning list. The report refers to no.29a Seaview and No.3 Shore Road, which are to the rear of the application site. As there is substantial shrubbery and fencing to the rear, it is believed that this affords substantial screening to these properties. If it is required further screening can be added to negate any potential loss of amenity and further information or amendments to the dwellings can also be undertaken – should the Briefing Panel so require.

Briefing Panel Decision:

CHAIR & MEMBERS OF COUNCIL

PREPARED PAPER FOR PLANNING APPLICATION LA04/2015/1071/F AT 39/39A INISHMORE, KILLYLEAGH

ASSESSMENT OF THE PLANNING APPLICATION

- 1 The application for a pair of semi detached houses at 39/39a Inishmore was submitted a short while after an application for a pair of semi detached houses at 38/38a Inishmore . which is adjacent
- 2 Both applications were for the same house type - Refer to Appendix 1
- 3 Both applications had the same foot print for the houses - front and rear garden. Refer to Appendix 2
- 4 The application for 38/38a has been successful , whereas 39/39a has been recommended for refusal.
- 5 The response back from the Planning Office on the decision to refuse was that they had previously stated that they wished a bungalow only for the site of 39/39a due to the impact of the rear neighbours.
- 6 Some considerable time has passed since that previous decision was made (Sept 2014) and there have been substantial changes to the site since.
- 7 In particular the substantial growth of the rear hedgerow to adjacent neighbours – refer to Appendix 3.
- 8 This screening to the rear neighbours has substantially improved any perceived concerns.
- 9 Drawing no. 1512-100-20 was submitted – this illustrates that the rear screening is substantial and minimises any perceived concerns. Refer to Appendix 4
- 10 Any perceived impact to the rear neighbours – it has been clearly shown that this is not the case.
- 11 It was also pointed out to the planners that should the substantial hedgerow to the rear was insufficient then we were happy to increase this in height to ensure complete privacy to the rear neighbours.

CONCLUSIONS

39/39a is an identical application to the approved 38/38a in all features only in a different location.

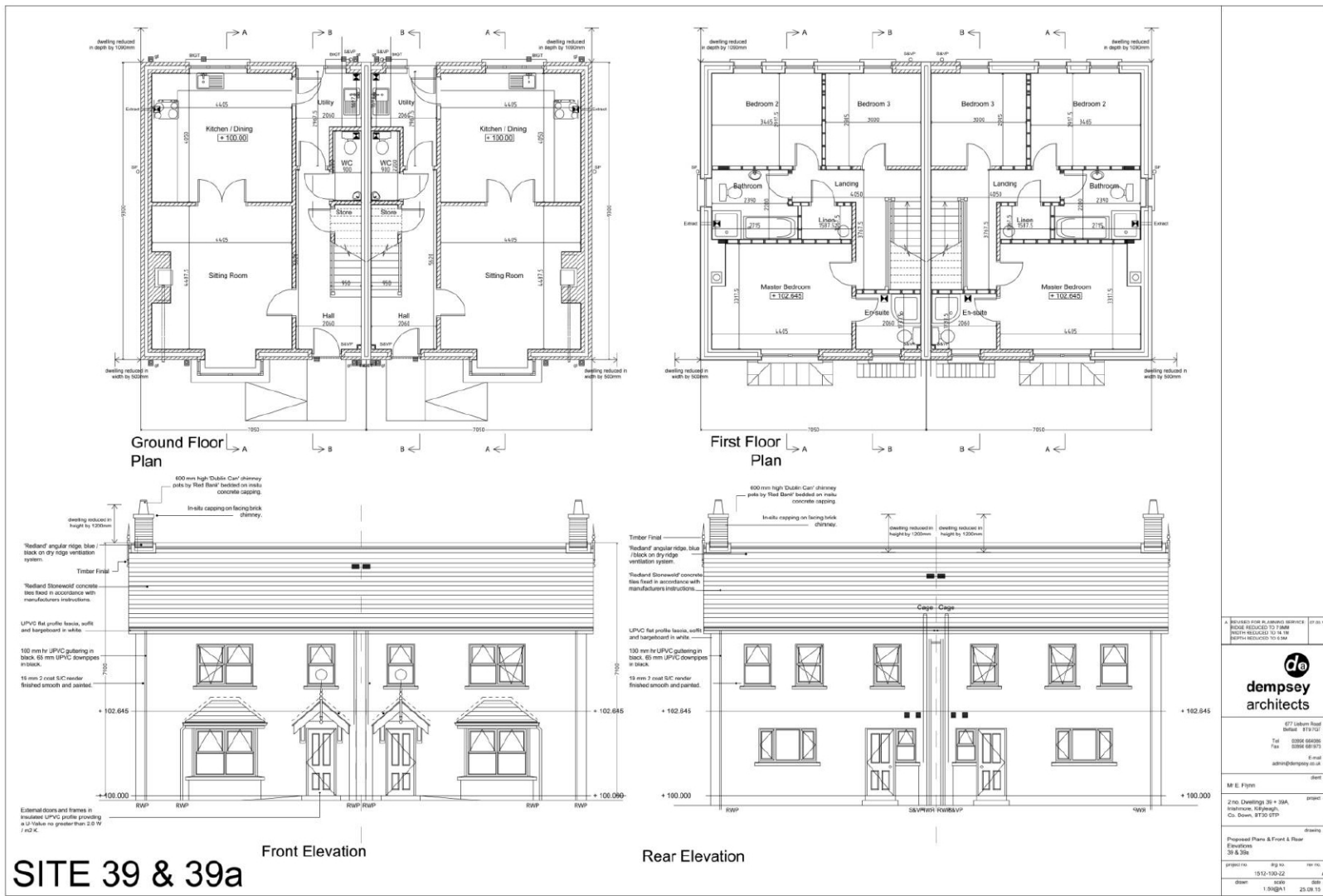
39/39a has substantial rear screening were as 38/38a has not

39/39a can increase the substantial screening if it required

39/39a should be recommended for **APPROVAL**

APPENDIX 1

DETAILS OF HOUSETYPE



A REVIEWED DRAWING WHICH REFLECTS THE LATEST REVISIONS TO THE DRAWING. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY THE ARCHITECT.

dempsey architects

677 Auburn Road
Belconnen ACT 2900
Tel: 0293 660200
Fax: 0293 660971
E-mail: admin@dempsey.arch

M. E. Flynn client

2 No. Drawings 30 x 30A, 30 x 30B, 30 x 30C, 30 x 30D, 30 x 30E, 30 x 30F, 30 x 30G, 30 x 30H, 30 x 30I, 30 x 30J, 30 x 30K, 30 x 30L, 30 x 30M, 30 x 30N, 30 x 30O, 30 x 30P, 30 x 30Q, 30 x 30R, 30 x 30S, 30 x 30T, 30 x 30U, 30 x 30V, 30 x 30W, 30 x 30X, 30 x 30Y, 30 x 30Z

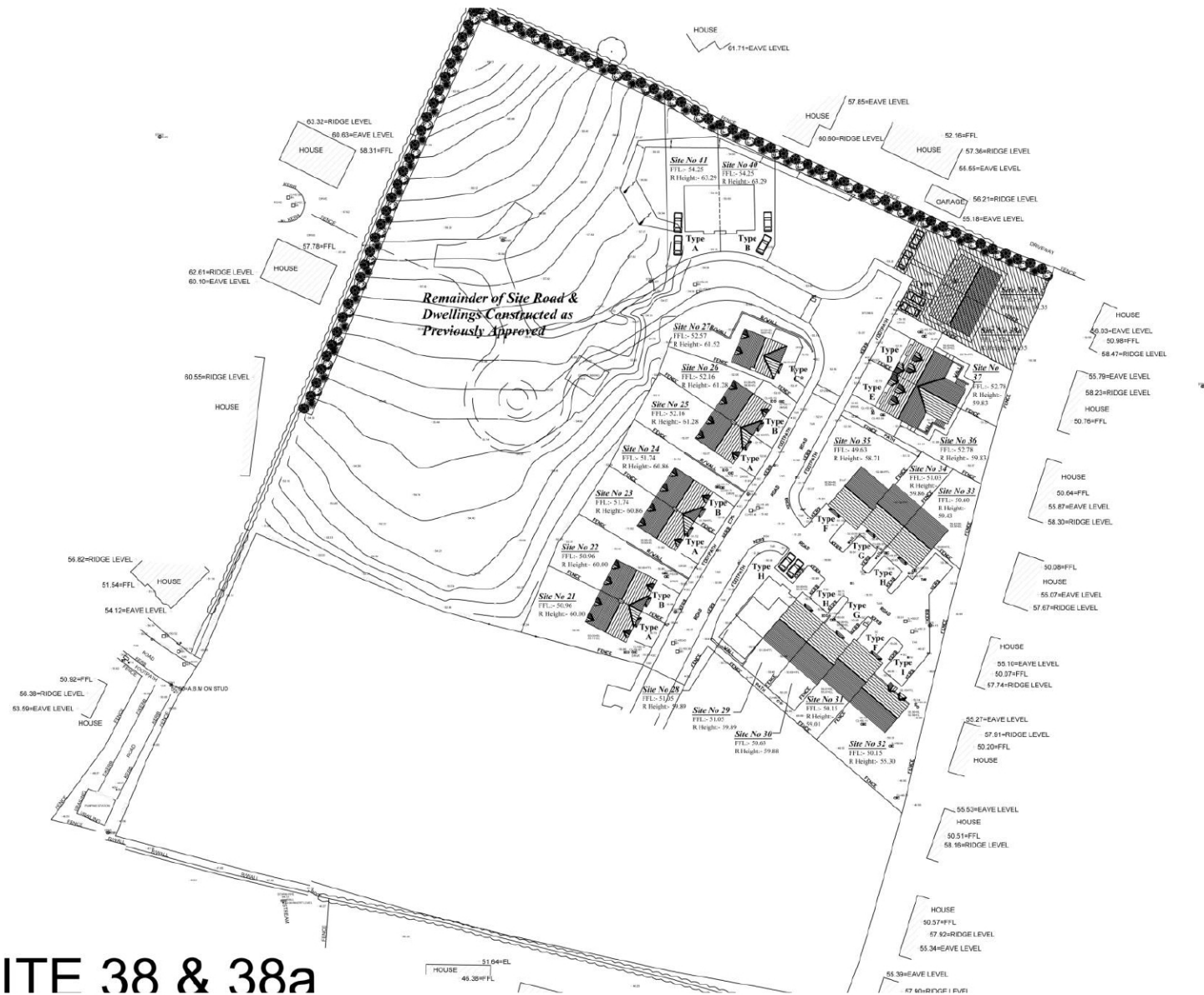
Proposed Plans & Front & Rear Elevations
30 x 30A

Project no. 1512-100-22
Date: 15/08/11
Scale: 1:500

Drawn by: [Name]
Checked by: [Name]
Date: 25.08.11

APPENDIX 2

SITE PLAN ILLUSTRATING SITES 38/38A (Approved)



| | | |
|--|---|-------|
| C | REVIEWED FOR PLANNING SERVICE | 131 |
| | Site 38/38A | |
| B | REVIEWED FOR PLANNING SERVICE | 130 |
| | FFL & RIDGE HEIGHT ALTERED TO 51% 38/38A | |
| A | REVIEWED FOR PLANNING SERVICE | 127 |
| | PROPOSED TO 7.9M WIDTH REDUCED TO 14.1M DEPTH REDUCED TO 9.3M | |
| | | |
| 677 Lisburn Rd Belfast BT9 7JL Tel: 02892 4649 Fax: 02892 6613 E: adm@dempsey.co.uk www.dempsey.co.uk | | |
| Mr E. Flynn | | |
| 2 ex Dwellings 38 + 38A Milltowne, Killybegh, Co. Down, BT30 9TP | | |
| Site Layout - 28 & 38a | | |
| project no. | 489 rev. | rev 1 |
| 10/14/2015-02 | | |

SITE 38 & 38a

CONCLUSION

BOTH FRONT AND REAR GARDENS ARE THE SAME

APPENDIX 3

PHOTO OF 38/38A – SCREENING TO THE REAR IS LIMITED

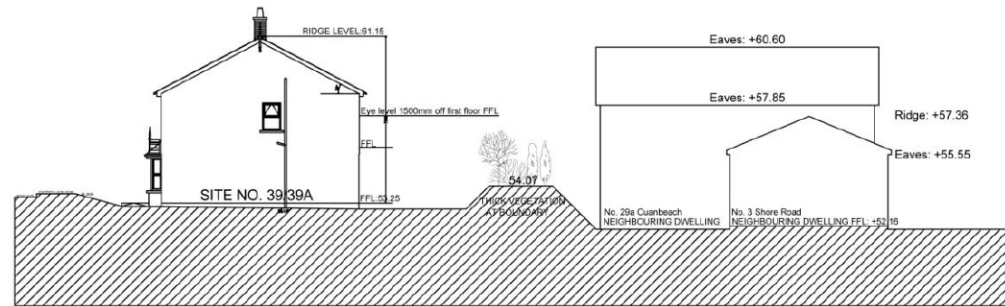


PHOTO OF 39/39A – SUBSTANTIAL SCREENING TO THE REAR




APPENDIX 4

**SECTION SHOWING THE RELATIONSHIP BETWEEN THE DWELLINGS
(section drawing)**



Site Section AA - SCALE 1:200

| | | |
|---|-------------|----------|
|  dempsey architects | | |
| 677 Lisburn Road Belfast BT9 7GT Tel 02850 964086 Fax 02850 961973 E-mail admin@dempsey.co.uk | | |
| client | | |
| Mr E. Flynn | | |
| project | | |
| 2 no. Dwellings 39 + 39A, Inishmore, Killyleagh, Co. Down, BT30 9TP | | |
| drawing | | |
| Site Section AA | | |
| project no. | arg no. | rev no. |
| | 1514-100-20 | |
| drawn | scale | date |
| | 1:200@A3 | 12.10.15 |

SITE 39 & 39a

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

ITEM NO 11
APPLIC NO LA07/2015/1109/F **Full** **DATE VALID** 10/29/15
COUNCIL OPINION REFUSAL
APPLICANT McKinley Contracts Unit 7 **AGENT** Cole Partnership
 Milltown Industrial Estate 12A Duke Street
 Warrenpoint Warrenpoint
 BT34 3FN BT34 3JY
 02841753679

LOCATION Adjacent to No.24 and opposite Nos 19 and 20 Tudor Mews
 Upper Dromore Road
 Warrenpoint
 BT34 3TD

PROPOSAL Proposed 2 No. Apartments

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

- 1 The proposal is contrary to Policy QD 1 of PPS 7, Quality Residential Environments, in that the proposed development:
 - fails to respect the local context in terms of scale and massing
 - fails to provide adequate private open space
 - will cause conflict with adjacent properties due to being overly prominent.
- 2 The proposed development is contrary to Policy LC 1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the pattern of development is not in keeping with the overall character of the established residential area.
- 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 2.0 metres x 33.0 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 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning or loading and unloading of vehicles which would be attracted to the site.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1109/F

Date Received: 29/10/2015

Proposal:

Proposed 2 No. Apartments

Location:

Adjacent to No.24 and opposite Nos 19 and 20 Tudor Mews, Upper Dromore Road, Warrenpoint, BT34 3TD.

The site is located in a cul-de-sac development off the Upper Dromore Road which is inside the settlement development limits of Warrenpoint.

Site Characteristics & Area Characteristics:

The site is located in an urban area which contains a residential development in a cul-de-sac. The site has a triangular shape and is currently laid in grass with tree stumps along the western boundary suggesting that trees have been recently removed from the site. The western boundary, with Dromore Road Primary School, is comprised of a fence, hedging and a tree. The lower portion of the western boundary is comprised of a fence over 2.0m high separating the site from an access lane to the rear of dwellings located along Dromore Terrace. There is no boundary along the eastern side of the site, just a kerb raising the site from the road.

The site is located inside the settlement development limit of Warrenpoint, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The area plan shows that the site itself is unzoned but is within the Mourne Area of Outstanding Natural Beauty.

The site is not located in close proximity to any historic sites or monuments. Tudor Mews is a housing development comprised primarily of two storey semi-detached dwellings. Externally the dwellings are finished with red brick up to the first storey and the second storey is smooth render painted cream. Each dwelling has black crossing along the façade of the first floor. Dromore Road Primary School is located to the north-west of the site; its boundary abuts the application site.

Site History:

There have been no relevant planning applications made on this site.

Planning Policies & Material Considerations:

- Regional Development Strategy 2035
- Banbridge / Newry & Mourne Area Plan 2015

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 7 – Quality Residential Environments
- The Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments
- Creating Places guide
- DCAN 8 – Housing in Existing Urban Areas
- DCAN 15 – Vehicular Access Standards

Consultations:

- NI Water – 29/01/2016 – Replied with standard conditions and informatives.
- Environmental Health – 02/02/2016 – No objections in principle.
- NI Transport – First response on 23/02/2016 stated *“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 2.0 metres x 33 metres) from the proposed access cannot be provided in accordance with the standards contained in the Department’s Development Control Advice Note 15.”* Following the submission of revised plans by the applicant Transport NI were re-consulted. In their response dated 12/04/2016 they retained their original concerns and also stated *“The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning or loading and unloading of vehicles which would be attracted to the site.”*

Objections & Representations

The application was advertised in the local press on 02/11/2015 and 12 neighbours were notified. There were 9 letters of objection submitted to the Council by eight objectors and 1 non-committal letter with regards to this application. The main issues raised in the letter of objection were:

- Visual impact and effect on the character of the area.
- Potential noise and disturbance the development would cause.
- Loss of privacy caused by the development to other residences and the school.
- Devaluation of surrounding property
- Loss of land valued by residents and the clearing of the site of its trees.
- The impact the development has on the environment.
- Effect the development would have on parking in the area.
- Apartments are not in keeping with the properties currently located in Tudor Mews.
- Concern that the development would adversely affect congestion and access by emergency vehicles.
- The development is an attempt at cramming additional properties into the area.
- The site is not an adequate size for the proposed development.

The issue raised in the non-committal letter was over ownership of the site which is a civil, rather than a planning, matter.

Consideration and Assessment:Banbridge / Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. The site is located inside the settlement development limit of Warrenpoint but is the site itself is unzoned. As there are no specific policies in the plan that are relevant to the determination of the application, the principle of the application will be considered under the operational policies of the SPPS, PPS 7 and the addendum to PPS 7 – Safeguarding the Character of Established Residential Environments.

PPS 7 – Quality Residential Environments

Policy QD 1 identifies nine criteria that new residential development is expected to conform with:

- a. The proposal fails to respect the surrounding context and character of the site in terms of the scale, proportions and massing of the proposed buildings. The site has a triangular shape meaning the proposed building will be very close to the road side, in comparison to neighbouring properties, which will cause the building to be prominent. The remainder of the site is dominated by parking provision and is not in keeping with the site layout of other dwellings in the locality. With regards the appearance of the building, it would be appropriate for the area and would match the existing properties. However the site is not of sufficient size for the proposed building.
- b. There are not any identified archaeological or built heritage features that need to be protected. The proposed site is itself a landscape feature within Tudor Mews and the development of this site would remove this area of green space.
- c. The proposed site layout shows that insufficient private open space will remain on the site for recreational purposes although bin store areas have been provided for domestic use. Approximately 25m² open space is provided to the east of the building with little open space to the west, north and south. Landscaping exists outside the site boundary to the west; however there is no room on the site for any landscaping features along the eastern side of the site. The site lacks open space and is likely to create the feeling of cramming.
- d. The provision of local neighbourhood facilities is not applicable to this application given the scale of development.
- e. Given the scale of the development, a movement pattern is not required. It is proposed that a vehicular and pedestrian link will be created onto the existing pavement. This access is assessed under PPS 3.
- f. The proposed development will provide off-street parking for four cars; two spaces for each apartment which would be adequate.
- g. The design of the proposed building acknowledges the buildings already present in Tudor Mews and copies their appearance in that the building would be red brick from the ground floor to first floor level and the first floor would have a smooth render painted cream. This building would essentially match those in the locality but would simply be a different house type.
- h. The adjacent land uses to the site are residential and there is a school to the west of the site. Overlooking and privacy of the school would be unaffected as there are only four very small windows on the rear elevation the proposed building which are all located on bathrooms which would not cause privacy concerns. The layout of the

site could cause the proposed building to be prominent which could create a sense of overlooking for nearby residents, particularly as the building will be so close to the road. There are concerns the building could create a sense of cramming.

i. The proposed development is built backing onto a school and should deter crime and promote personal safety as discussed in Policy QD 1.

The proposed development fails to meet 4 of the 9 criteria and as residential development is expected to conform to all the criteria, the proposal fails to meet the requirements of QD 1.

Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments

In addition to the nine criteria of Policy QD 1 in PPS 7 that new dwellings in urban areas must conform to, Policy LC 1 identifies another three criteria that must be met by dwellings infilling sites:

- a. The proposed density of the site would be higher, but not significantly higher, than that currently found in the locality. Therefore the proposal meets this criteria.
- b. The pattern of development is not in keeping with the overall character of the established residential area. Site constraints mean the building will be located very close to the road and the site layout is not complementary to the site layout of existing properties.
- c. The proposed apartments have an approximate floor area of 75m² which is in keeping with the requirements of Annex 1.

The proposed development fails to meet criteria (b) of Policy LC 1 and as all the criteria are required to be met, the proposal fails to meet the requirements of Policy LC 1.

PPS 2 – Natural Heritage

The proposed development is unlikely to adversely impact on the Area of Outstanding Natural Beauty.

PPS 3 – Access, Movement and Parking

Policy AMP 2 states that planning permission will only be granted for a development proposal involving direct access to a public road where the access will not prejudice road safety or inconvenience the flow of traffic. The access of the proposed dwelling will be created onto Tudor Mews. Transport NI, in their response dated 12/04/2016, raised concerns that the proposal failed to meet Policy AMP 2 as the visibility splays of 2.0m x 33m cannot be provided in accordance with the standards set in DCAN 15 which would prejudice the safety and convenience of road users.

Transport NI also identified, in their response dated 12/04/2016, that the proposal failed to meet the requirements of AMP 7 as the proposal would prejudice the safety and convenience of road users as adequate provision for the parking, turning and loading and unloading of vehicles attracted to the site cannot be made clear of the highway.

The proposed development fails to meet the requirements of Policy AMP 2 and AMP 7 of PPS 3.

Recommendation:

Refusal –Contrary to QD 1, LC 1, AMP 2 and AMP 7.

Refusal Reasons:

1. The proposal is contrary to Policy QD 1 of PPS 7, Quality Residential Environments, in that the proposed development:
 - fails to respect the local context in terms of scale and massing
 - fails to provide adequate private open space
 - will cause conflict with adjacent properties due to being overly prominent.
2. The proposed development is contrary to Policy LC 1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the pattern of development is not in keeping with the overall character of the established residential area.
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 2.0 metres x 33.0 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 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning or loading and unloading of vehicles which would be attracted to the site.

Firstly, I would like it noted by this committee that Noel McKinnely did not consider the residents of Tudor Mews or Dromore Terrace when he came in before Christmas 2015 and ripped trees and shrubs out of this area which had provided the residents with privacy for over 25 years. Several residents including myself asked him why he was doing this? he angrily responded 'I can do what I want it's my land'.

I agree with the councils objections as outlined in the relevant policies QD1 of PPS 7, LC1 of Addendum to PPS7, policies AMP2,AMP7 of PPS3.

I reiterate that this proposal is :

- 1: an overdevelopment of this site and is merely land grabbing.
- 2: out of character with the rest of the neighbourhood, overbearing and out of scale apartments that are not in keeping with the rest of the development.
- 3: traffic already congested, additional parking would obscure vision and endanger children playing in that area. Emergency vehicles eg ambulance fire brigade would have difficulty accessing this part of the development. Amenities such as oil distributors and bin lorries would also experience difficulty.
- 4: safety a lot of young families in this area, serious concern that there is a potential risk to children's safety, extra parking requirements reducing visibility.

To conclude as a resident living in Tudor Mews for 24 years, we have lost a area that provided privacy and sanctuary to wildlife. It was an area that was maintained by residents, a number of years ago Noel McKinnley was approached by our residents group with reference to trimming the trees and he declined stating 'it was nothing to do with him and up to the council to do that'. Now when it suited him, he suddenly decided to remove these trees for his own gains.

Shauna Murphy

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

| | | | | | |
|------------------------|--|--------------------|--|----------------------|------------------|
| ITEM NO | 12 | | | | |
| APPLIC NO | LA07/2015/1246/O | Outline | DATE VALID | 11/27/15 | |
| COUNCIL OPINION | REFUSAL | | | | |
| APPLICANT | Terence J O'Hare 17 Church Rock Road Carrickbracken Camlough Newry BT35 7JU | AGENT | Collins and Collins 18 Margaret Street Newry BT34 1DF | | |
| | | | | 02830266602 | |
| LOCATION | 60m North West of No 25 Church Rock Road Carrickbracken Camlough Newry Co Down | | | | |
| PROPOSAL | Replacement dwelling and garage on farm land | | | | |
| REPRESENTATIONS | OBJ Letters | SUP Letters | OBJ Petitions | SUP Petitions | |
| | 0 | 0 | | 0 | 0 |
| | | | Addresses | Signatures | Addresses |
| | | | 0 | 0 | 0 |

- 1 The proposal is contrary to Policies CTY1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure does not exhibit the essential characteristics of a dwelling and the external structural walls are not substantially intact.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2015/1246/O

Date Received:

28 October 2016

Proposal:

Replacement dwelling and garage on farm land.

Location:

The site is located 60m NW of 25 Church Rock Road, Camlough, approx. 1.5 miles west of Newry City.

Site Characteristics & Area Characteristics:

The site is located on Church Rock Road with existing access available. The site is broadly rectangular in shape and sits below Church Rock Road. The site is screened from view by existing trees along Church Rock Road.

The structure to be replaced is a single storey ruin which is covered in overgrown vegetation, as depicted in Image 1.



Image 1

There is evidence of two window openings. However there is no evidence of doorways, chimneys, fireplaces or other characteristics which exhibit that of a dwelling house. The walls are not substantially intact, one gable remains to the N and the walls to the E and W are tumbled as illustrated in Images 2, 3 and 4.



Image 2 Walls tumbled to the West



Image 3 Walls tumbled to the East



Image 4 Gable at North intact, South gable tumbled

Site History:

No relevant planning history on the application site.

Planning Policies & Material Considerations:

This planning application has been assessed under the Banbridge, Newry and Mourne Area Plan 2015, Strategic Planning Policy Statement (SPPS) for Northern Ireland, PPS21 - Sustainable Development in the Open Countryside, PPS3 - Access, Movement and Parking, and DCAN 15 - Vehicular Access Standards and the Building on Tradition Sustainable Design Guide.

Consultations:

The following consultation responses are outlined below:

- Transport NI (03.03.2016) – a scale plan and accurate site survey at 1:500 shall be submitted as part of the reserved matters application showing access to be constructed and other requirements as set out in the RS 1.
- NI Water (15.02.2016) – generic response received.
- Newry Mourne and Down District Council Environmental Health (11.02.2016) – generic response received. No objections.
- NIEA HMU (22.02.2016) No objections.

Objections & Representations

Two neighbour notifications were issued on 11 February 2016. The application was advertised in the local press on 16 December 2015. No representations were received.

Consideration and Assessment:

The Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limits of Camlough as illustrated on map 3/01. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS21.

Strategic Planning Policy Statement (SPPS)

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

PPS21 – Sustainable Development in the Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes replacement dwellings if they meet the criteria set out in CTY3.

CTY 3 - Replacement Dwellings - The policy allows for replacement of structures which exhibit all of the essential characteristics of a dwelling house. The policy states in the first paragraph of the headnote that "*planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.*"

From the site visit it was evident that the structure exhibited two window openings as shown in Images 1 and 4. There is no evidence to suggest that these windows are that of a dwelling house. As outlined above there is no evidence of doorways, chimneys, fireplaces or other characteristics which exhibit that of a dwelling house. Inside the structure is completely overgrown with vegetation (as shown in Image 5) and there was no evidence of rooms partitioned or remnants of a dwelling house.



Image 5

The walls of the structure are not substantially intact on at least two sides and only one gable exists. I am content that the structure has degraded to such an extent that it does not meet the requirements of CTY 3 and therefore not eligible for replacement.

Recommendation:
Refusal

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure does not exhibit the essential characteristics of a dwelling and the external structural walls are not substantially intact.

| |
|--------------------------------------|
| Case Officer Signature: |
| Date: |
| Authorised Officer Signature: |
| Date: |