



January 30th, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Thursday, 2nd February 2017** at **10:00 am** in the **Boardroom, District Council Offices, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor W Clarke

Vice Chair: Councillor J Macauley

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

Agenda

1. Apologies.
2. Declarations of Interest.

Minutes for Adoption

3. Minutes of Planning Committee Meeting held on Wednesday 18 January 2017. (Attached).

Committee Business

- 3a. Addendum list – planning applications with no representations received or no requests for speaking rights. (Attached).

📎 *Addendum list - 02-02-2017.pdf*

Page 1

Development Management - Planning Applications for determination

4. LA07/2015/0180/F - Jilian D'Arcy - wind turbine up to a maximum tip height of 87m comprising of 65m tower and 44m rotor diameter, associated access, transformer and electric cabling - 449m SE of 11 Struell Wells Road, Struell, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

📎 *LA07-2015-0180-F Jilian D'Arcy.pdf*

Page 3

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

Rec: REFUSAL

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

📎 *LA07-2015-0747-O Niall Brannigan.pdf*

Page 10

📎 *Item 5 - submission of support (Brannigan).pdf*

Page 18

6. LA07/2015/1221/0 - Mrs W Allen -dwelling and garage (amended layout) - 35m to rear (north) of 8 Comber Road, Saintfield. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2015-1221-O W Allen.pdf*

Page 30

📄 *Item 6 - submission of support (W Allen).pdf*

Page 37

7. LA07/2016/0143/F - Maeve Chadwick - proposed new stables/fodder storage building for private use - rear of 43 Kirkland Road/adjc. to (rear) 43 Kirkland Road, Killyleagh, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- This application is being removed from the agenda due to the excessive level of new information that was submitted by the agent which will require further consideration by Planners.

📄 *LA07-2016-0143-F Maeve Chadwick.pdf*

Page 44

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

Rec: REFUSAL

📄 *LA07-2016-0621-O Mr and Mrs Rooney.pdf*

Page 53

9. LA07/2016/0660/F - Mr P J Morgan - farm diversification providing 1 no. unit of tourist accommodation - lands approx. 175m SW of 116 Drumnaquoile Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- This application is being removed from the agenda due to the excessive level of new information that was submitted by the agent which will require further consideration by Planners.

📄 *LA07-2016-0660-F PJ Morgan.pdf*

Page 62

10. LA07/2016/0706/F - Patrick Byrne - retention of pigeon loft - 20 Killough Road, Ardglass. (Case Officer report attached).

Rec: REFUSAL

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

📎 *LA07-2016-0706-F Patrick Byrne.pdf*

Page 69

📎 *Item 10 - submission of support (Patrick Byrne).pdf*

Page 77

11. LA07/2016/0762/0 - Mr G Sharvin - proposed one and half storey bungalow and detached garage (amended site location) - 10m west of No. 89 Killard Road, Ballyhornan. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Gerard Sharvin, applicant, in support of the application. **(Submission attached)**.

📎 *LA07-2016-0762-O G Sharvin.pdf*

Page 83

📎 *Item 11 - submission of support (G Sharvin).pdf*

Page 91

12. LA07/2016/0824/F - Mr S Cochrane -single storey sunroom and porch extension to the front of existing dwelling - No. 28 Church Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

📎 *LA07-2016-0824-F S Cochrane.pdf*

Page 92

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

Rec: REFUSAL

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

📎 *LA07-2016-0973-O Mr Maw and Mr Russell.pdf*

Page 97

📎 *Item 13 - submission of support (Maw & Russell).pdf*

Page 104

14. LA07/2016/1087/F - Anne & Phil Goodwin - proposed alterations and extension to first floor balcony and cladding of wall behind balcony - apartment 2 Seahaven, Downs Road, Newcastle. (Case Officer report attached).

Rec: REFUSAL

📎 *LA07-2016-1087-F Anne and Phil Goodwin.pdf*

Page 106

15. R/2015/0062/F - Rice Building Contracts Ltd. - private housing

development of 41 units (amended plans and drainage assessment received, on lands off Forde Way, Main Street, and to the rear of 199-207 Newcastle Road, Seaforde. (Case Officer report attached).

Rec: APPROVAL

📄 *R-2015-0062-F Rice Building Contracts.pdf*

Page 114

16. LA07/2016/1109/F - Stephen Magee - replacement dwelling and detached double garage - No. 9 Ballywooden Road, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Stephen Magee, applicant, in support of the application. **(Submission attached including submission from Andy Stephens, Matrix Planning).**

📄 *LA07-2016-1109-F Stephen Magee.pdf*

Page 120

📄 *Item 16 - submission of support (Stephen Magee).pdf*

Page 129

📄 *Item 16 - additional submission.pdf*

Page 140

📄 *Item 16 - additional submission (2).pdf*

Page 154

17. LA07/2016/1296/0 - Mr & Mrs John Curran - proposed 1 No. dwelling and garage with associated site works - opposite 2 and 4 Magheralone Road, Drumaness, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

📄 *LA07-2016-1296-O Mr and John Curran.pdf*

Page 159

18. LA07/2016/1388/F - Jackie Orr - extension to the existing farm shop to form tea rooms on lands approx. 170m NE of 7 Rocks Chapel Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from David Burgess, agent, and Jackie and Richard Orr (applicants) in support of the application. **(Submission attached).**

📄 *LA07-2016-1388-F Jackie Orr.pdf*

Page 164

📄 *Item 18 - submission of support (Jackie Orr).pdf*

Page 170

19. LA07/2015/0088/F - George Tinnelly - proposed stables and store for an existing equestrian centre - Greenpark Road,

Rostrevor. (Case Officer report attached).

Rec: REFUSAL

📎 *LA07-2015-0088-F George Tumilty.pdf*

Page 173

20. LA07/2015/0097/F - John Rafferty - proposed retention and completion of equine shelter and store - to rear of 34a Ballynalack Road, Camlough. (Case Officer report attached).

Rec: REFUSAL

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

📎 *LA07-2015-0097-F John Rafferty.pdf*

Page 182

📎 *Item 20 - submission of support (John Rafferty).pdf*

Page 193

21. LA07/2015/0203/F - Martin Bailie - change of use of house type on approved site with works commenced on site (with reduced site curtilage) - 150m SE of No. 57 Bavan Road, Mayobridge. (Case Officer report attached).

Rec: REFUSAL

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

📎 *LA07-2015-0203-F Martin Bailie.pdf*

Page 199

📎 *Item 21 - submission of support (Bailie).pdf*

Page 207

22. LA07/2015/0248/F - Sean Fitzpatrick - erect 225kw wind turbine with a 40m high monopole and a 3 blade 13.5 radius rotor, equipment room to service turbine, form hardcore access track - 261m NW of 36a Council Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, agent, and Dr. Peter Hill in support of the application. **(Submission attached).**
- A representative from the Environmental Health Department will also be in attendance.

📎 *LA07-2015-0248-F Sean Fitzpatrick.pdf*

Page 214

📎 *Item 22 - submission of support (S Fitzpatrick).pdf*

Page 223

23. LA07/2015/0377/F - Raymond Blackwood - single wind turbine,

associated access and 2 no. electricity cabinets - approx 125m SW of Knockowen Road, Newtownhamilton. (Case Officer report attached).

Rec: REFUSAL

[LA07-2015-0377-F Raymond Blackwood.pdf](#)

Page 249

24. LA07/2015/0493/F - Eric Jeans - erection of dwelling and garage (change of house type to that approved under application P/2007/0611/RM)- 80m east of 29 Moneygore Road, Rathfriland. (Case Officer report attached).

Rec: REFUSAL

- This application is being removed from the agenda to consider new information submitted by the agent.

[LA07-2015-0493-F Eric Jeans.pdf](#)

Page 262

25. P/2014/0977/F - Belinda & Ross McArdle - erection of farm dwelling - approx 60m north of 53 Upper Fathom Road, Killeen, Newry. (Case Officer report).

Rec: REFUSAL

- This application is being removed from the agenda to consider new information submitted by the agent.

[P-2014-0977-F Belinda McArdle.pdf](#)

Page 267

26. P/2014/1032/F - Gabriel McEvoy - proposed erection of 2 dwelling houses in infill site - adj. and north of 50 Newtown Road, Killeen, Newry. (Case Officer report attached).

Rec: REFUSAL

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

[P-2014-1032-F Gabriel McEvoy.pdf](#)

Page 273

[Item 26 - submission of support \(Gabriel McEvoy\).pdf](#)

Page 278

27. LA07/2015/0545/F - Mr P Smith - dwelling and garage - 40m SW of No. 23a Castlewellan Road, Hilltown. (Case Officer report attached).

Rec: REFUSAL

- This application is being removed from the agenda to consider new information submitted by the agent.

📎 *LA07-2015-0545-F Mr P Smith.pdf*

Page 284

28. LA07/2016/0150/0 - Alan & Ronald Davidson - site for farm managers dwelling and garage - adj. and immediately south of No. 17 Ardaragh Road, Rathfriland. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Collins & Collins, agents, in support of the application. However no written submission was received by the closing date and under Paragraph 23 of the Planning Committee Protocol only those that have made written submissions in respect of a planning application and registered a request to speak shall be permitted to make oral representations before Committee. This application will appear on the addendum list.

📎 *LA07-2016-0150-O Alan and Ronald Davidson.pdf*

Page 292

29. LA07/2016/0557/F - Mr & Mrs Oliver Reavey - retention of dwelling as constructed previously approved under planning ref: P/2015/0186/RM - 85 Newtown Road, Camlough. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Collins & Collins, agent, in support of the application. However no written submission was received by the closing date and under Paragraph 23 of the Planning Committee Protocol only those that have made written submissions in respect of a planning application and registered a request to speak shall be permitted to make oral representations before Committee. This application will appear on the addendum list.

📎 *LA07-2016-0557-F Oliver Reavey.pdf*

Page 301

30. LA07/2016/0408/F - Garvan and Helen Walsh - replacement dwelling house and garage as substitute for previously approved planning application P/2013/1764/F - 99 Windmill Road, Cranfield, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

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

31. LA07/2016/0897/F - Mourne Landscapes Ltd - retention of existing machinery store and yard for existing landscape business - 40a School Road, Ballymartin, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- This application is being removed from the agenda to consider new information submitted by the agent.

[LA07-2016-0897-F Mourne Landscapes Ltd.pdf](#)

Page 361

32. LA07/2016/1206/0 - Theresa McNulty - erection of replacement dwelling and detached garage for 4 Upper Burren Road to be replaced off site on land - 50m south of 30 Upper Burren Road, Burren, Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-1206-O Theresa McNulty.pdf](#)

Page 367

33. P/2012/0069/F - Terry O'Hanlon - erection of 225kw wind turbine - approx 400m SSW of 78 Maytown Road, Enagh, Bessbrook, Newry. (Case Officer report attached).

Rec: REFUSAL

[P-2012-0069-F Terry O'Hanlon.pdf](#)

Page 374

34. P/2014/0070/RM - Patrick and Mairead Green - erection of dwelling and garage - immediately north of 54 Drumreagh Road, Rostrevor. (Case Officer report attached).

Rec: REFUSAL

[P-2014-0070-RM Patrick and Mairead Green.pdf](#)

Page 379

35. P/2010/1065/F - Martina Magill - erection of wind turbine for electricity production - 30m high - 300m from Newtown Road, Belleek accessed by lane adjacent to 3 Newtown Road, Belleek. (Case Officer report attached).

Rec: REFUSAL

[P-2010-1065-F Martina Magill.pdf](#)

Page 385

36. P/2011/0031/F - Kieran McDonnell - wind turbine 30m hub height 27m rotor diameter - 250m from 31 Tullygeasey Road,

Newtownhamilton. (Case Officer report attached).

Rec: REFUSAL

📎 *P-2011-0031-F Kieran McDonnell.pdf*

Page 391

37. P/2011/0728/0 - Mr Oliver Hearty - site for housing development (amended scheme) - lands to the rear and west of Nos 71-79 Dundalk Street, Newtownhamilton. (Case Officer report attached).

Rec: REFUSAL

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

📎 *P-2011-0728-O Oliver Hearty.pdf*

Page 400

📎 *Item 37 - submission of support (Oliver Hearty).pdf*

Page 408

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

Rec: REFUSAL

- Councillor D McAteer requested that a full presentation be given on this application.

📎 *P-2012-0743-F Brian Cunningham.pdf*

Page 413

39. P/2013/0078/F - Marvyn Hamilton - erection of 1 no. 250kw wind turbine with a hub height of 30m - 420m NW of 20 Levin Road, Newtownhamilton. (Case Officer report attached).

Rec: REFUSAL

📎 *P-2013-0078-F Mervyn Hamilton.pdf*

Page 429

Consultation Documents

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

📎 *consultation on review of permitted development rights for mineral exploration.pdf*

Page 436

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

📄 *Consultation Environmental Impact Assessment.pdf*

Page 438

Local Development Plan

42. Newry, Mourne and Down Draft Statement of Community Involvement. (Attached). (For noting).

📄 *Planning Report re Draft SCI.pdf*

Page 440

43. Newry, Mourne and Down Local Development Plan Preparatory Studies Paper 7: Tourism. (Attached). (For noting).

📄 *Planning Report Jan'17 re LDP Paper 7 - Tourism.pdf*

Page 486

44. Newry, Mourne and Down Local Development Plan Preparatory Studies Paper 9: Public Utilities. (Attached). (For noting).

📄 *Planning Report re LDP Paper 9 - Public Utilities.pdf*

Page 546

45. Update on proposed arrangements for site meetings.

Suggested arrangements:-

- Wednesday 15 February 2017 - 08.45 - meet at 14 Upper Dromore Road, Warrenpoint (LA07/2016/0091/F - Mr Peter Clarke) then travel to No. 24 Lower Corrags Road, Newry (LA07/2016/1486/0 - Mr & Mrs J Matthews)
- Monday 27 February 2017 - 4.00 pm - meet at Kings Castle Nursing Home, Kildare Street, Ardglass (Members may wish to change this date and/or time as the Special Meeting due to have been held at 6.00 pm in Downpatrick has been postponed because of Election week).

Invitees

Cllr Terry Andrews	terry.andrews@downdc.gov.uk
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@downdc.gov.uk
Lorraine Burns	lorraine.burns@newryandmourne.gov.uk
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@newryandmourne.gov.uk
Cllr charlie casey	charlie.casey@newryandmourne.gov.uk
Cllr William Clarke	william.clarke@downdc.gov.uk
Cllr Garth Craig	garth.craig@downdc.gov.uk
Cllr Dermot Curran	dermot.curran@downdc.gov.uk
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@downdc.gov.uk
Ms Louise Dillon	louise.dillon@newryandmourne.gov.uk
Cllr Sean Doran	sean.doran@newryandmourne.gov.uk
Cllr Sinead Ennis	sinead.ennis@nmandd.org
Cllr Cadogan Enright	cadogan.enright@downdc.gov.uk
Cllr Gillian Fitzpatrick	gillian.fitzpatrick@newryandmourne.gov.uk
Cllr Glyn Hanna	glyn.hanna@nmandd.org
Mr Liam Hannaway	liam.hannaway@nmandd.org
Cllr Valerie Harte	valerie.harte@newryandmourne.gov.uk
Cllr Harry Harvey	harry.harvey@newryandmourne.gov.uk
Cllr Terry Hearty	terry.hearty@newryandmourne.gov.uk
Cllr David Hyland	david.hyland@newryandmourne.gov.uk
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
Cllr Kate Loughran	kate.loughran@newryandmourne.gov.uk
Cllr Jill Macauley	jill.macauley@nmandd.org
Cllr Kevin Mc Ateer	kevin.mcateer@nmandd.org
Colette McAteer	collette.mcateer@newryandmourne.gov.uk
Cllr Declan McAteer	declan.mcateer@newryandmourne.gov.uk
Mr Anthony McKay	anthony.mckay@nmandd.org
Cllr Andrew McMurray	andrew.mcmurray@nmandd.org
Eileen McParland	eileen.mcparland@newryandmourne.gov.uk
Ms Carmel Morgan	carmel.morgan@nmandd.org
Cllr Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr Mark Murnin	mark.murnin@nmandd.org
Mrs Aisling Murray	aisling.murray@newryandmourne.gov.uk
Cllr Barra O Muiri	barra.omuiri@nmandd.org
Cllr Pol O'Gribin	pol.ogribin@nmandd.org

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

Item 3a – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Thursday 2 February 2017

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

- **Item 4** - LA07/2015/0180/F - Jilian D'Arcy - wind turbine up to a maximum tip height of 87m comprising of 65m tower and 44m rotor diameter, associated access, transformer and electric cabling - 449m SE of 11 Struell Wells Road, Struell, Downpatrick. **REFUSAL**
- **Item 8** - LA07/2016/0621/0 - Mr & Mrs Rooney - new dwelling and garage - between 4 and 8 Magheralone Road, Ballynahinch. **REFUSAL**
- **Item 12** - LA07/2016/0824/F - Mr S Cochrane -single storey sunroom and porch extension to the front of existing dwelling - No. 28 Church Road, Ballynahinch. **REFUSAL**
- **Item 14** - LA07/2016/1087/F - Anne & Phil Goodwin - proposed alterations and extension to first floor balcony and cladding of wall behind balcony - apartment 2 Seahaven, Downs Road, Newcastle. **REFUSAL**
- **Item 15** - R/2015/0062/F - Rice Building Contracts Ltd. - private housing development of 41 units (amended plans and drainage assessment received, on lands off Forde Way, Main Street, and to the rear of 199-207 Newcastle Road, Seaforde. **APPROVAL**
- **Item 17** - LA07/2016/1296/0 - Mr & Mrs John Curran - proposed 1 No. dwelling and garage with associated site works - opposite 2 and 4 Magheralone Road, Drumaness, Ballynahinch. **REFUSAL**
- **Item 19** - LA07/2015/0088/F - George Tinnelly - proposed stables and store for an existing equestrian centre - Greenpark Road, Rostrevor. **REFUSAL**
- **Item 23** - LA07/2015/0377/F - Raymond Blackwood - single wind turbine, associated access and 2 no. electricity cabinets - approx 125m SW of Knockowen Road, Newtownhamilton. **REFUSAL**
- **Item 28** - LA07/2016/0150/0 - Alan & Ronald Davidson - site for farm managers dwelling and garage - adj. and immediately south of No. 17 Ardaragh Road, Rathfriland. **REFUSAL**
- **Item 29** - LA07/2016/0557/F - Mr & Mrs Oliver Reavey - retention of dwelling as constructed previously approved under planning ref: P/2015/0186/RM - 85 Newtown Road, Camlough. **REFUSAL**
- **Item 32** - LA07/2016/1206/0 - Theresa McNulty - erection of replacement dwelling and detached garage for 4 Upper Burren Road to be replaced off site on land - 50m south of 30 Upper Burren Road, Burren, Warrenpoint. **REFUSAL**

- **Item 33** - P/2012/0069/F - Terry O'Hanlon - erection of 225kw wind turbine - approx 400m SSW of 78 Maytown Road, Enagh, Bessbrook, Newry. **REFUSAL**
- **Item 34** - P/2014/0070/RM - Patrick and Mairead Green - erection of dwelling and garage - immediately north of 54 Drumreagh Road, Rostrevor. **REFUSAL**
- **Item 35** - P/2010/1065/F - Martina Magill - erection of wind turbine for electricity production - 30m high - 300m from Newtown Road, Belleek accessed by lane adjacent to 3 Newtown Road, Belleek. **REFUSAL**
- **Item 36** - P/2011/0031/F - Kieran McDonnell - wind turbine 30m hub height 27m rotor diameter - 250m from 31 Tullygeasey Road, Newtownhamilton. **REFUSAL**
- **Item 39** - P/2013/0078/F - Marvyn Hamilton - erection of 1 no. 250kw wind turbine with a hub height of 30m - 420m NW of 20 Levin Road, Newtownhamilton. **REFUSAL**

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

ITEM NO	3			
APPLIC NO	LA07/2015/0180/F	Full	DATE VALID	4/23/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Jilian D'Arcy Glenwind Ltd Forsythe House Cromac Square Belfast BT2 8LA		AGENT	NA
LOCATION	449m southwest of 11 Struell Wells Road Struell Downpatrick BT30 6RL			
PROPOSAL	A wind turbine up to a maximum tip height of 87m, comprising a configuration of 65m tower (to hub) and up to 44m rotor diameter, association access, transformer and electric cabling			
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 the Strategic Planning Policy Statement 2015 and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development fails to comply with PPS18 Renewable Energy.
- 2 The proposal is contrary to policy RE1 of PPS 18 Renewable Energy and SPPS in that it has not been demonstrated that the development will not have an unacceptable impact on the built heritage interests namely Struell Wells and Struell House.
- 3 The proposal is contrary to PPS 6 Planning, Archaeology and the Built Heritage Policy BH1, The Preservation of Archaeological Remains of Regional Importance and their Settings in that the proposal would result in a significant adverse visual impact upon a state care monument, namely Struell Wells.
- 4 The proposal is contrary to PPS 6 Planning, Archaeology and the Built Heritage Policy BH11, Development Affecting the Setting of a Listed Building in that:
 - The detailed design does not respect the listed building in terms of scale, height and alignment.
 - The nature of the development does not respect the character of the setting of the building



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0180/F

Date Received: 23rd April 2015

Proposal: Wind turbine up to a maximum tip height of 87m comprising of 65m tower and 44m rotor diameter, associated access, transformer and electric cabling.

Location: 449M South East of 11 Struell Wells Road, Struell, Downpatrick



Site Characteristics & Area Characteristics:

The proposed site is located off and accessed off the Ballysallagh Road, Downpatrick which is a minor road. The lands are hilly in nature with the site set in lowlands and dramatic rises in the lands surrounding that gives the site excellent screening. The site is an existing agricultural field and partly boggy grounds.

The area is not within the any settlement development limits as defined in the Ards and Down Area Plan 2015, the site in question is within the Strangford and Lecale AONB and also within the sphere of influence of an archaeological site and monument. The area is hilly in nature and in close proximity to the settlement development limits of Downpatrick. The lands are hilly and mainly agricultural. The

proposal is also in relatively close proximity to the settlement development limits of Ballyalton.

Site History:

There is no relevant planning in relation to existing turbines in the area, some permissions for dwellings in the surrounding area have been approved to include:
R/2013/0160/O – Adjacent to 10 Dillin Road, Downpatrick – dwelling on a farm – granted

LA07/2015/0623/RM – 440m W of 10 Dillin Road, Downpatrick – Proposed new dwelling and garage on a farm – granted – 15-10-2015

R/2012/0115/O – 440m W of 11 Dillin Road – proposed new dwelling and garage on a farm – granted – 13-08-2012

Planning Policies & Material Considerations:

The application is considered against the Ards and Down Area Plan 2015, SPPS, PPS 6 and 18 Renewable Energy, PPS 21 Sustainable Development in the Countryside, Best Practice Guidance to PPS 18 and Wind Energy Development in Northern Ireland's Landscapes.

Consultations:

JRC The Joint Radio Company – no objections to the proposal.

PSNI Information and Communications – not likely to have any negative impacts.

AV Belfast International Airport – no objections, conditions suggested if approved.

BT Radio Network – no objections.

Environmental Health – originally requested additional information which was submitted and has no objections provided the information is correct and not affected by other development not determined in reports.

NI Water, windfarms – no objections.

Transport NI – no objections

UK Crown Bodies – no objections, conditions attached.

Arquiva – no objections.

NIEA, Historic Environment Division – originally requested additional information to include photomontages, once this information was received HED considered the application contrary to PPS 6. The agent had submitted amended photomontages for a smaller turbine however HED still was of the opinion that the proposal is contrary to PPS 6

Objections & Representations

There were no initial neighbour notifications sent due to the proximity of the site to properties however there were two representations received.

A letter of objection was received from David McNarry MLA who objected to the turbine but did not give any reasons for the objection.

An objection was also received from the owner/occupier of 5 Blackcauseway Road and was on the following basis:

- The siting of the turbine is not appropriate within an ANOB and an area with so many important sites and places of pilgrimage and the siting is not acceptable when trying to protect and promote these places and also promote tourism.
- Objects in relation to PPS 18, LCA 92 and 93 and noise pollution.

The application was advertised in the local press on 13th May 2015 which expired 27th May 2015.

Consideration and Assessment:

Policy RE 1, Renewable Energy Development permits development to provide energy from renewable sources provided they meet with the criterion laid out within the policy.

Public safety, human health and residential amenity all need to be considered as part of this application. Environmental Health was consulted in relation to the application and initially requested that a noise impact assessment is submitted, a report was submitted and Environmental Health has since responded with no objections.

Consideration is also given to shadow flicker assessment, the blade being 22m would mean that 10 times the blade diameter is 440 metres, any dwelling within 440m needs to be considered in relation to shadow flicker assessment. The applications supporting statement notes the closest dwelling is 449m away and therefore a shadow flicker assessment would not be required.

Clarification was sought from the agent as the noise impact assessment makes reference to Struell Wells house which is 421m away, the agent clarified that this was no 11 as commented on in the proposal description and the dwelling itself is 449m away from the site however for noise impact assessment calculations the boundary of no 11 has been used. This appears to be in order and the clarification given is considered acceptable.

Having considered the consultation responses, the consideration of shadow flicker calculations and consideration on residential amenity it is considered that the application is considered acceptable in terms of public safety, human amenity and residential amenity.

Consideration is given to the proposal, the turbine is 65m in height to the hub and 22m blade length giving an overall height of 87m, this is a considerable sized turbine and one that cannot be easily accommodated but given the lay of the land surrounding this site it is considered that this turbine could be absorbed into the overall landscape this location in general terms. The land rises greatly to the east and west of the site giving a considerable amount of screening to a good proportion of the tower, the surrounding views into the site are quite minimal with a sufficient distance to ensure the turbine does not dominate or overpower. The site does however allow for a negative impact on Struell Wells and Struell House which is a listed building. The turbine, while could be accommodated by the local landscape would have a detrimental impact on areas of importance used by the public and the built heritage interests and a site in state care known as Struell Wells. NIEA Historic Environment Division has been consulted and the application is considered to pose the threat of a negative impact in terms of a listed building and monument.

Photomontages submitted do demonstrate the demonstrable impact of a turbine on this particular location and the dominating impact that there would be, measures to reduce the impacts have been explored however it is noted the HED has indicated that anything greater than a domestic turbine would not be considered acceptable on this site. The application is therefore contrary to RE 1 as the proposal would result in an unacceptable adverse impact on built heritage interests.

Given the distance from existing hedgerow and as stated in the supporting statement the turbine has been located a suitable distance from any existing natural hedge row and habitat features to ensure that impact on bats is minimal.

The supporting statement comments that the turbine has been located in an exposed and isolated site not immediately connected with the wider landscape. While the statement comments on the site being isolated it is noted that the site is immediately isolated, sufficiently to avoid the necessity to investigate impacts on nature conservation however within the wider context provides screening of the structure. It is not considered that the proposal will impact on biodiversity, nature conservation or built heritage interests in the area.

Local natural resources are not likely to be impacted on negatively.

Public access to the countryside will not be impacted upon negatively, the site is on existing agricultural private lands.

It is not considered likely that any unavoidable damage is likely as a result of the installing, operation or decommissioning of the turbine, it will however be necessary to condition that if a turbine was approved it is removed within 6 months of the cessation of the turbine to ensure redundant turbine and plant is removed and not lying dormant on site.

The size of the turbine is not considered acceptable in terms of the visual amenity when viewed in the context of the protected monument and buildings at Struell Wells as previously commented upon. It is however not considered that there would be any impacts of a cumulative nature as a result of the proposal. While it is noted that when travelling along surrounding areas there are several turbines in the area, none are close enough to have the capacity to lead to demonstrable harm in relation to cumulative impacts.

There is nothing to suggest that this application would lead to a significant risk of landslide or bog burst given the topography of the site and the surrounding lands.

Consultation has been carried out with a number of bodies in relation to the possibility of unacceptable electromagnetic interference to communications installations however consultations have returned with no objections.

Belfast International Airport and Transport NI have both been consulted on the application and have both responded with no objections. Should the application be approved two conditions would be attached, one being that the turbine is lit as a warning and another that the coordinates are recorded with officials to ensure an awareness of the obstacle.

There is nothing to suggest that sensitive receptors would suffer negatively as a result of the application. There does not appear to be any demonstrable harm likely in terms of noise impacts or shadow flicker as stated previously in the report.

A suitable condition would be placed on any approval to ensure that the redundant plant was removed so as to ensure there was not any demonstrable visual impacts as a result of redundant plant.

The application is not on active peat land and will not impact on any areas of active peat land.

The application is in the Landscape Character Assessment Area 93, Portaferry and North Lecale which has an overall high sensitivity to the potential impact on turbines. It is noted the site could absorb the proposal in terms of the physical topography however the built heritage in the area would be impacted upon negatively as will be discussed below.

Further Consideration of PPS 6 is also required taking into consideration Historic Environment Division comments received via consultation. Historic Environment Division comments that the application would impact negatively on Struell Wells, the early Christian site which is a state care monument. Policy BH1 of PPS 6 states that favour is given to physical preservation in situ of archaeological remains of regional importance and their settings. This proposal is considered to have the ability to negatively impact on the intimate scale of the site when considered against the industrial scale of the turbine. HED also consider the views into, out of and across the site will be harmed by the proposal, therefore the application is contrary to BH1 of PPS 6.

The proposal is also considered against BH11 of PPS 6, Development affecting the setting of a listed building. The proposed siting of the turbine is in close proximity to Struell House which is a building listed as special architectural and historic importance.

HED commented that the proposal does not respect the listed building in terms of scale, height and alignment. HED also comment on the materials not being traditional or sympathetic and while it is noted that there would be limitations in the materials available for use, none the less it is noted that the materials are not sympathetic.

The nature of the development does not respect the character of the setting of the listed building and on this basis fails to meet with BH11 and therefore is not acceptable.

It is noted that the application is determined based on the original proposal, while reducing the height of the turbine has been explored and found to still be unacceptable the application was never formally amended to demonstrate this and therefore the application will proceed to be determined as it was advertised.

The application clearly fails to meet with relevant policy and would have a negative impact and therefore on this basis should be refused.

Recommendation:

Refusal

Refusal Reasons

- The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development fails to comply with PPS18 Renewable Energy.
- The proposal is contrary to policy RE1 of PPS 18 Renewable Energy and SPPS in that it has not been demonstrated that the development will not have an unacceptable impact on the built heritage interests namely Struell Wells and Struell House.
- The proposal is contrary to PPS 6 Planning, Archaeology and the Built Heritage Policy BH1, The Preservation of Archaeological Remains of Regional Importance and their Settings in that the proposal would result in a significant adverse visual impact upon a state care monument, namely Struell Wells.
- The proposal is contrary to PPS 6 Planning, Archaeology and the Built Heritage Policy BH11, Development Affecting the Setting of a Listed Building in that:
 - The detailed design does not respect the listed building in terms of scale, height and alignment.
 - The nature of the development does not respect the character of the setting of the building.

Case officer:

Authorised by:

Date:

ITEM NO	9			
APPLIC NO	LA07/2015/0747/O	Outline	DATE VALID	8/7/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Niall Branagan C/O Agent	AGENT	Design 3 c/o 3 Cedar Grove Newry BT34 1SQ NA	
LOCATION	Lands approx. 88 metres east of No. 184 Lackin Road Kilcoo Newry County Down			
PROPOSAL	Proposed dwelling on a farm			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0 0 0

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

- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm; and therefore would not visually integrate into the surrounding landscape.

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

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



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

**Newry, Mourne
 and Down**
 District Council

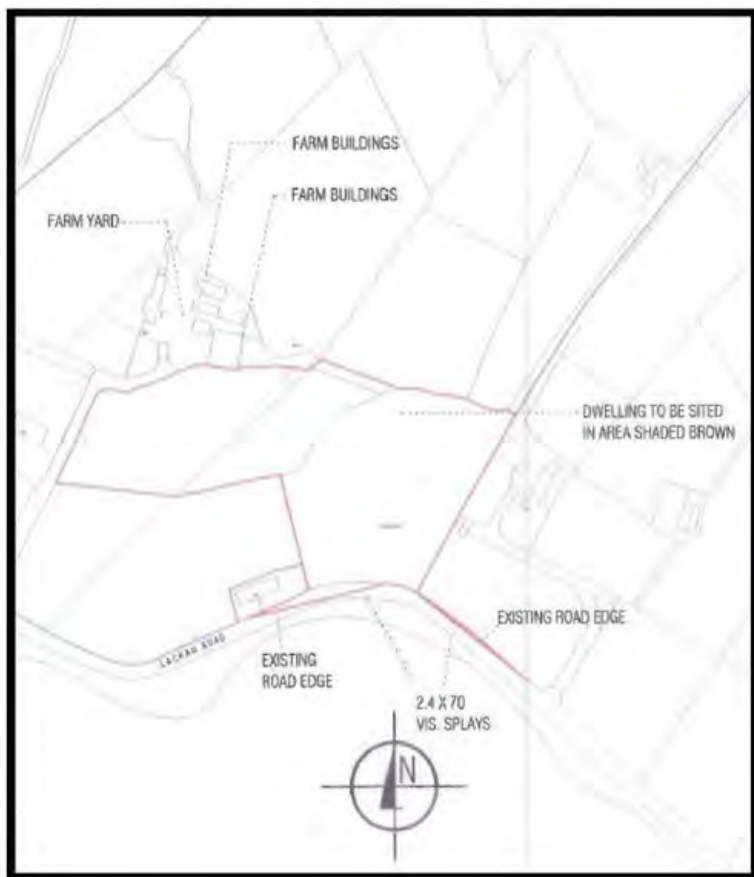
Application Reference: LA07/2015/0747/O

Date Received: 7th August 2015

Proposal: Proposed dwelling on a farm

Location:

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



Site Characteristics & Area Characteristics:Site Characteristics

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

Area Characteristics

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

Site History:

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

Planning Policies & Material Considerations:

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

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

Consultations:

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

Objections & Representations

The following neighbouring properties were notified on 24th September 2015:

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

The following neighbouring properties were re-notified on 25th July 2016:

- 188/192 Lackan Road, Kilcoo

The application was advertised on 17th August 2015.

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

Consideration and Assessment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CTY13

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

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

CTY14

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

CTY16

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

Access

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

NH6

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

Recommendation:

Refusal

Refusal Reasons/ Conditions:

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

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

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

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

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



RE : DWELLING ON A FARM ON LANDS APPROX. 88 METRES EAST OF NO. 184 LACKAN ROAD, KILCOO, NEWRY, COUNTY DOWN.

LA07/2015/0747/0

for Niall Branagan

With respect to the above and further to the comments raised by the planners in their additional consideration report.

They have suggested that it would be as straight forward as to take down the existing stone wall and hedges and rebuild the wall.

If new visibility splays were to be introduced to the west of the site, it would involve having to provide a wall approximately 3.00 m high.

This wall would have to be a retaining wall, unless the ground behind the wall was also lowered and graded back.

This would involve a considerable amount of ground moving.

The planners have stated that after our meeting on 10th November 2016 the Council contacted Transport NI, who advised that the existing farm access, could be used with improvements to provide site lines of 2.0 x 60.00.

The planners went on to say that the gradient would be no greater than what was proposed by ourselves, but we wish to mention that it appears that the planners have not mentioned this in their latest statement. The department have not asked for the initial gradient to be 1 in 25 (8%) over the first 10.000m.

This is always requested by roads dept to ensure that the initial 10.000m are at a reasonable gradient to allow cars to not slip onto the roadway when coming out of their site.

The existing laneway as it stands has had accidents on it due to the gradient as it stands, and only recently a car slipped across the road after coming down the existing lane. The car crashed into the ditch opposite. A photo has been attached to show the collision point of the ditch.

The existing gradient as it stands does not have this 1 in 25, and if we were to introduce this gradient then after the initial 10.000m, a considerable gradient is required from this 10.000m point up to join the existing lane.



The proposed gradients can be incorporated into the construction of our new proposed lane without having to disrupt any existing lane use and will be constructed at a considerably reduced cost.

The roads department on 17th Aug 2016 made comments with regards our new road position, which has a substantial request for information and one is for a gradient over the first 10.000m

I would still like the committee to bear in mind that the replacement dwelling above our proposed siting will be hoping to get a new access along our proposed position at a later date.

The planners then go on to state that their preferred siting provides the greatest visual link, does this suggest that they do actually believe that our proposal then does have a visual link.

I mentioned in an email to the planning department that we were not advised as how we were to get to their proposed siting from the existing lane way. This would have to be across the middle of a field, because to follow the existing boundary line at the top of the field would have a very convoluted driveway. This would also mean having to drive over the existing slurry and septic tanks in the field and then having to make its way down to the proposed site.

Our proposal for the position and access to the site remains tight to existing boundaries, something we have always been advised to do by the department.

The proposed siting by the planners is on an area of ground that is wetter than our proposals. The storm water from the farm yard runs down onto this area and this area is also adjacent to the waste water that comes from the tanks.

Again I would ask the committee to look at the photos taken. Our photos are what will be seen from the so called critical viewpoints. The photos have not been enhance / enlarged. The planning dept photos are enlarged and do not give the actual on the ground representation.

I hope this is to your approval

Regards

John

tel 07845811586

SITING AS SUGGESTED BY PLANNING CASE OFFICER

PROPOSED SITING



SITING AS SUGGESTED BY PLANNING CASE OFFICER

PROPOSED SITING



SITING AS SUGGESTED BY PLANNING CASE OFFICER

NEW DWELLING WILL BE VISIBLE ON APPROACH FROM SOUTH EAST, TRAVELLING ALONG LACKAN ROAD

PROPOSED SITING



SITING AS SUGGESTED BY PLANNING CASE OFFICER

NEW DWELLING WILL BE VISIBLE ON APPROACH FROM SOUTH EAST, TRAVELLING ALONG LACKAN ROAD

PROPOSED SITING

NEW DWELLING IN THIS SITING WILL HAVE MORE SCREENING WHEN TRAVELLING ALONG LACKAN ROAD. MORE INTEGRATED AND, WHEN IN VIEW, MORE VISUALLY LINKED WITH FARM



SITING AS SUGGESTED BY PLANNING CASE OFFICER

PROPOSED SITING



SITING AS SUGGESTED BY THE PLANNING CASE OFFICER

PROPOSED SITING



IF ACCESS AND SITING IS LOCATED WHERE THE PLANNING CASE OFFICER SUGGESTS,

- an access lane shall be required across the middle of this field,
- extensive and impractical alterations to an existing, shared access lane,
- large retaining walls needed to try and obtain unachievable readjustments to the steep gradient of the existing access lane.



PLANNING CASE OFFICER'S SUGGESTION: TO UTILIZE EXISTING SHARED LANE:

Existing lane has a very steep and dangerous gradient which terminates at 90 degrees to the Lackan Road. Accidents have occurred at the bottom of this steep access lane where cars have been unable to stop at the bottom of the lane. There is a reservoir opposite to the access lane.

27



PLANNING CASE OFFICER'S SUGGESTION: TO UTILIZE EXISTING SHARED LANE:

Existing lane has a very steep and dangerous gradient which terminates at 90 degrees to the Lackan Road. Accidents have occurred at the bottom of this steep access lane where cars have been unable to stop at the bottom of the lane. There is a resevoir opposite to the access lane.



HEAVY SITE WORKS REQUIRED TO EDGE OF ROAD, INVOLVING LARGE RETAINING WALLS, IN ORDER TO PROVIDE ADEQUATE VISIBILITY SPLAYS IF ACCESS AND SITING IS LOCATED WHERE CASE OFFICER HAS SUGGESTED

IF ACCESS AND SITING IS LOCATED AS PER APPLICANT'S PREFERENCE, NO SUCH WORKS ARE REQUIRED



ITEM NO	10				
APPLIC NO	LA07/2015/1221/O	Outline	DATE VALID	11/19/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mrs W Allen 8 Comber Road Saintfield BT24 7BB	AGENT	Ewart Davis 14 Killynure Avenue Carrduff Belfast BT8 8ED NA		
LOCATION	35m to rear (North) 8 comber Road Saintfield BT24 7BB				
PROPOSAL	Dwelling and garage (amended layout)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	0
				Addresses Signatures	
				0	0 0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(h) in that a new dwelling would create conflict with adjacent residential properties of No 8 and No 10 Comber Road as a result of overlooking, loss of privacy, and the increased disturbance on No 10 as a result of the new access.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1221/O

Date Received: 19th November 2015

Proposal: Dwelling and garage

Location: 35m to rear (North) 8 comber Road, Saintfield
This site is approx. 11 miles NNE of Downpatrick within Saintfield Village. It is positioned within the north-eastern portion of the district.



Site Characteristics & Area Characteristics:

The site is set within the village of Saintfield. The rear, northern, boundary of the site is the settlement limit of Saintfield beyond which is Local Landscape Policy 8 as identified within the Ards and Down Area Plan 2015.

The site is to the rear of an existing single storey dwelling that appears to have a roofspace conversion. The proposed access is within the side garden of No 8 Comber Road and travels north within the site to the larger rear garden of No 8. The site and proposed access rises in level from the boundary shared with Comber Road along the south to the northern boundary shared with a large agricultural field. To the west of the site the boundary is shared with an agricultural field while the eastern boundary is shared with the rear garden of No 10 Comber Road and both the east and western boundaries are mature boundaries. The rear, northern boundary has some mature trees but the boundary itself is identified by a post and wire fence. No. 8 Comber Road is accessed by an existing vehicle access and the rear garden is

very large with outbuildings and a small paved area. The topography of the site is undulating with a steady increase in level as you move from the south to the north within the site.

View of site from South of 8 Comber Rd View of site from east of 10 comber Rd



View of site from adjacent to proposed access. Change in topography visible.



View of the site from the northern boundary



Site History:

R/2003/1156/F Proposed new dwelling and garage to rear of 6 Comber Road
Granted 5.8.2004

R/2006/1130/F Proposed roofspace conversion at 6 Comber Road, Granted
3.12.2003.

Planning Policies & Material Considerations:

The proposal will be considered in relation to the Ards and Down Area Plan 2015 as well as the Regional Development Strategy, the Strategic Planning Policy for Northern Ireland, PPS7 Quality Residential Environments and the PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS3 Access, Movement and Parking, DECAN 15 Vehicular Access, Parking Standards, PPS12 Housing in Settlements, PPS2 Natural Heritage, as well as Creating Places and Living Spaces.

Consultations:

NIEA – both Archaeology and Built Heritage as well as Drainage and Water responded to advise they are content with the proposal.

Transport NI – No objection and detailing RS1 form with visibility splays of 2m by 45m. This can be conditioned as recommended by Transport NI.

NI Water – standard response with information for applicant detailed.

Environmental Health - responded with no objection subject to NI Water approval for connect to mains.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 2nd December 2015.

A total of 10 neighbouring dwellings were notified. No representations received prior to completion of report.

Amended plans received 14 JUN 2016.

Amended plans received 22 JUL 2016. Neighbours were notified 5th August 2016. No representations have been made to date.

Consideration and Assessment:

The Council requested the applicant's agent supplied proposed levels and conceptual site sections to illustrate how the proposal could be accommodated within the topography of the site. This was requested in letter dated 22nd of April 2016 and was received on the 14th of June 2016. This information was considered

insufficient and additional details were sought in letter dated 21st June 2016. Amended plans with additional details relating to the proposed development accommodating the sloping site were received 22 JUL 2016. Neighbours have been notified.

The Council requested cross-section information for the proposal within letter dated 16th September 2016 and this was received 26th October 2016.

The site is a sloping site. It is the private rear garden of an existing dwelling within Saintfield settlement limits. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

The site layout demonstrates that a dwelling could only be accommodated with significant topographical alterations to the access and the site proposed. This would require significant groundworks that would result in the use of retaining wall to the rear of the dwelling and manipulation of the site level to accommodate a steady rise to the conceptual finished floor level that would be approx. 2m lower than the existing level of the site. However it must be noted the bi-level dwelling detailed within the amended plans could potentially accommodate the nature of the significantly sloping site. Therefore cut with removal of earth can accommodate a dwelling with the use of a single retaining wall to the rear. The rear portion of the site would include a graded bank which will be sowed in grass seed.

Due to the sloping nature of the site the Council requested the submission of additional details such as existing and proposed levels in a concept layout and cross-sections. This information identifies a finished floor level of 81 which is 10m higher than the level of the Comber Road at the proposed access position (detailed as 70.9 in mid road point adjacent to access). This increase in ground level is over approx. 30m distance.

The proposed dwelling can also achieve a separation distance from the existing dwelling at number 8 to provide a level of rear amenity space. However the change in levels would result in the rear dwelling having the potential to overlook the private rear amenity space of No 8 as well as the detached dwelling No 10 Comber Road. No 8 Comber Road has a finished floor level of 74.55 while No 10 Comber Road has a finished floor level of 72.760. This is significantly lower than the proposed dwelling (finished floor level estimated at 81). The proposed dwelling would overlook the rear amenity space of No 8 and 10. The proposal would not be able to overcome the impact on No 10 and No 18 Comber Road through planting.

New development must safeguard the amenity of existing residents. The protection of privacy of existing residents is a key consideration where new development is proposed adjacent to existing properties. This is supported by planning policy and within guidance of creating places.

Creating Places considers development that abuts the private gardens of existing properties and advises a separation distance of 20m and that an enhanced separation distance may be necessary on sloping sites. Considering the finished floor level between the proposed dwelling and the existing dwellings of No 8 and 10

Comber Road the loss of private amenity space due to overlooking could not be avoided if the proposal was granted.

The internal access would run to the site from between detached dwellings at 8 and 10 Comber Road. Number 8 is detailed as within the applicant's ownership/control and identified within the site location map. The neighbouring 10 Comber Road has been notified and did not submit representation on the proposal.

There are no side windows along the eastern elevation of No 10 and would benefit from a 3m separation from the shared boundary at its nearest point. However the proposed access has the potential to have a detrimental impact due to increased disturbance for the existing dwelling at No 10. The access is illustrated within the cross-section and details how the cut can be accommodated by a graded bank between access and No 8. The access would introduce a new feature between Nos 8 and 10 Comber Road. At present this is the side garden of No 8 Comber Road and there is a significant change in ground level of the side garden of No 8 and the Comber Road.

The concern remains with amount of groundworks required to facilitate the development and the impact the proposal would have on the loss of the private rear amenity of Nos 8 and 10 Comber Road. I would not be of the opinion that such concerns could be designed out of the scheme through restriction of windows and finishes and planting.

It must be noted that while the proposal would result in the loss of a large portion of No 8's side garden, No 8 retains a level of amenity space to accommodate its own use the detrimental impact would be to the privacy of this amenity space and the enjoyment of the property by the occupants. The plans include the details of the internal access and would require grading of the garden of No 8 and a new 1.2m high timber fence. This would not be an unusual feature within the area to provide definition to a side boundary.

In terms of the impact on the character of the area, house types vary but the proposal creates medium sized dwelling and plot which reflects the density of the residential development within the area. The existing dwelling maintains a medium sized plot. The Council must also note the neighbouring dwellings at 6 and 6a Comber Road which share their eastern boundary with No 8 Comber Road, is a result of the development of the rear garden of No 6 Comber Road. This did not disrupt the character of the area.

The proposed access can accommodate the visibility splays of 2m by 45m as required by Transport NI and detailed within their consultation response. This would require the removal of trees along the front boundary of No 8 Comber Road, however the trees are not subject to protection from a Tree Preservation Order and while mature they are largely conifer. The loss of established vegetation and trees can be mitigated by conditioning planting to the rear of the visibility splays. However, having inspected the site, one can appreciate the level of privacy the existing dwelling at No 8 has from the public road. It has a set back and is situated on a higher ground level than the Comber Road which provides a significant level of privacy. Therefore planting to mitigate from the loss of trees would not be necessary along the Comber Road.

The applicants agent also supplied comments within letter received 22nd of July 2016 (dated 21.07.2016).

The proposal would be able to accommodate more than 2 vehicles within the site for parking as well as a high level of amenity space.

The site is not within a Local Landscape Policy Area but its northern boundary is shared with LLPA8 as identified within the Ards and Down Area Plan 2015. LLPA8 is designated for Saintfield Demesne which is a listed house and its surroundings. Due to the topography of the site and the area the proposal would not impact the setting or integrity of the LLPA and its characteristics.

Recommendation:

Refusal – the proposal would fail to respect the topography of the site and would create an unacceptable adverse impact on the existing properties due to loss of privacy and overlooking of existing properties at 8 and 10 Comber Road.

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(h) in that a new dwelling would create conflict with adjacent residential properties of No 8 and No 10 Comber Road as a result of overlooking, loss of privacy, and the increased disturbance on No 10 as a result of the new access.

Case Officer DATE

Appointed Officer DATE

Ewart Davis BA MSc MRTPI
Town Planner
14, Killynure Avenue
Carryduff
BELFAST BT8 8ED

Tel:028 90813084
Mobile 07969 919145
Email ewart.davis@btinternet.com

Newry Mourne & Down Council
Planning Office
Downshire Civic Centre
Ardglass Road,
DOWNPATRICK,
BT30 6GQ

25th January 2017

Re: LA07/2015/1221/O – Dwelling and Garage 29.88m to rear (north) of 8, Comber Road, Saintfield for Mrs W Allen

This application is Item 10 on the 2nd February 2017 Schedule and has been listed as a refusal on the grounds it would prejudice the existing amenities of Nos. 8 & 10. I enclose for your consideration the following additional information.

1. The Site

The proposal concerns erecting a split-level dwelling in the 57m deep rear garden of No.8. (See Site Location) The mature hedges to both side and rear of the plot will be retained. The proposal will leave No.8 with a 23m deep rear garden which will be defined by an evergreen hedge. The separation distance between No.8 and the proposal is 29.88m. (See Layout Plan)

There is a mature 1.8m high privet hedge to No.10. (See Photos 1, 2 & 3). The separation distance between the proposal and No.10 is 28.77m.



Photo 1 – Hedges within front garden



Photo 2 – Middle of Garden showing No.10's Blank Gable



Photo 3 – Rear of Back Garden

2. Neighbour Notification

10 neighbours were notified but no objections were raised.

3. Consultations

When consulted Roads, NIEA & Water raised no objections.

4. Confirmation with S.P.P.S.

The proposal lies on White Land within Saintfield's Development Limit. Its location fully meets the listed criteria for the S.P.P.S's allowance for Windfall Housing Step 1 in connection with Council's forthcoming Local Development Plan. (See Paragraph 6.139) This paragraph details the assessment processes for allocating new housing land within the urban footprint.

5. 2004 Precedent Immediately Adjoining

In 2004 permission was granted for No.6A which is set 23m to the rear of No.6 but only 16m from No.8. The access to No.6A runs along the side of No.8 and its front and rear gardens. It must be pointed out that No.8 has living room windows (including a kitchen) facing east towards No.6A.

6. Misinterpretation of Separation Distances

The Case Officer may have misdirected herself by “misinterpreting” the map scales of the submitted drawings. In her Professional Report she miscalculates distances as follows:-

- Stating site is 30m from Comber Road when it is actually 60m
- Stating Site is 20m to the rear of No.8 when it is actually 29.88m
- Stating Site is 20m from No.10 when it is actually 28.77m
- Stating No.10 is 3m from the proposed access when it is actually 6m

Because of these mistakes she fails to spot that the separation distances are almost 50% more than the standards recommended by Creating Places. These distances will ensure that there are no unacceptable conflicts of residential amenity with Nos.8 & 10 and that the layout fully satisfies the requirements of S.P.P.S. Policy QD1(h) and Creating Places.

7. No Need for Retaining Walls

The submitted Cross Sections detail that by using a split-level house type the rear of the house will be at ground level thus avoiding the need for retaining walls. In her Professional Report the Case Officer accepts that this is the case.

8. Impact on No.10

In her Professional Report the Case Officer accepted that No.10 had no windows in its gable facing the access road. She further pointed out that when Neighbour Notified No.10 did not raise any objection. As previously pointed out in the case of the 2004 precedent approval No.8 has living rooms, including a kitchen, facing No.6A. The separation distance between No.6A and No.8 was 16m whereas the separation distance between No.10 and the proposal is 28.77m.

Conclusion

I would request that in the light of the miscalculations this application is reconsidered. When using the correct figures it fully complies with Policy QD1(h) and Creating Places. It also appears to fulfil the S.P.P.S's requirements for Windfall Sites for the Council's Local Development Plan.

Yours Faithfully,

Ewart Davis



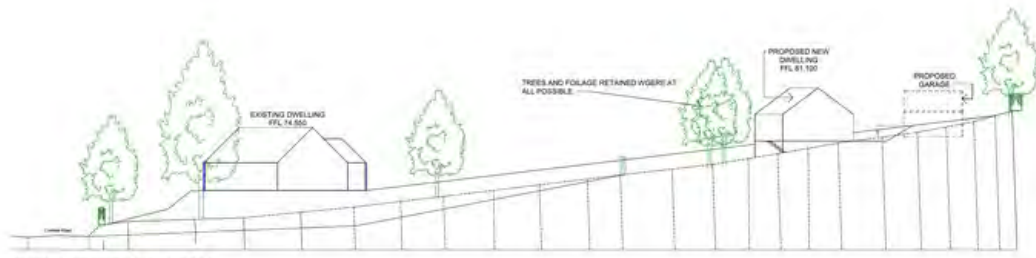
SITE LOCATION MAP SCALE 1:1250



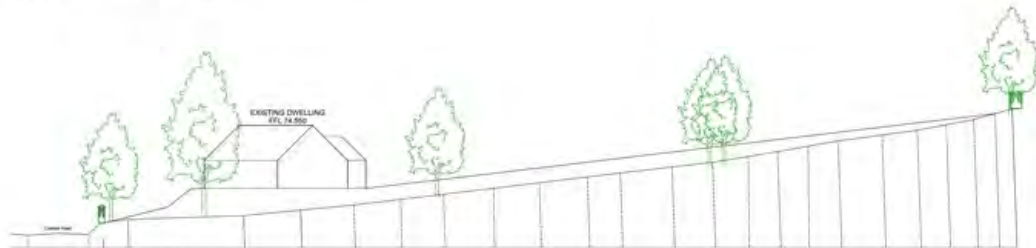
PLANNING • BUILDING CONTROL • SURVEYS • CONSERVATION
 T. 077 3885 4520 • E. MICHAEL.BRAHUE@MBSA.CO.UK
 28 CATHEDRAL PARK • DOWNPATRICK • BT30 6GF

**PROPOSED NEW DETACHED DWELLING
 AND GARAGE TO REAR
 OF No8 COMBER ROAD SAINTFIELD,
 FOR MRS W. ALLAN**

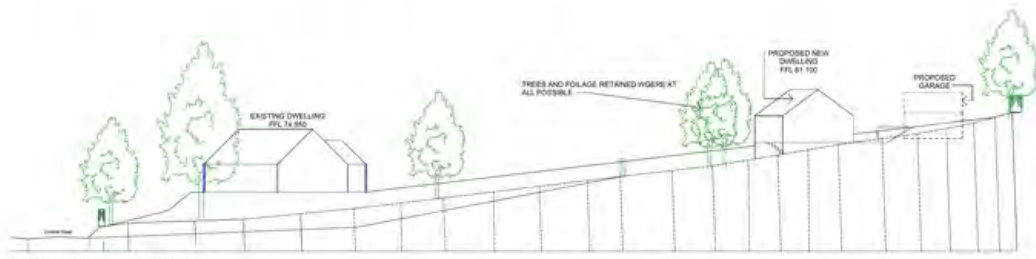
Drawing Name	
SITE LOCATION MAP	
Drawn by	Date
MB	NOVEMBER 2015
Drawing Scale	
1:1250	
Drawing no.	
Revision	



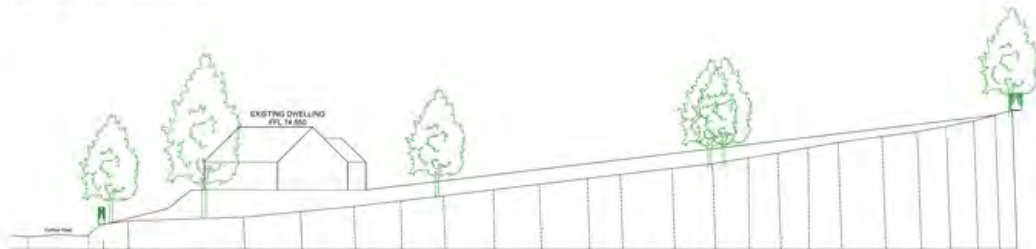
PROPOSED LONGITUDINAL SITE SECTION A-A
SCALE 1:250



EXISTING LONGITUDINAL SITE SECTION A-A
SCALE 1:250



PROPOSED LONGITUDINAL SITE SECTION A-A
SCALE 1:250



EXISTING LONGITUDINAL SITE SECTION A-A
SCALE 1:250



MB ARCHITECTURAL DESIGN SERVICES
 PLANNING - BUILDING CONTROL - SURVEYS - CONSERVATION
 1. 017 3865 4529 • E. MICHELLE@MBARCHIT.CO.UK
 22 ESTOVER PARK - BOWNEPATRICE - ST12 5EF
 01733 510170

PROPOSED NEW DETACHED DWELLING AND GARAGE TO REAR OF NO 8 COMBER ROAD SANFIELD, FOR MRS W. ALLEN

Drawing Name
EXISTING AND PROPOSED SITE SECTIONS

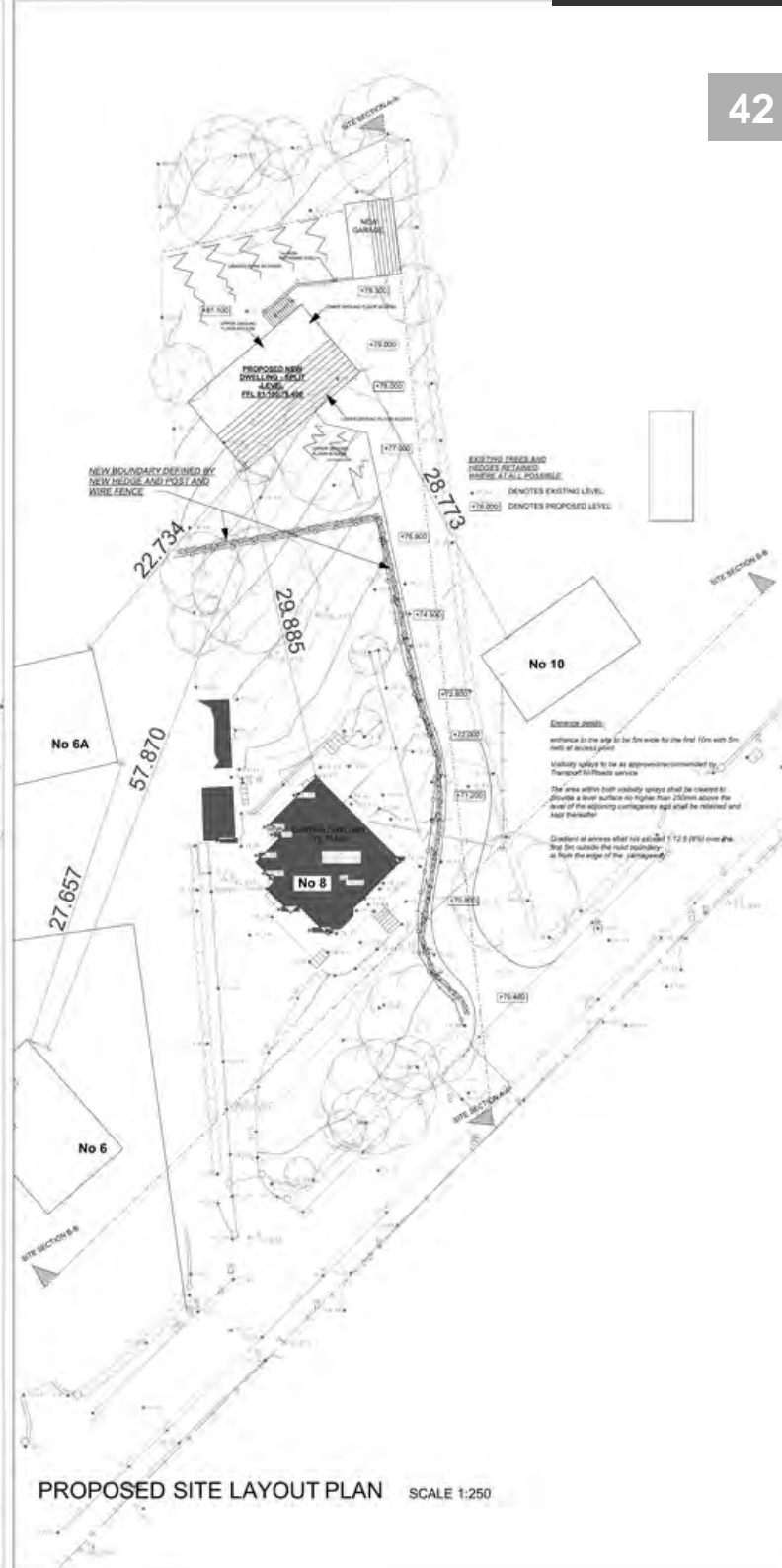
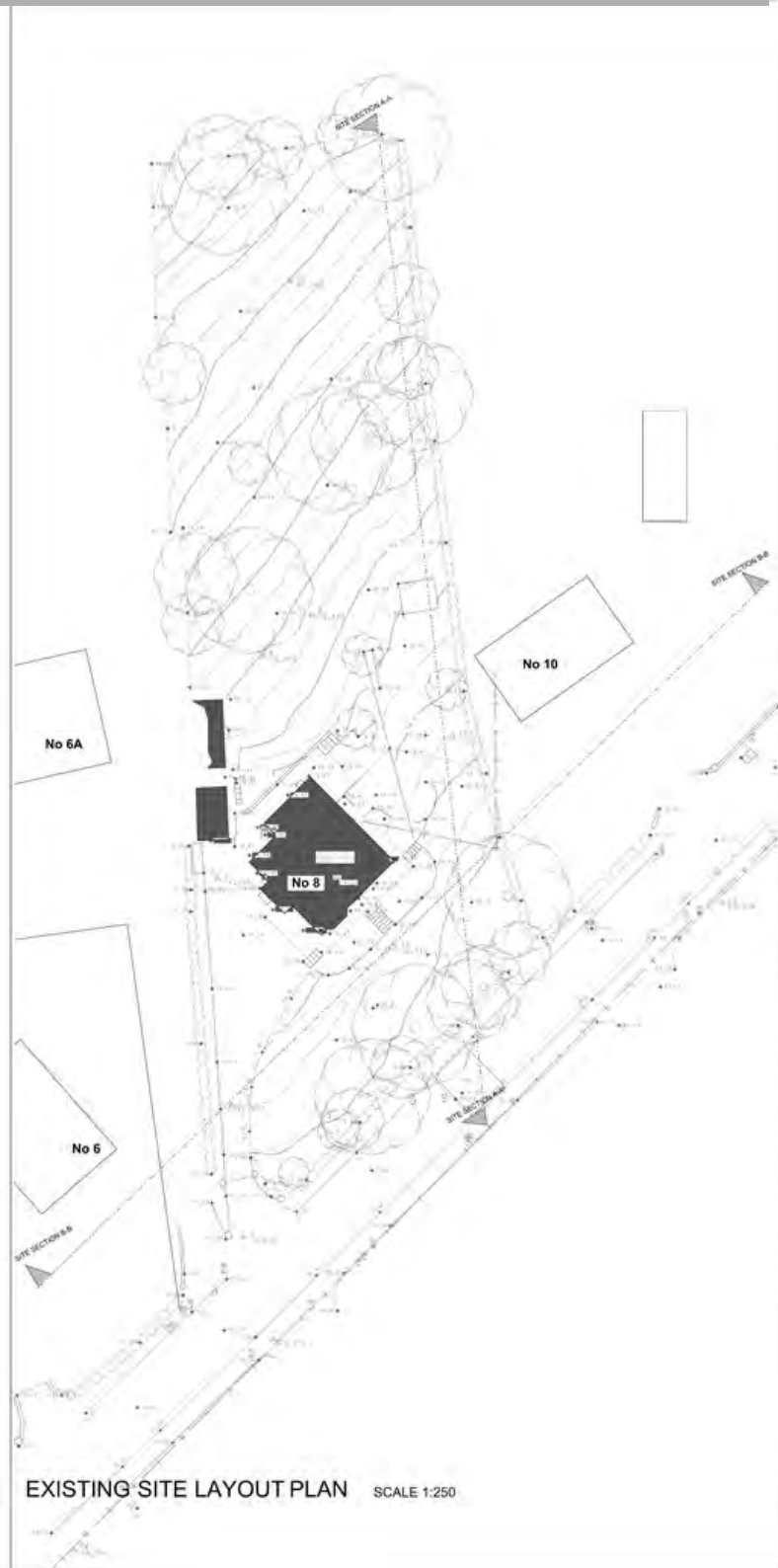
Drawn by _____ Date _____
 MB _____ OCTOBER 2016
 Drawing Scale
 1:250
 Drawing No. _____

MB ARCHITECTURAL DESIGN SERVICES
 PLANNING - BUILDING CONTROL - SURVEYS - CONSERVATION
 1. 017 3865 4529 • E. MICHELLE@MBARCHIT.CO.UK
 22 ESTOVER PARK - BOWNEPATRICE - ST12 5EF
 01733 510170

PROPOSED NEW DETACHED DWELLING AND GARAGE TO REAR OF NO 8 COMBER ROAD SANFIELD, FOR MRS W. ALLEN

Drawing Name
EXISTING AND PROPOSED SITE SECTIONS

Drawn by _____ Date _____
 MB _____ OCTOBER 2016
 Drawing Scale
 1:250
 Drawing No. _____



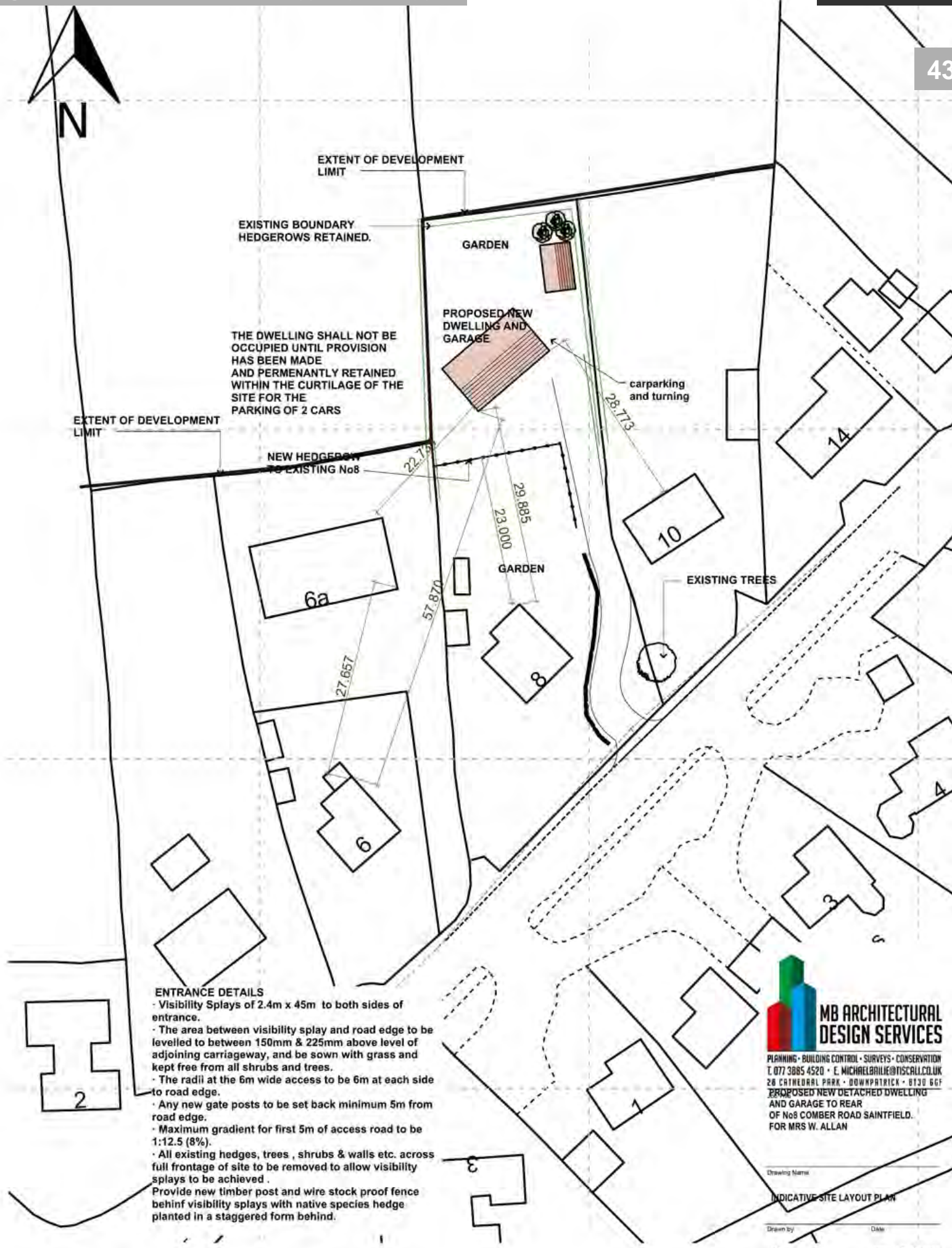
MB ARCHITECTURAL DESIGN SERVICES
 PLANNING - BUILDING CONTROL - SURVEYS - CONSERVATION
 1, 077 3885 4229 • E. MICHIELBROUWER@MBDS.CO.UK
 12, ESTABLISHMENT PARK • SUWAPRICE • ST2E 5GF
 UK

PROPOSED NEW DETACHED DWELLING AND GARAGE TO REAR OF No 8 COMBER ROAD SANTFIELD FOR MRS W. ALLEN

Drawing Name: EXISTING AND PROPOSED SITE PLANS

Drawn by: MB
 Date: OCTOBER 2016
 Drawing Scale: 1:250

Revision:
 REV A - PLANNING AMENDMENTS - 26-10-16
 REV B - SEPARATION DISTANCES INDICATED - 16-11-17



THE DWELLING SHALL NOT BE OCCUPIED UNTIL PROVISION HAS BEEN MADE AND PERMANENTLY RETAINED WITHIN THE CURTILAGE OF THE SITE FOR THE PARKING OF 2 CARS

ENTRANCE DETAILS

- Visibility Splays of 2.4m x 45m to both sides of entrance.
- The area between visibility splay and road edge to be levelled to between 150mm & 225mm above level of adjoining carriageway, and be sown with grass and kept free from all shrubs and trees.
- The radii at the 6m wide access to be 6m at each side to road edge.
- Any new gate posts to be set back minimum 5m from road edge.
- Maximum gradient for first 5m of access road to be 1:12.5 (8%).
- All existing hedges, trees, shrubs & walls etc. across full frontage of site to be removed to allow visibility splays to be achieved.

Provide new timber post and wire stock proof fence behind visibility splays with native species hedge planted in a staggered form behind.

MB ARCHITECTURAL DESIGN SERVICES

PLANNING • BUILDING CONTROL • SURVEYS • CONSERVATION
 T. 077 3885 4520 • E. MICHAEL.BRILLIE@TISCALI.CO.UK
 28 CATHEDRAL PARK • DOWNPATRICK • BT30 6GF
PROPOSED NEW DETACHED DWELLING AND GARAGE TO REAR OF NO8 COMBER ROAD SAINTFIELD. FOR MRS W. ALLAN

Drawing Name	
INDICATIVE SITE LAYOUT PLAN	
Drawn by	Date
MB	NOVEMBER 2015
Drawing Scale	
1:500	
Drawing no.	
Revision	

SITE LAYOUT PLAN SCALE 1:500

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

ITEM NO	11			
APPLIC NO	LA07/2016/0143/F	Full	DATE VALID	1/26/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Maeve Chadwick 43 Kirkland Road Killyleagh Downpatrick BT30 9PQ		AGENT	Michael Smith Building Design 139 Ballydugan Road Downpatrick BT30 8HG 07802671577

LOCATION Rear of 43 Kirkland Road/ adj to 43 Kirkland Road
Killyleagh
Downpatrick

PROPOSAL Proposed new stables/fodder storage building for private use

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

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy OS3 of PPS 8, Open Space, Sport and Outdoor Recreation in that the development by virtue of its scale, mass and siting cannot be readily absorbed into the landscape, nor does it take advantage of existing topography.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and the proposed building fails to blend with the landform and buildings and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.
- 5 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 and despite being requested the agent has failed to include within the proposal description the extension to the residential curtilage of no 43 Kirkland Road. This information is material to the determination of this application.



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

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0143/F

Date Received: 26th January 2016

Proposal: Proposed new stables (6no)/fodder storage building for private use.

Location: Rear of 43 Kirkland Road/Adj to (rear) 43 Kirkland Road, Killyleagh Downpatrick.



Site Characteristics & Area Characteristics:

The site in question is located to the east of the dwelling known as no 43 Kirkland Road. The site is part of an agricultural field which sits adjacent to the domestic curtilage of no 43 Kirkland Road and also includes a small section of the existing curtilage but the vast majority is outside the curtilage. There is a low wooden fence between a raised bank in the garden and the field in question. The field ground is higher than the dwelling in question with limited planting to the boundaries of the field between the dwelling and field. The site also includes 2 out buildings, one of which is a stable block. The red line of the site includes the curtilage of no 43 and its extension into the adjacent field. This extension to the residential curtilage of no 43 is not included within the proposal description.

The area is a rural area not located within any settlement limits as defined in the Ards and Down Area Plan 2015. The site is within the sphere of influence of an archaeological site and monument of Killarsey Church (church and graveyard). The overall topography of the area would be of drumlin topography.

Site History:

R/2015/0082/F – Adjacent to 43 Kirkland Road, Killyleagh, Downpatrick – proposed new stable 6 no fodder storage building for private domestic use – application withdrawn – 18-01-2016.

R/2014/0382/O – Opposite 43 Kirkland Road, Toye, Killyleagh,- new dwelling on a farm – granted – 28-11-2014.

Planning Policies & Material Considerations:

As the site is outside any settlement development limits as per The Ards and Down Area Plan 2015 the application is considered in the first instance against PPS 21, sustainable Development in the Countryside, CTY 1.

The application is for a building located for the majority outside the curtilage of the existing residential building in the rural area therefore PPS 8 Open Space, Sport and Outdoor Recreation, OS3 Outdoor Recreation in the Countryside is considered and in the interests of completeness, Addendum to PPS 7 Residential Extensions and Alterations EXT1. The application is also considered against Ards and Down Area Plan 2015 and SPPS.

Consultations:

NI Water – No objections

NIEA Drainage and Water – no objections

Transport NI – No objections

Environmental Health – no objections

Historic Environment Division – no objections

Objections & Representations

The application was advertised on 17th February 2016 which expired 2nd March 2016 and one letter of neighbour notification was sent on 8th February 2016 which expired 22nd February 2016. No letters of objection were received in relation to the application.

In e-mail correspondence Cllr William Walker asked that his full support is registered in relation to the application stating that he could see no reason why this application could not proceed as an approval as the site will be entered by the existing lane.

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is also taken into consideration and it is noted that the aim of the SPPS stated with regard the countryside is to manage development in a manner which strikes a balance between protection of the of the environment from inappropriate development while supporting and sustaining rural communities.

The scale of the building is not appropriate when considered in context, This building is presented as a building used to service a private use which would be domestic scale, it is not to serve an established equine business nor is it there to serve an agricultural use therefore the scale, nature extent of the development is not in keeping with the scale of the recreational activity proposed.

While it is noted that equine hobbies are particularly popular in Northern Irelands Rural areas it is important that associated development is of an appropriate scale. The size and scale of the building is excessive to what is required to serve a domestic hobby and on a wider spectrum if this type of development was to be sought on a regular basis for domestic or private equine hobbies the overall character of the rural environment of Northern Ireland would be heavily impacted upon resulting in a change to the character of the landscape in an in appropriate scale which will be in a resulting curtilage with greater impacts.

Initially the application is considered against PPS 21 CTY 1 which directs to Policy OS3 Outdoor Recreation in the Countryside. Policy OS3 requires:

(i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

There is no adverse impact on features of importance to nature conservation, archaeology or built heritage. Historic Environment Division has been consulted on the application as the application is within the sphere of influence of an archaeological site and monument and has responded with no objections in relation to PPS 6.

(ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

There is no loss of the best most versatile agricultural land nor is there any impact on nearby agricultural activities as a result of this application.

(iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

The building proposed is that of private stables. The building proposed is that of a large agricultural shed.

There is a substantial element of cutting in on the site to accommodate this building, there is a finished floor level proposed of 34.00 and existing ground levels vary but are as great as 38.00 on the site of the building. Additional planting will be required to help the building further integrate into the landscape and to create a new boundary to reinstate a domestic curtilage and provide a boundary between the site and the agricultural field. The development would not readily be absorbed into the landscape as there is a considerable amount of cutting into the land in order to make a building of this size and scale suitable to integrate into the landscape therefore one could not say the building can be readily absorbed, this policy requirement has not been met.

(iv) there is no unacceptable impact on the amenities of people living nearby;

Amenities of neighbouring properties are not affected as owner of the proposal.

(v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

Public safety is not prejudiced in respect of this application.

(vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

The applicant was asked to demonstrate how this level of accommodation is justified; this has been a repeated request with the Authority initially requesting this information during the processing of the previous application R/2015/0082/F that was withdrawn. Limited information was submitted in relation to animals kept and no information was given to activities. It is noted however that on the passports presented there was reference made to 3 Lower Clay Road. Upon inspection of this address there are several stables and sand manage, Historical maps show this to have been in place prior to 2011.

The acting agent has indicated that the number of horses is not a consideration however in refusing to provide such information the Authority would have no justification in approving yet more stables for private use outside the curtilage of no 43, when there are already stables in the vicinity that can be utilised, there is also an out building in the curtilage of the dwelling that could potentially provide stable accommodation without the need for a large agricultural style building which will not integrate successfully with the host building or into the landscape as the amount of cutting in required clearly demonstrates. The agent also failed to provide information on the current location of stabling for the horses. The agent also fails to address the issue of the extension to the domestic curtilage which is clearly part of this application.

Structures are to be designed to a high standard and to a scale appropriate to the local area and are sympathetic to the surrounding area. The scale of this building is not considered to be of a suitable size and scale for a building that will result being located in a domestic curtilage and to serve a domestic or private purpose. The building is 18.4m long and 11.4m deep and 5.2m in height. The building has the appearance of an agricultural building which is not considered an appropriate size and scale as a domestic building for private use as such the building is not considered to be sympathetic to the surrounding area, the building does not have the appearance of private stables and given the elevated lands requiring cutting in in extremely close proximity to a dwelling house the building is considered to offer a detrimental impact on the surrounding environment.

(vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car;

The facility is for private use therefore the facility would not be required to accommodate the needs specifically of disabled persons.

(viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

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

The application is also considered against Addendum to PPS 7 Residential Extensions and Alterations.

EXT 1 states that the building should be sympathetic with the built form and appearance of the existing property and not detract from the character of the surrounding area.

The structure will be in the resulting curtilage, the building is not of an appropriate size or scale to appear subordinate to the main dwelling and would offer an amount of accommodation considered wholly excessive at domestic scale and when read in conjunction with the existing building on the site is not considered to be sympathetic to. Justification A11 states that out buildings should be subordinate in scale and similar in style to the existing property, the agent had been made aware that stables should follow the typical designs of traditional domestic stables offering external stables rather than the stables being internally located which creates a much larger unit and the stable should be a low pitched building finished in the context of the existing buildings. The agent was given several opportunities to address the concerns held however declined. The agent was alerted to the fact that an extension of curtilage was not noted on the P1 form, and as not presented on PHDs and not included in the proposal the application will continue to be processed against PPS 21 and PPS 8.

It is noted however that the application will lead to an extension of the existing domestic curtilage which has not been specifically referred to in the description of the development and which has not been justified by the agent; such an extension to a domestic curtilage would be resisted in the open countryside.



The proposal is considered against CTY 13 Integration and Design of Buildings in the Countryside.

The building in order to not be a prominent feature in the landscape requires a significant element of cutting in on the site to allow a building of this size and scale to negotiate existing ground conditions located on the slope of a hill. The site will be able to make use of the remainder of the hill as a back drop but in order to not impact significantly on the host dwelling and to satisfactorily integrate the site will be cut into leaving banking proposed to the side and rear of the shed which would have a negative visual impact.



The site will require a new boundary to the east of the site however the proposed native species hedgerow would be considered appropriate to form the new boundary between the curtilage of the dwelling and the remainder of the agricultural field. The existing and additional planting does not overcome the issues of the amount of excavation required to incorporate the building however given that the road boundaries are to remain coupled with the existing boundaries the building will be screened when travelling in the direction of the Lower Clay Road where the new boundary inside the field is required. The site does not rely on new planting to integrate.

Additional information has been submitted to highlight other approvals in the vicinity and while each application is considered on its own merits it is noted that one two examples given by Mr Stephens (R/2011/0144/F) was for a stable shed considered under a separate policy and in a different context as the application was based on farming activities and therefore has not been considered in the same context. At no point has the applicant demonstrated that this application would be justified under such measures. Neither example given lead to the proposal being situated in a resulting curtilage of a dwelling house.

Ancillary works do not integrate with their surroundings, the construction will result in a 4m bank being created to the rear of the building, such banks are unsightly and often require large retaining walls though no indication of such measures have been indicated on the plan.

In general terms a building of this nature can be accommodated in the rural location if required. The building has the appearance of an agricultural building, the building is not considered appropriate for the site due to the size and scale in relation to a residential building and also the interventions required to accommodate the proposal on the lands, the design of the building is not considered suitable for the site resulting in the curtilage of a dwelling and in this the building does not blend with the existing buildings given the size and scale and nature of the building in close proximity to a residential property. Again in order to ensure the building blends more with the existing landform excavation and cutting in is required.

The application is considered against CTY 14, Rural Character, as mentioned the site will require excavation in order to accommodate the shed in order for it not to appear unduly prominent in the landscape, the impact of the ancillary works will impact on the immediate surroundings would have the capacity to damage rural character. It is also noted that this size and scale of a building in a resulting curtilage is out of character.

The agent was asked to provide clarification as to the number of horses needing accommodation given the lack of information provided to date.

It was also brought to his attention that the application description did not include the extension of curtilage and that on the day of the site visit stables and an out building were observed however the plans did not correctly indicate the use of each of these, this aspect of the plans were not corrected, instead photos of each have been submitted that fails to correct the drawings or fully clarify the use of the main barn.

Mr Stephens commented on each point but did not address them therefore the application will be determined on the information available to it which results in a recommendation to refuse.

Recommendation:

Refusal

Refusal Reasons

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy OS3 of PPS 8, Open Space, Sport and Outdoor Recreation in that the development by virtue of its scale, mass and siting cannot be readily absorbed into the landscape, nor does it take advantage of existing topography.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and the proposed building fails to blend with the landform and buildings and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.
- Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 and despite being requested the agent has failed to include within the proposal description the extension to the residential curtilage of no 43 Kirkland Road. This information is material to the determination of this application.

Case officer:

Authorised by:

Date:

ITEM NO 15
APPLIC NO LA07/2016/0621/O Outline **DATE VALID** 5/11/16
COUNCIL OPINION REFUSAL
APPLICANT Mr & Mrs Rooney 8 **AGENT** O'Neill
 Magheralone Road Architecture 147
 Drumaness Main Street
 Ballynahinch Dundrum
 BT24 8ND Newcastle
 BT33 0LX
 02843771876

LOCATION Between 4 and 8 Magheralone Road
 Drumaness
 Ballynahinch

PROPOSAL New dwelling and garage

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

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0621/O

Date Received: 11th May 2016

Proposal: New dwelling and garage

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

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



Site Characteristics & Area Characteristics:

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

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



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



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



Site History:

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

Planning Policies & Material Considerations:

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

Consultations:

NI Water – responded with information for the applicant.

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

Objections & Representations

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

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

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

Consideration and Assessment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recommendation:

Refusal

Refusal Reasons/ Conditions:

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

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

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

the rural character of the countryside.

_____ DATE

_____ DATE



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0621/O

Proposal: New dwelling and garage

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

Consideration of information supplied by agent on 7th December 2016

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



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

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

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

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

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

Conclusion

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

Case Officer DATE

Appointed Officer DATE

ITEM NO 16
APPLIC NO LA07/2016/0660/F Full **DATE VALID** 5/16/16
COUNCIL OPINION REFUSAL
APPLICANT Mr P J Morgan **AGENT** Matrix Planning
 Consultancy 29
 Old Belfast Road
 Newtownards
 BT23 4SG
 NA

LOCATION Lands approx. 175m south west of 116 Drumnaquoile Road
 Ballynahinch
 BT24 8QS

PROPOSAL Farm diversification providing 1 no unit of tourist accommodation

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

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that it does not involve the re-use or adaptation of existing farm buildings and it has not been demonstrated that there are no other buildings available to accommodate the proposal.
- 3 The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the proposed siting does not satisfactorily integrate with an existing group of buildings.
- 4 The proposal is contrary to Policy TSM 5 of Planning Policy Statement 16, Tourism in that the unit is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park and the application does not relate to a cluster of 3 or more new units provided close to an existing tourist amenity that is or will be a significant visitor attraction in its own right, nor does the proposal include the restoration of an existing clachan or close and the overall design of the proposal in terms of size and detailed design of the individual unit does not deter permanent residential use
- 5 The proposal is contrary to NH6 of PPS 2 Natural Heritage in that the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty and the proposal does not respect traditional boundary details and does not respect local design or materials.
- 6 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and an appropriate planting scheme has not been submitted and therefore would not visually integrate into the surrounding landscape.



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

**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2016/0660/F

Date Received: 16th May 2016

Proposal: Farm diversification providing 1 no unit of Tourist Accommodation.

Location: Lands approx. 175m SW of 116 Drumnaquoile Road, Ballynahinch



Site Characteristics & Area Characteristics:

The site in question is located on lands to the west of Drumnaquoile Road and is accessed off said road. The site is located in an existing agricultural field and the

lands rise to the north and west of the site. There are stone remains of a structure to the south east of the site. The site has limited screening and planting with low field boundaries in place. There is a lane running directly from the field the site is located in to the road.

The area is a rural area not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located in a highly scenic area which is in the Mourne AONB and also in a Countryside Policy Area.

Site History:

LA07/2015/1081/F – lands 185m SW of 112 Drumnaquoile Road – proposed 2 no agricultural sheds – pending.

R/2005/0670/O – 110A Drumnaquoile Road (10m SW of 112 Drumnaquoile Road – replacement dwelling – refusal -08-10-2005

R/2004/0400/O – 60m SW of 116 Drumnaquoile Road – site for dwelling – 14-09-06 – while the system would indicate this application was granted the file and decision notice clearly lists reasons for refusal with no permission granted – with drawings stamped refused.

Planning Policies & Material Considerations:

This application is considered under Ards and Down Area Plan 2015, PPS 2 Natural Heritage, PPS 16 Tourism and PPS 21 Sustainable Development in the Countryside and SPPS and Building on Tradition, A Design Guide for Rural Northern Ireland.

Consultations:

NI Water – no objections

NIEA Water and Drainage – no objections

Transport NI – no objections

Environmental Health – no objections

DAERA (DARD) responded that the farm business is active and has made claims in the last 6 years.

Objections & Representations

4 neighbours were notified in relation to the application on 24th May 16 which expired 7th June 16. The application was also advertised 1st June 16 which expired 15th June 2016. There were no objections received and one letter of support was received in relation to the application which comments that tourism is a strategic objective of the Council.

Consideration and Assessment:

CTY 1 of PPS 21 would indicate the policy provision to be CTY 11 Farm Diversification. PPS 16 Tourism is also considered as is Ards and Down Area Plan and SPPS. In terms of Policy CTY 11 Farm Diversification planning will be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. DAERA has confirmed that the business is currently active and has been established for a period of the last 6 years. The P1C indicates that the farm holding has circa 70 sheep.

The proposed building is of a rather standard design with little or no regard to the tourism aspect of the application or the sensitive location to which it is to be located. The design of the proposed tourist accommodation resembles a dwelling house and not a bespoke tourist let and therefore the proposed design would not be acceptable.

Considering the context of the area and the pattern of development a small single storey building could be accommodated on these lands. While the majority of development is roadside it is noted that along the Drumnaquoile road there are some developments that are set further back into the foot of the mountain using it as a backdrop although most sites set back do benefit from good planting which is largely absent on this site and the other examples are sited on lower grounds.

The site is also located in a Countryside Policy Area as defined in the Ards and Down Area Plan 2015 and the scenic nature of the site is recognised.

It is not considered the built heritage would suffer an adverse impact as a result of this application. The overall natural environment is not likely to suffer as a result of the application, natural features and protected species are not likely to suffer as a result of this application.

The site is not likely to impact on the amenity of the nearby residential dwellings and there is not likely to be any detriment in relation to noise, smell and pollution.

CTY 11 requires that an existing building is re used or adapted with a new build only being considered in exceptional circumstances This proposal does not involve the re use of an existing building and is for the construction of a new building, exceptionally new builds will be granted where it has been clearly demonstrated that there are no suitable buildings on the farm lands that can be utilised as they are being used for agriculture or are not suitable for adaption.

While the agent has not included buildings in proximity to the site in the lands in blue reference is made to buildings to the east of the site in the supporting statement, one has to assume this refers to the large shed and smaller block built structure located to the east and beyond the rear of no 112. The supporting statement is unclear in the surrounding buildings or ownership; the maps do not offer any clarity.

The supporting statement also describes structures that constitute buildings in close proximity to the site however the site inspection would not confirm this as on site are derelict ruinous structures. The supporting statement states that the policy does not express a view in several regards or that the buildings need to be used for agriculture or even be on the applicant's farm which is not the case. There has not been sufficient information submitted to demonstrate that the existing buildings on the holding are clearly unsuitable for adaption, the onus is on the applicant/agent to do so.

Policy goes on to say that in the exception of the proposal not involving existing buildings on the farm holding it is necessary for the building to be satisfactorily integrated within an existing group of farm buildings, this site is clearly set apart from any other buildings, any rubble piles or previous structures do not constitute buildings. There is no group of buildings present for the proposed site to be considered integrated with therefore this application is not considered to be acceptable in terms of policy.

In summary the application fails to comply with CTY 11 Farm Diversification as the application does not re use or adapt an existing building, it is not considered that there is an exceptional circumstance to allow a new building and the new building proposed is not satisfactorily integrated with an existing group of buildings.

Whilst PPS 21 Sustainable Development in the Countryside CTY 11, Farm Diversification is the primary policy contest TSM 5 of PPS 16 also provides guidance on accepted tourist accommodation in the countryside.

TSM 5 is considered as 7.29 justification states that farm diversification projects can provide opportunities for small scale or single unit self-catering accommodation in the countryside and it is noted therefore that the overall self-catering scheme must deter permanent residential accommodation this has not been achieved in the drawings put forward. TSM 5 states that the overall design of the self-catering scheme must deter permanent residential use. The proposal put forward clearly does not deter permanent residential use, in fact it would be considered typical of a single dwelling in the countryside with no distinction as tourist accommodation whatsoever. The application does not comply with any section of TSM 5 Self Catering Accommodation in the Countryside.

The application is also considered against CTY 13 of PPS 21, Sustainable Development in the Countryside.

A well designed dwelling with a low ridge height would not be a prominent feature in the landscape at this site; the site can make use of the natural lands to the rear to act as a backdrop. The building put forward however does not respect the characteristics of the built form and area and the design is not acceptable in terms of the overall characteristics of the area.

The site has planted boundaries to the south and there is also a natural stone wall boundary to the northern boundary of the site. It is noted that the natural boundaries of the area do tend to be occupied by natural stone boundary walls, while there is planting on site at present the proposal would rely heavily on new plating to integrate as it exists as submitted. No planting scheme has been submitted as part of the application.

The design of the building is not considered to be of a design appropriate for the site and locality. There has been no regard for design or materials used and the building would have a detrimental impact on a sensitive location. The external chimney with deep base is totally out of keeping with rural design and the overall frontage is not only out of keeping with the rural area but also out of keeping with an area that is of high scenic value and one would expect to find tourist accommodation of a quaint nature that would respect the nature of the use and the surrounding area.

Ancillary works could be accommodated on the site making use of an existing access lane.

A building could blend into the existing landform with lands to the rear acting as a backdrop.

The application is within the Mourne Area of Outstanding Natural Beauty and is also located in the Landscape Character Assessment, Slieve Croob Summits and is

considered against PPS 2 Natural Heritage, NH6 Areas of Outstanding Natural Beauty.

The design put forward is not considered an appropriate design for the locality. The design of the building in the siting chosen is not sympathetic to the special character of the area; the site is of a sensitive nature, located within AONB, and also a Countryside Policy Area. This area is of particular scenic quality and any development should respect the locality and conserve its natural features that add to its attractiveness.

The proposal has no regard for local distinctiveness in terms of design and does not make use of local materials. There has not been enough detail provided in relation to retaining features such as hedging and the very attractive stone wall boundaries, a section drawing provided would indicate infilling to provide a flat site and subsequent retaining walls to the rear, the overall scheme fails to have regard for the natural features of the land.

While it was clear this application was intended as a full application the original P1 was submitted with question 10 indicating it was an outline application. The agent has been asked to amend the form accordingly.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that it does not involve the re-use or adaptation of existing farm buildings and it has not been demonstrated that there are no other buildings available to accommodate the proposal.
- The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the proposed siting does not satisfactorily integrate with an existing group of buildings.
- The proposal is contrary to Policy TSM 5 of Planning Policy Statement 16, Tourism in that the unit is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park and the application does not relate to a cluster of 3 or more new units provided close to an existing tourist amenity that is or will be a significant visitor attraction in

its own right, nor does the proposal include the restoration of an existing clachan or close and the overall design of the proposal in terms of size and detailed design of the individual unit does not deter permanent residential use

- The proposal is contrary to NH6 of PPS 2 Natural Heritage in that the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty and the proposal is not of an appropriate design or scale for the locality.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and an appropriate planting scheme has not been submitted and therefore would not visually integrate into the surrounding landscape.

Case officer:

Authorised by:

Date:

ITEM NO	17				
APPLIC NO	LA07/2016/0706/F	Full	DATE VALID	5/27/16	
COUNCIL OPINION REFUSAL					
APPLICANT	Patrick Byrne 20 Killough Road Ardglass BT30 7UF	AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT NA		
LOCATION	20 Killough Road Ardglass BT30 7UF				
PROPOSAL	Retention of pigeon loft				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	0
			Addresses Signatures		
			0	0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale, massing and design are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the proposal would, if permitted adversely impact the amenity of neighbouring properties by way of general disturbance, noise, nuisance and pest problems.



Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: LA07/2016/0706/F

Date Received: 27th May 2016

Proposal: Retention of pigeon loft

Location: The site is located at 20 Killough Road, Ardglass which is approximately 600m to the southwest of Ardglass village. The site is approximately 9.5km to the southeast of Downpatrick.



Site Characteristics & Area Characteristics:

Site Characteristics

The site contains a single storey dwelling with a hipped roof and flat roofed rear extension. The dwelling is sited on a relatively large plot with garden to the side and rear of the property. The topography of the site is relatively flat. The site is bound to the south and west by mature hedges. The eastern boundary is demarked by a post and wire fence. The northern boundary along Killough Road is demarked by a 1m stone wall. There are numerous sheds, cages, and outbuildings throughout the site containing a variety of birds and animals including rabbits, pigeons, chickens, and dogs. There are 4 existing pigeon lofts on the site. The proposed loft is a 2 storey pigeon loft located to the rear of the dwelling with a pitched roof. There is a set of wooden steps leading up to an upper storey balcony.

Area Characteristics

The area is characterised by open countryside mainly in agricultural use with occasional rural dwellings located along the Killough Road. There is a single storey bungalow directly to the south of the site and a single storey bungalow located directly to the south west of the site.

The topography is generally flat to the west and southwest. The land rises toward the northeast of the site when approaching Ardglass.

Site History:

R/2015/0017/CA 20 Killough Road, Ardglass, Down, BT30 7UF - Alleged unauthorised pigeon loft

Planning Policies & Material Considerations:

- Regional Development Strategy
- Strategic Planning Policy Statement (SPPS)
- Local Development Plan (Ards and Down Area Plan 2015)
- Planning Policy Statement 2
- Planning Policy Statement 7
- Planning Policy Statement 7 addendum Residential Extensions and Alterations
- Planning Policy Statement 21
- Building on Tradition

The site is located partially within the open countryside. The site is located within an Area of Outstanding Natural Beauty (AONB) and within an Area of Constraint on Mineral Developments.

Consultations:

Advice and Guidance – Environmental Health – Comments provided

Objections & Representations

The following neighbouring properties were notified on the 8th June 2016:

- 22 Killough Road, Ardglass, Down, BT30 7UF
- 41 Green Road, Ardglass, Down, BT30 7UA

The application was advertised on 15th June 2016.

There have been no objections or representations received in relation to this application.

Consideration and Assessment:

There are no permitted development rights in relation to pigeon lofts within the Planning (General Permitted Development) Order (Northern Ireland) 2015 Class D (D.4).

Policy EXT1 of PPS7 addendum states that applications to extend or alter a residential property must not unduly affect the privacy or amenity of neighbouring properties.

It states that 'the scale, massing, design, and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area'.

There is no other specific guidance relating to pigeon lofts other than DPG6, however this guidance relates to Belfast, Castlereagh, and Newtownabbey Council Areas as addressed in appeal decision 2012/E026. Therefore the proposal should be assessed using only policies and guidance relevant to Northern Ireland as a whole and the council area.

Proposal

The application is for the retention of an existing pigeon loft and has been submitted as a result of enforcement action. There are several other pigeon lofts within the curtilage which are immune from enforcement action – however the loft in question does not benefit from immunity from enforcement action.

The proposed loft measures 5.6m above ground level and is 6.4m wide and 9m in length. The loft is finished with wooden panels painted white, galvanised metal caging, Perspex panels and slate and Perspex roofing. There is a set of wooden steps leading to a 1st storey balcony providing access to the upper level of the loft. The loft is sited toward the south of the site and abuts the boundary with no41 Green Road which is located approximately 18m to the south of the loft.

Visual Impact

PPS7 addendum para states that 'Buildings within the residential curtilage...should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surroundings views.'

The proposed loft is significantly higher than the existing dwelling. The loft is located on slightly elevated ground and the loft itself has a higher roof pitch than the existing dwelling. The loft can be easily viewed from the surrounding area, in particular, when approaching from the south west and the north east along Killough Road. The loft can also be viewed temporarily when traveling along the Green Road.

The neighbouring dwellings are small in scale and single storey. The proposed loft is 2 storey and as a result of its height and mass dominates the surrounding dwellings.

It is considered that the proposed building dominates the existing dwelling by virtue of its scale and height and fails to respect the character of the dwelling and the surrounding area.

Amenity

The upper balcony of the loft looks over the rear of no41 Green Road. Whilst there are no windows habitable windows which are directly overlooked, the garden and private amenity space of no41 could be overlooked by users of the loft.

Environmental Health in their response dated 22nd June 2016 state that the planning officer should ensure that the proposed development meets the following guidelines:

- 1. The loft shall be so located within the site of the dwelling so that the distance to adjacent residential properties is maximised;*
- 2. The loft should be constructed in materials which can be easily maintained;*
- 3. The loft shall be raised off the ground (approx. 1m) to discourage vermin and facilitate cleaning;*
- 4. The lofts should be positioned and orientated in such a way as to minimise potential nuisances to neighbours caused by noise, smell, visual obstruction and loss of daylight and sunlight.*

Failure to comply with the above requirements may lead to loss of amenity at nearby residential properties.

The loft has not been sited to maximise the distance between the loft and the neighbouring property. It is considered that the materials could be maintained. The loft is built on a concrete block plinth. It is not considered that underneath the loft would be easily accessible and there is potential for the development attracting vermin.

Policy EXT1 of PPS7 addendum states that applications to extend or alter a residential property must not unduly affect the privacy or amenity of neighbouring properties.

It is not considered that there would be any overshadowing issues given the sufficient distance from the neighbouring dwelling, however it is considered that the privacy of the neighbouring dwelling would be affected by the proposed lofts balcony which overlooks the neighbouring property.

The lofts which benefit from immunity measure approximately 10sqm, 24sqm and 18sqm which combined equate to 52sqm of loft floor space. The proposed loft has a floor space of 85sqm (42.5sqm x2). The proposed loft would significantly exceed the floor space of the immune lofts on the site. The accumulation of the lofts including the proposed 2 storey loft would total 137sqm of pigeon loft floor space. The proposed loft would result in a significant increase in capacity for keeping pigeons.

Due to the scale of the loft, and considering the accumulation of other existing lofts within the curtilage, it is considered that the loft is likely to result in potential nuisances to neighbours caused by noise, odour, nuisance, general disturbance and other associated negative impacts.

The proposal is considered contrary to the SPPS and policy EXT1 of PPS7 addendum.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale, massing and design are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the proposal would, if permitted adversely impact the amenity of neighbouring properties by way of general disturbance, noise, nuisance and pest problems.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0706/F

Proposal: Retention of Pigeon Loft

Consideration of additional information

The application was recommended for refusal and deferred by the Planning Committee on 23rd November 2016 to allow the applicant to address the reasons for refusal. The recommended reasons for refusal were as follows:

- The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale, massing and design are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the proposal would, if permitted adversely impact the amenity of neighbouring properties by way of general disturbance, noise, nuisance and pest problems.

Amended drawings were submitted to the Council by the agent on 10th January 2017 to show the building with a flat roof as opposed to the original pitched roof. The height has been reduced from 5.6m to 4.5m above ground level. An amended site plan has been submitted to show new Ash trees planted along a section of the north eastern and south western boundaries of the site in an attempt to create additional screening from public views along Killough Road. Photographs have been submitted to demonstrate that this planting has been carried out along these boundaries.

The additional information has now been fully considered.

The pitched roof would be removed however the scale and mass of the loft would remain and would continue to dominate the dwelling by way of its inappropriate height, scale, and mass.

Planting has been carried out in an attempt to enhance screening from Killough Road, however it is not considered that this would provide sufficient screening particularly in winter months and is not considered a suitable solution for a building which is unsympathetic with the built form and appearance of the existing property. Open views would remain from Killough Road when passing the site.

The pigeon housing capacity would remain unchanged and the amended plans do not address the second reason for refusal.

The recommendation remains unchanged.

Recommendation: Refusal

Planning Committee Schedule of 23rd Nov 2016

Planning reference: **LA07/2016/00706/F**

Proposal: **Retention of pigeon loft**

Applicant: **Mr P Byrne**

Location **20 Killough Road Ardglass**

Recommendation: **Refusal**

Reasons

1

The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale, massing and design are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

2

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the proposal would, if permitted adversely impact the amenity of neighbouring properties by way of general disturbance, noise, nuisance and pest problems.

Planning Policy & Considerations

- Reginal development strategy
- Strategic Planning Policy statement (SPPS)
- Ards & Down Area Plan 2015
- PPS 2
- PPS 7
- PPS 7 addendum Residential Extensions and Alterations

- PPS 21
- Building on Tradition

Site Characteristics

The site comprises of half an acre in area with a hipped roof dwelling and several outbuildings, lofts and dog pens and bird pens located on it.

Planning History

R/2015/0017/CA Alleged unauthorised pigeon loft

It has to be noted that the original communication with the applicant referred to several Pigeon lofts and following communication to the Planning Department it was confirmed that the subject of this application was the only structure which was not immune by virtue of the passage of time and as such a formal application was submitted

Objections

No Objections have been received in relation to this proposal

Refusal reason No1

This reason for refusal is based on the 2 storey nature of the loft and it is contended that the proposal is out of scale with the existing dwelling on the site and also out of scale with the surrounding dwelling none of who raised any concern in relation to the proposal. It is contended that the proposal is not out of keeping with the scale of the existing buildings on or around the site due to its location on the rear boundary with the backdrop of existing vegetation. The massing and design of the loft are what are expected with such structures and it is constructed in suitable materials for pigeon lofts similar to the existing lofts located on the site.

If as contended the loft would detract from the appearance and character of the surrounding area however the site comprises of 3 other lofts and bird cages and structures which have existed for many years.

Refusal reason No2

The planning Department contend that the proposal would adversely impact on the amenity of neighbouring properties by way "*general disturbance, noise, nuisance and pest problems*".

It must be rebutted that this is an all-in composite reason as it's suggest that this is the only loft of **all those existing** on that site that would cause such concerns.

It has to be re-affirmed that no objections have be received in relation to the proposal from neighbours and it is our understanding that the Councils Environmental Health Department have not had any reason to contact the owner in relation any of these concern and we would seek clarity from the Planning Department of the allegation that this proposal or any existing lofts would result in pest problems. To our knowledge no such issues have been raised with either the applicant or any authority with responsibilities for pest control.

It has to be concluded that this reason for refusal is farcical as such claims as noise, nuisance general disturbance and pest problems are unsustainable do not exist in relation to the site as a whole which contains more than this loft.

Conclusion

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

Planning Committee Schedule of 2nd February 2017

Planning reference: **LA07/2016/00706/F**

Proposal: **Retention of pigeon loft**

Applicant: **Mr P Byrne**

Location **20 Killough Road Ardglass**

Recommendation: **Refusal**

Reasons

1

The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale, massing and design are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

2

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the proposal would, if permitted adversely impact the amenity of neighbouring properties by way of general disturbance, noise, nuisance and pest problems.

Background

This proposal was deferred from the Planning Committee meeting of 23rd November to allow the developer to address the concerns of the Planning Department.

Following the preparation of amended drawings reducing the height of the project by 1.1m approx. a 20% or 1/5th reduction in height, the amended plans were submitted to the Planning Department together with photographs of planting of **mature trees** which the developer has planted along the north eastern and south western at considerable expense to him, he was at pains to plant native species of trees as opposed the fast growing evergreens.

Refusal Reason No1

The planning department claim to have assessed the revised drawings and submitted information and contend that the height reduction of some 1/5th does not address their concerns in relation to alleged dominance over the existing dwelling by virtue of height, scale and mass.

The planting carried out at considerable expense to the applicant will provide further screening to what the Planning Department considered to be the critical viewpoints when approaching the site.

The Planning Department contend that this planting using Ash will not provide sufficient screening during the winter months but it has to be contended that this is the situation where all native planting is carried out or exists, the alternative to this would be the unsightly evergreen trees and hedging which plague the countryside and do little to compliment any site.

It has to be contended that the proposed loft is sympathetic with the built form which exists on the site some of which are existing lofts and dog pens.

It must be argued that any site may have open views when viewed from the area directly in front of the existing structures, my client has endeavoured to address views from the approaches to the site with new mature natural planting of a deciduous type.

Refusal Reason 2

Further to previous rebuttal of this reason at Planning Committee Meeting of 23rd November as stated then this is an all-in composite Refusal reason and in this situation does not have real standing due the existence of lofts on the site over a lengthy period of time and no issues have been raised from the Councils Environmental Health Department in relation to this site

Conclusion

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

ITEM NO	18			
APPLIC NO	LA07/2016/0762/O	Outline	DATE VALID	6/9/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr G Sharvin 89 Killard Road Ballyhornan	AGENT		
				NA
LOCATION	Lands 10m West Of 89 Killard Road Ballyhornan Downpatrick			
PROPOSAL	Proposed one and half storey bungalow and detached garage (Amended Site Location)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

- 1 The proposal is contrary to the Ards and Down Area Plan 2015 Policy SETT2, land Use Policy Areas, in that the proposal is sited within Proposal BHN 02 Industrial Policy Area zoned under IPA1 and would, if permitted, prejudice the provision of zoned industrial lands for the future industrial development of Ballyhornan.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 4, Planning and Economic Development, Policy PED7 'Retention of Zoned Land and Economic Development Uses', in that the proposal would, if permitted, result in the loss of land zoned for industrial use.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 4, Planning and Economic Development, Policy PED8 'Development incompatible with Economic Development Uses', in that the proposal would be in the vicinity of an existing economic development that has an incompatible use and the proposal would prejudice the future operation of this economic development.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7: Quality Residential Environments, in that, the proposed development is likely to be impacted upon as a result of noise, shadow flicker, and general disturbance from the neighbouring wind turbine.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7: Quality Residential Environments, in that, it will have inadequate separation distance from existing dwellings and its development will result in loss of amenity through loss of privacy, overlooking, overshadowing and loss of sunlight.



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

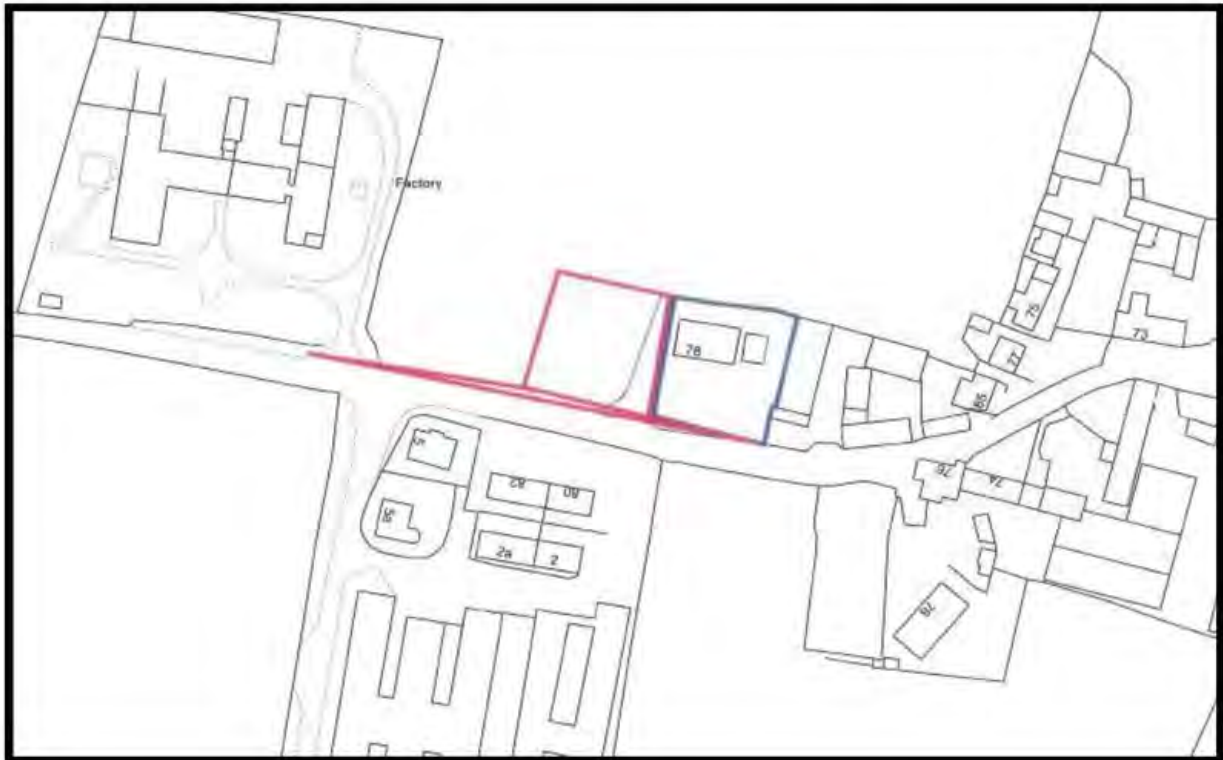
**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2016/0762/O

Date Received: 9th June 2016

Proposal: Proposed one and half storey bungalow and detached garage

Location: The site is located directly west of no89 Killard Road, Ballyhornan. The site is located to approximately 10.5km to the southeast of Downpatrick.



Site Characteristics & Area Characteristics:

Characteristics of Site

The site is a section of an agricultural field and a small section of no89's garden and is located directly west of 89 Killard Road, Ballyhornan. The southern and eastern boundaries of the site are defined by existing mature hedges. The northern and western boundaries are defined by a post and wire fence with some young trees planted on the inside. The site is not closed off from the rest of the agricultural field and appeared still to be in agricultural use for grazing.

The topography of the site is relatively flat.

Characteristics of Area

The area is characterised by a mix of agricultural, industrial/commercial, and residential. To the north of the site is open agricultural land. To the west is agricultural land beyond which is Byrnes Fish Factory within which there is a wind turbine. To the south of the site is Killard Road across which are residential properties. To the east of the site there are agricultural sheds and residential properties.

The topography of the surrounding area is relatively flat.

Site History:

<u>R/2014/0026/O</u>	Lands approx 10m West of No 78 Killard Road, Ballyhornan, Downpatrick Proposed erection of 2 No single storey dwellings with associated site works – Withdrawn 26.03.2015
<u>R/2012/0208/F</u>	Byrne Fish Processing Factory Ballyhornan - Retrospective planning permission for a Wind Turbine – Permission Refused
<u>R/2006/0472/F</u>	Byrne Fish Processing Factory Ballyhornan - Wind Turbine - Granted
<u>R/1992/0434</u>	Rear of St Johns Hall, Killard Road - New fish processing factory – Application Withdrawn

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- The Regional Development Strategy (RDS)
- The Strategic Planning Policy Statement (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 4 – Planning and Economic Development
- Planning Policy Statement 7 – Quality Residential Environments
- Planning Policy Statement 7 – addendum – Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 – Housing in Settlements
- A Planning Strategy for a Rural Northern Ireland

Development Plan – The Ards and Down Area Plan 2015

The site is located within the defined settlement limit of Ballyhornan. The site is located within an Area of Outstanding Natural Beauty (AONB) and designated in the development plan as an Industrial Policy Area (IPA1).

Consultations:

- Statutory – Transport NI – No objections
- Advice and Guidance - Environmental Health – Objection
- Non-Statutory – NI Water – generic – no objections
- Statutory – NIEA – Water Management Unit – No objections

Objections & Representations

The following neighbouring properties were notified on 24th June 2016 & re-notified on 20th October 2016:

- 5 Killard Drive, Ballyhornan, Ballyhornan, Downpatrick, Down, BT30 7PN
- 80 Killard Road, Ballyhornan, Downpatrick, Down, BT30 7PQ
- 82 Killard Road, Ballyhornan, Downpatrick, Down, BT30 7PQ
- 87 Killard Road, Ballyhornan, Downpatrick, Down, BT30 7PQ
- Byrne Fish, Killard Road, Ballyhornan, BT30 7PQ

There have been no objections or representations received.

The application was advertised on 29th June 2016 & re-advertised on 2nd November 2016.

Neighbours were re-notified and the application re-advertised due to the incorrect site address being listed on the P1 form. While on site it was evident that the site was located directly to the west of **no89** Killard Road and not no78. The P1 form was amended and the application re-advertised and re-notified.

Consideration and Assessment:

The application is for a single dwelling and garage. The application is for outline permission – proposed elevations and a site plan has been submitted with the application showing a 1 ½ store dwelling.

An application on the same site was withdrawn in 2015 (R/2014/0026/O) for 2no dwellings.

Principle

The proposed site is located within the defined settlement limit of Ballyhornan. The site is located within IPA1 Industrial Policy Area in the Ards and Down Area Plan 2015. The plan states that development of this site will be subject to:

- Provision of a suitable means of access linking the site to the public road
- Provision of an adequate system of water supply and sewage disposal; and
- Provision of appropriate boundary planning treatments, using indigenous species

The plan states that the areas provide an opportunity for employment creation in a relatively isolated part of Down District and in an area which has experienced decline in the traditional fishing industry. The use of these areas to create employment, possibly in small starter units, should help to address problems of social need in the general area.

Policy SETT2 of the LDP states that planning permission will be granted for alternative types of development in a Land Use Policy Area only where the development proposed will:

- Be subordinate to the preferred use and occupy a small portion of the Land use Policy Area

The site is a smaller portion of the larger zoned area.

- Existing in close proximity to the preferred use without adverse environmental consequences;

Environmental Health has been consulted on this application and has responded to state:

'Environmental Health are aware that there is a wind turbine located at an adjoining property, considering the close proximity of the proposed dwelling to this turbine it is highly likely that the amenity of the proposed dwelling would be adversely impacted due to noise.'

It is also a consideration as to the impact that a residential dwelling would have on the acceptability of potential industrial development which is zoned for this land.

- Not prejudice accessibility to the remainder of the Land Use policy Area;

The proposed dwelling would be accessed directly from Killard Road and is not considered to prejudice accessibility to the remainder of the site.

- Not prejudice potential in the settlement to meet overall development needs.

The proposed dwelling has the potential to impact the acceptability of future industrial development on the zoned land.

PPS4 – Policy PED7

This policy states that *'development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.'*

'An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial / employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.'

The majority of the zoned land has not been developed for industrial or alternative uses. There is existing industrial use at Byrne Fish Factory located approximately 60m to the west of the site. It is not considered that the proposed residential use within this allocated site would be compatible with industrial use. If permitted, it is considered that the proximity of the dwelling to the surrounding industrial allocated land would hamper the development potential of the site due to potential noise,

smell, and other disturbance. Whilst the proposed dwelling would provide short term employment during the construction phase, it would not provide a long term economic benefit - which is the main purpose of IPA1. It is not considered that residential and industrial developments are compatible uses or ancillary to each other. Therefore the proposal is considered contrary to PED7 of PPS4.

There is an existing wind turbine approximately 67m from the proposed dwelling location. This turbine is currently subject to an on-going enforcement case. A 20kw Jacobs 31-20 wind turbine was approved in this location under R/2006/0472/F; however a retrospective application was subsequently refused for a turbine not built in accordance with the previous approval. Whilst the enforcement case is on-going it is a consideration that there is a previous approval for a wind turbine in this location. The previously approved turbine ground to tip height of 41m. The proposed dwelling would be approximately 67m from the existing turbine (as measured on EPIC and Spatial NI). Current guidance states '*For a smaller individual wind turbine, for example on a farm enterprise, the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance*'. The proposed dwelling would lie outside this distance.

Due to the position of the turbine in relation to the proposed site and considering the path of the sun it is highly likely that the proposed dwelling would be adversely affected by shadow flicker. Considering this and comments from EH it is considered highly likely that the proposed dwelling would be adversely impacted by the turbine.

PPS7 & PPS7 addendum

This is an outline application however proposed elevations and site plan have been submitted for a 1 ½ storey dwelling and single storey garage (for illustration purposes only). The proposal shown for illustrative purposes is located approximately 5m from the gable of no89 which has a living room window on the side gable. The proposed dwelling is shown with side and upper windows on the gable end and would be likely to result in unacceptable overlooking and overshadowing issues due to the insufficient separation between properties. The existing mature boundary between the site and no89 would be removed and new landscaping planted - however this would take years to become established. Based on the information submitted the proposal is considered contrary to Policy QD1 of PPS7.

Additional Information

Additional information was submitted on 23rd November 2016 by Colin McGrath MLA on behalf of the applicant. This included a solicitor's letter and 2 land registry maps. The applicant argues that the land in his ownership was not fully used to develop the original home and garden at no89 Killard Road. The letter states that additional lands are to be transferred to the applicant to square off the applicant's ownership in this folio. The argument is that the proposed site is located within the curtilage of no89 and should not have been zoned for the Industrial Policy Area.

The definition of Curtilage provided in PPS 21 is 'the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.' The western boundary of no89 is a tall mature hedge and lands to the west of this boundary (the majority of the proposed site) are in agricultural use. The site has been fenced off since the site was inspected in 2014 however it is evident that the proposed site is

part of a larger agricultural field - recent and historic orthographic maps show the site outside the established curtilage of no89. The vast majority of the proposed site is located within the zoned IPA1 designation.

Land ownership is a civil matter and whilst the applicant may own the proposed site (as shown on the land registry maps), folio maps do not indicate the established curtilage but the extent of land ownership. Any proposed increase of the curtilage of no89 would be subject to a planning application. I do not accept that land to the west of the existing mature natural boundary of no89 is part of no89's curtilage. Regardless of this, the concerns remain in relation to the potential adverse impact from the wind turbine and the existing and future surrounding industrial uses.

Summary

It is considered that the proposed residential development would be adversely impacted by the existing wind turbine and neighbouring industrial uses at the Fish Factory. The proposal is would be likely to hamper future industrial / economic development on the allocated site and would be adversely impacted by disturbance and noise.

Recommendation: Refusal

Refusal Reasons:

The proposal is contrary to the Ards and Down Area Plan 2015 Policy SETT2, land Use Policy Areas, in that the proposal is sited within Proposal BHN 02 Industrial Policy Area zoned under IPA1 and would, if permitted, prejudice the provision of zoned industrial lands for the future industrial development of Ballyhornan.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 4, Planning and Economic Development, Policy PED7 'Retention of Zoned Land and Economic Development Uses', in that the proposal would, if permitted, result in the loss of land zoned for industrial use.


The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 4, Planning and Economic Development, Policy PED8 'Development incompatible with Economic Development Uses', in that the proposal would be in the vicinity of an existing economic development that has an incompatible use and the proposal would prejudice the future operation of this economic development.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7: Quality Residential Environments, in that, the proposed development is likely to be impacted upon as a result of noise, shadow flicker, and general disturbance from the neighbouring wind turbine.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy QD1 of Planning Policy Statement 7: Quality Residential Environments, in that, it will have inadequate separation distance from existing

dwelling and its development will result in loss of amenity through loss of privacy, overlooking, overshadowing and loss of sunlight.

LA07/2016/0762/O

Gerard Sharvin  democratic.services@nmandd.org

Points I wish to discuss

Development Plan settlement limit

IPAI industrial policy

SETT2 land use

Wind turbine

Curtilage

PED7

QD1

Thank you

Gerard Sharvin

ITEM NO	19				
APPLIC NO	LA07/2016/0824/F	Full	DATE VALID	6/20/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr S Cochrane 28 Church Road Ballynahinch BT24 8LP	AGENT	Conor Byrne 17 The Esplanade Holywood BT18 9JP 07955883271		
LOCATION	28 Church Road Ballynahinch BT24 8LP				
PROPOSAL	Single storey front extension and porch				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	0
				Addresses Signatures	
				0	0 0 0

- The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (b) in that the proposal will unduly affect the privacy and amenity of neighbouring residence No.26 Church Road by way of creating unacceptable overlooking to private amenity space.

Application Reference: LA07/2016/0824/F

Date Received: 20.06.16

Date of site visit: 27.06.16



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

Proposal:

The Council has received an application seeking planning approval for proposed single storey sunroom and porch extension to the front of existing dwelling.



Location: No.28 Church Road, Ballynahinch

Characteristics of site:

The site is comprised of a single storey detached domestic dwelling with detached garage and associate domestic curtilage. The existing dwelling fronts on to Church Road, is approximately 2.0m above the level of the road and set back approximately 30m from the road. The property is accessed via an un-surfaced shared laneway from Church Road. This lane serves this property and neighbouring property No.26 and also affords access to agricultural land. The existing dwelling is a small square double fronted cottage with main entrance in the centre and with a hipped roof to each side and large red brick projecting from the L.H.S of this roof. The site is located on the side of a hill which slopes up from front to rear and has bitumen surfaced vehicular access/parking area to L.H.S sharing similar gradient.

The treatment to the L.H.S boundary between this property and neighbouring property No.26 Church Road comprises of a 1.6m high mature hedge. There is a 1.6m high mature hedge to R.H.S boundary between this property and adjacent agricultural land. The rear boundary treatment to agricultural land is comprised of a 1.8-2.0m high mature hedge interspersed with large mature trees and shrubs averaging 8.0m in height. This boundary treatment affords good privacy to the rear amenity space of this dwelling. The front boundary to laneway is comprised of a smooth rendered painted white low retaining wall to front garden.

Characteristics of area:

The site is located on the outskirts but within the settlement limit of Ballynahinch, it is near to Local Landscape Policy Areas 2 & 9 and is accessed from a protected route as stated in the Ards and Down Area Plan 2015 and shown on Map No.3/003a. It is located in a medium density mature residential area.

Site History:

R/1996/0328 24 Church Road, Ballynahinch
 Dwelling (amended proposal). Permission granted.

R/1993/0174 39 Church Road, Ballynahinch
 Extension to dwelling. Permission granted.

R/1986/0408 Between 24 and 26 Church Road, Ballynahinch
 Two dwellings and garages. Permission granted.

R/1986/0528 Opposite 34 Church Road, Ballynahinch
 Dwelling and garages. Permission granted.

R/1985/0405 Between 24 & 26 Church Road, Ballynahinch
 Dwelling. Permission granted.

R/1984/0393 Opposite 34 Church Road, Ballynahinch
 Bungalow. Permission granted.

R/1983/0475 26 Church Road, Ballynahinch
 Extension to dwelling. Permission granted.

R/1979/0199 Church Road, Ballynahinch
 Dwelling. Permission refused.

R/1977/0517 Church Road, Ballynahinch
 Dwelling. Permission granted.

R/1977/0163 Site No.1 Church Road, Ballynahinch
 Dwelling. Permission granted.

R/1976/0529 Church Road, Ballynahinch
 Erection of dwelling. Permission granted.

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Addendum to PPS7 Residential Extensions and Alterations

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

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

Consultations:

No consultations were sought in respect of this application.

Objections & Representations:

6 No. neighbouring properties within proximity to this site (No's. 1, 2, 24a, 24b, 26 & 32 Church Road) were notified with regard to this proposal on 07.07.16. This application was advertised in the local press on 06.07.16 and to date no objections or representations have been received.

Consideration of the proposal:

This submitted application proposes to provide a single storey extension to the front of the existing dwelling. This proposal will initially project 1.8m from the front elevation and be stepped in 3.8m from the L.H.S gable elevation and inline with the existing R.H.S gable elevation and is to be 6.1m in width. This extension is to have a hipped roof with a pitch to match existing main roof. The ridge height of this initial projection is to be 5.7m above finished floor level and will be subordinate to 6.0m high ridge line of existing main dwelling roof by 0.3m.

This extension is then to project a further 2.4m to the front and be stepped in a further 1.9m from initial extension at the L.H.S. This further projection is to be 4.2m wide and will continue in line with the R.H.S gable elevation. This further projection to the front is to have a hipped roof with a pitch to match initial projection and existing main roof. The ridge height of this projection is to be 4.8m above finished floor level and will be subordinate to 5.7m high ridge line of initial extension roof by 0.9m and subordinate to 6.0m high ridge line of existing main dwelling roof by 1.2m. In total this proposal will project 4.2m from the L.H.S of existing front elevation.

The proposed L.H.S elevation of this extension is to have two large glazing units with low cill level measuring 1.2m wide x 2.0m high to sun room. The R.H.S elevation is to have a small window measuring 0.5m wide x 1.5m high to proposed initial front porch extension and a large window with low cill level measuring 1.2m wide x 2.0m high to sun room. The proposed front elevation of this extension is to have two large glazing units with low cill level measuring 1.2m wide x 2.0m high to sun room and new front door to proposed initial front porch extension. The existing front door is currently accessed from small raised, level platform and steps leading to the L.H.S. Under this application it is proposed to re-orientate this access arrangement and provide new slightly larger raised, level platform with new steps leading to the front.

The existing dwelling has a concrete interlocking 'turf brown' coloured profile tiled covered roof with dash rendered walls painted cream sitting on smooth rendered plinth painted white. The existing dwelling has a dark brown brick chimney and white uPVC rainwater goods, windows and doors. The finishes of proposed side and rear extensions are all to match existing.

Due to the distance set back from the road, existing boundary conditions and topographical features, levels and proposed design it is not considered that this proposal will not be prominent or highly visible when travelling in either direction along the Church Road. With regard to policy EXT 1 set out in the PPS 7 addendum for achieving quality in relation to proposals for residential extensions and alterations (March 2008) the Council is satisfied that this proposal will not over develop the site and an acceptable proportion of amenity space will remain the rear. The proposed extension is in keeping with the scale, style and materials of the existing dwelling and surrounding properties.

The proposal is, however, considered to offer a significantly increased potential to negatively impact on the residential amenity of the closest neighbouring property No.26 Church Road. As this extension is to the front of existing dwelling and due to additional large glazing units to the L.H.S it is considered that this proposal may afford increased overlooking opportunities to the private amenity space of neighbouring property No.26. It is noted that there are two existing windows to the existing L.H.S elevation at dining room/kitchen area and although any such increased opportunities for overlooking will only be available to the front garden of No.26 it is clear from site inspection that it is this front lawn area that is currently used as the amenity space.

Recommendation:

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

Signed: _____ Date:

Signed: _____ Date:

Refusal Reason:

1. The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (b) in that the proposal will unduly affect the privacy and amenity of neighbouring residence No.26 Church Road by way of creating unacceptable overlooking to private amenity space.

ITEM NO	21				
APPLIC NO	LA07/2016/0973/O	Outline	DATE VALID	7/20/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mrs M Maw and Mr A Russell c/ o 5 Cranmore Park Belfast BT9 6JF	AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA 02897561488		
LOCATION	Lands 85 metres east of 26 Claragh Road Clough Downpatrick BT30 8RG				
PROPOSAL	Proposed dwelling and garage on a farm				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	2	0		0	0
				Addresses Signatures	
				0	0 0 0

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0973/O

Date Received: 20th July 2016

Proposal: Proposed dwelling and garage on a farm.

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



Site Characteristics & Area Characteristics:

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

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

Site History:

There is no relevant site history for the said site.

There is history on the surrounding lands.

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

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

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

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

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

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

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

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

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

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

Planning Policies & Material Considerations:

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

Consultations:

NI Water – No objections

NIEA – Drainage and Water – No objections

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

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

Objections & Representations

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

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

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

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

Consideration and Assessment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The application complies with CTY 13.

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

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

Recommendation:

Refusal

Refusal Reasons

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the proposal would, if permitted, result in the addition of ribbon development along Claragh Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the building would, permitted create or add to a ribbon of development.

Case officer:

Authorised by:

Date:

Reconsideration

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

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

Refusal Reason

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

Proposed Speaking Rights Agenda in respect of Planning Application LA07/2016/0973/O

- ✚ Paragraph (6) of Article 4(1)(c) of Regulation (EU) No 1307/2013 States: "In accordance with Article 4(1)(c) of Regulation (EU) No 1307/2013, an 'agricultural activity' does not require production, rearing or growing of agricultural products. Farmers may instead maintain an agricultural area in a state which **makes it suitable for grazing or cultivation** without preparatory action going beyond usual agricultural methods and machineries or, on agricultural areas naturally kept in a state suitable for grazing or cultivation, **carry out a certain minimum activity**. As the latter two activities both require a certain action on the part of the farmer, it is necessary to establish a Union framework within which Member States are to establish the further criteria for those activities."
- ✚ It is firmly contested that the current activities even as menial as hedge cutting (see enclosed invoices/statement -2015 & 2016 and photographic evidence) carried out on this farm is totally in compliance to Article 4(1)(c) of Regulation (EU) No 1307/2013 thereby affirming activity, notwithstanding the maintenance of the land in good standing by virtue land let for grazing.
- ✚ Non-receipt of SFP is not verification that a farm is not active, numerous farms in Northern Ireland function /operate without the benefit of being in receipt of SFP. There are 29,000 farms in Northern Ireland (Farmers Union 15 March 2016) of which only 25,000 receive SFP- Statistical Review of Northern Ireland Agriculture 2015.
- ✚ DARDS SFP year runs from 1st January to 31st December (verified via telephone conversation with Keith Johnston on 2 Nov 2016 at 14.30 hours). Applicants year as per certified accountants accounts (as submitted) runs for the yearly period 1st August to 31st July. The Accounts as submitted year ending 31st July 2015 clearly shows DARD SFP receipt further the contract work for hedge cutting not to mention Farm Building Insurance and farm "Metered" water expenses.

ITEM NO	22		
APPLIC NO	LA07/2016/1087/F	Full	DATE VALID 8/16/16
COUNCIL OPINION	REFUSAL		
APPLICANT	Anne and Phil Goodwin Apt 2 Sea Haven Downs Road Newcastle BT33 0RQ	AGENT	Hillen Architects Limited 87 Central Promenade Newcastle BT33 0HH NA

LOCATION Apartment 2
Sea haven
Downs Road
Newcastle
BT33 0RQ

PROPOSAL Proposed alterations and extension to existing first floor balcony and cladding of wall behind balcony

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	4	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0 0 0	

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale, design, and external materials are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the proposal would, if permitted adversely impact the amenity of neighbouring properties by way of general disturbance, noise, and loss of daylight.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, unsympathetic to the original building by reason of its form, detailing, and materials.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 Natural Heritage Policy NH6 in that it has not been demonstrated that the proposal is sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty and of the particular locality; and the proposal fails to respect local architectural styles and patterns, local materials, and design.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

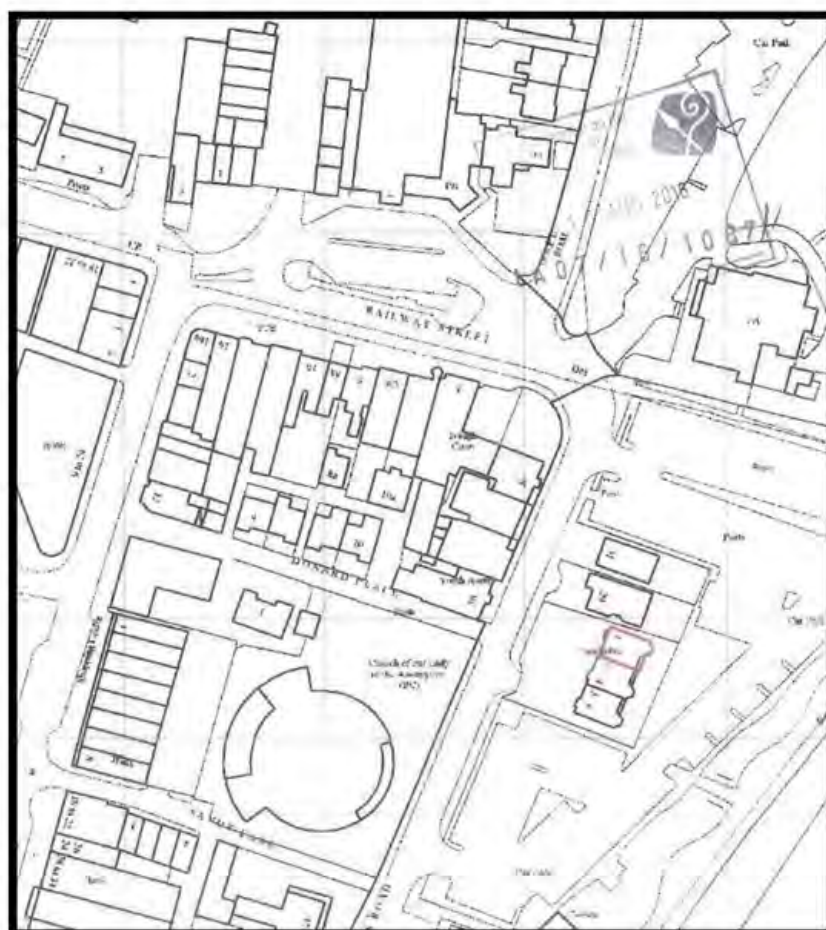
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1087/F

Date Received: 16th August 2016

Proposal: Proposed alterations and extension to existing first floor balcony and cladding of wall behind balcony

Location: The site is located apartment 2, Seahaven, Downs Road, Newcastle. The site is located within the Newcastle settlement limit and is approximately 16km to the southwest of Downpatrick.



Site Characteristics & Area Characteristics:

Site Characteristics

The site contains a 1st floor apartment within a 2 storey apartment block which consists of 6 individual apartments which are in individual ownership. The building is 2 storey with a 'Jerkinhead' roof type. There are 3 projecting bays along the rear elevation which faces toward the sea. Each apartment has a small balcony accessed by French doors and enclosed by a 1m steel railing.

The building is finished with red brick with white upvc windows and timber doors. The roof is finished with dark concrete roof tiles and terracotta ridge tiles. There is a small single storey conservatory at the southern gable of the building serving apartment 5. There are roof light windows serving apartment 2 on the front and rear section of the roof above this apartment. These were approved under a roof space conversion for apartment 2 under R/2010/0926/F.

Car parking is located to the front of the property adjacent to Downs Road. The site is bound by timber close board fence to the south and north. The eastern boundary is defined by a 1m brick wall with 1m steel railing fence above. The western boundary is defined by 1m stone wall.

Area Characteristics

The site is located within the Newcastle settlement limit however outside the town centre. The site is located directly beside a public car park and the Downs Road is directly west of the site across which is a large church. There are further residential properties to the north of the site. To the east is a public amenity area, public car park and the Newcastle promenade which is located within the designated Local Landscape Policy Area 7 (LLPA) Slieve Donard Hotel and shoreline.

Site History:

<u>R/2010/0926/F</u>	Apartment 2, Sea Haven, Downs Road, Newcastle, BT33 0AG Proposed Roof space Conversion – Granted 30.06.2011
<u>R/1990/0975</u>	5 Seahaven, Downs Road, Newcastle – Conservatory – Granted
<u>R/1988/0227</u>	Opp. 30 Downs Road, Newcastle - 6 Apartments (Revised Design) - Granted

Planning Policies & Material Considerations:

- The Regional Development Strategy (RDS)
- The Strategic Planning Policy Statement (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 7 addendum – Residential Extensions and Alterations
- Planning Strategy for a Rural Northern Ireland

The site is located within the Newcastle defined settlement limit and within an AONB.
The site is directly adjacent a Local Landscape policy Area (LLPA 7)

Consultations:

There were no consultations issued in relation to this application.

Objections & Representation

The following neighbouring properties were notified on 22nd August 2016:

- 1 Seahaven, Ballaghbeg, Newcastle, Down, BT33 0RQ
- 29 Downs Road Ballaghbeg Newcastle Down BT33 0AG
- 30 Downs Road Ballaghbeg Newcastle Down BT33 0AG
- 3 Seahaven Ballaghbeg Newcastle Down BT33 0RQ
- 4 Seahaven Ballaghbeg Newcastle Down BT33 0RQ
- 5 Seahaven, Ballaghbeg, Newcastle, Down, BT33 0RQ
- 6 Seahaven, Ballaghbeg, Newcastle, Down, BT33 0RQ

The application was advertised on 31st August 2016.

There have been 4no objections or representations received in relation to this application.

The issues raised in these objections are:

- Proposal would detract from the symmetry of the building on the seaward side
- Individuals do not own the external walls of apartments and alterations require the consent of all 6 apartment owners therefore proposed works are unlawful
- Balcony would change the architecture and character of the building
- Proposed works would compromise the structure of other parts of the building
- Proposed finished out of keeping with the rest of the building

The issue of the design will be assessed below. In relation to ownership of the proposed building, this is a civil matter. Planning permission does not confer title.

Consideration and Assessment:

The proposal is for an extension to the existing balcony of apartment no2 which is at 1st floor level (directly above apartment no1). The balcony would project by an additional 1m and would extend lengthways to adjoin the bay window, giving the balcony a length of 5.4m. The balcony would be enclosed by a 1.1m high stainless steel handrail with toughened glass infill panels. The proposed rear wall of the balcony surrounding the French doors would be finished with stone cladding.

As the proposal is for an extension to an existing dwelling, the application will be assessed against all relevant policy and in particular PPS7 addendum which related to residential extension and alterations, also policy DES 2 of A Planning Strategy, and Policy NH6 of PPS2 in relation to the AONB.

- (a) The scale, massing, design, and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character and character of the surrounding area*

The existing building has had some minor alterations since its construction including a small conservatory on the southern gable and velux roof lights above apartment 2. The small conservatory has been finished and designed to integrate with the main building and appears as an original feature. The skylights do not detract from the overall design.

There is a clear pattern and uniformity across the rear (east) elevation where the balcony extension is proposed. There are 3 bays across this elevation – one at each end of the elevation and one located 1/3 of the ways along the elevation. The balconies are enclosed by a steel railing which matches the rear boundary railing. The buildings finishes and appearance are consistent across the elevation.



PPS7 addendum para A4 states that *'an extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually.'* Para A20 states that *'the external finish of a proposal should aim to complement the type of materials, colour, and finish of both the existing building and those of neighbouring properties, particularly where certain materials strongly predominate.'*

It is considered that the proposed balcony extension, glazed enclosure, and rear wall stone clad finish are not sympathetic with the existing finishes and design of the overall building.

It is not considered that the proposal respects the wider block in terms of its design and finishes. The rear elevation is visible from the Newcastle promenade and the area of public open space to the east which is a LLPA. This area is described in the LDP as contributing to the distinctive coastal setting and character of the town. There are clear views of the proposal from this public area given the balcony's 1st floor location. The proposal would interrupt the pattern and character of the building and it is considered that the proposed balcony and finishes would fail to integrate with the character of the building and the wider area.

(b) The proposal does not unduly affect the privacy or amenity of the neighbouring residents

The proposed extension to be balcony would extend by an additional 1m beyond the existing balcony. Directly below the balcony is apartment no1's balcony and private amenity space which is accessed from French doors into the living room. The existing balcony of no2 currently overhangs the balcony of no1 by approx. 80cm. The proposal would increase this overhang by 1m. It would also increase the overall area being covered and as a result would partially overhang the southern bay window of the bedroom. It is considered that the proposal would result in an unacceptable loss of daylight to the ground floor rooms – in particular the ground floor living room to apartment 1.

A 1.8m frosted glass screen is proposed along the southern boundary of the balcony in order to avoid direct overlooking into the neighbouring first floor apartment (no4). Where previously the balconies were separated by a section of brick wall the proposed balcony would be separated by a section of frosted glazing – as a result it is likely that the proposed balcony would result in additional noise and disturbance to adjacent properties in particular no4.

- (c) *the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features of which contribute significantly to local environmental quality*

The proposal would not result in the loss of any landscaping.

- (d) *sufficient space remains within the curtilage of the property for recreational and domestic purposes including parking and manoeuvring of vehicles.*

The proposal would not result in the loss of any private or public space.

Policy DES 2 of PSRNI

'To require development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale, and use of materials.'

As discussed above it is not considered that the proposed balcony and finishes are sensitive to the character of the area surrounding the site. Whilst there are balconies on surrounding properties these balconies respect the patterns and character of the host buildings and generally integrate well with the surrounding area. The proposed stone cladding and glazed balustrade is not considered to integrate with the host buildings or the surrounding area.

Policy NH6 of PPS 2

It is not considered that the proposal is sympathetic to the locality and fails to respect local architectural styles and patterns, materials, and design, in that the balcony does not suitably integrate with the wider building and surrounding area.

Recommendation:

Refusal

Reasons for Refusal:

The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale, design, and external materials are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the proposal would, if permitted adversely impact the amenity of neighbouring properties by way of general disturbance, noise, and loss of daylight.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be unsympathetic to the original building by reason of its form, detailing, and materials.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 Natural Heritage Policy NH6 in that it has not been demonstrated that the proposal is sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty and of the particular locality; and the proposal fails to respect local architectural styles and patterns, local materials, and design.

ITEM NO	31				
APPLIC NO	R/2015/0062/F	Full	DATE VALID	2/6/15	
COUNCIL OPINION	APPROVAL				
APPLICANT	Rice Building Contracts Ltd	AGENT	Hillen Architects	Limited 87 Central Promenade Newcastle BT33 0HH 028843725535	
LOCATION	Off Forde Way Main street and to the rear of 199-207 Newcastle Road Seaforde				
PROPOSAL	Private housing development of 41 units (Amended plans and Drainage Assessment received)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	13	0	0	0	
			Addresses	Signatures	Addresses Signatures
			0	0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2015/0062/F

Date Received: Feb 2015

Proposal:

Full permission is sought for a private housing development of 41 units, on lands off Forde Way, Main Street, and to the rear of 199-207 Newcastle Road, Seaforde.

Applicant: Rice Building Contracts Ltd

Location

The lands comprising the application site are located on the inner edge of the development limit of the small settlement of Seaforde as identified in the Ards and Down Area Plan 2015, on land regarded as white-land. It is noted the site is outside the Area of Townscape Character of Seaforde.

The site is bounded by housing to the north and east while the southern and western boundaries form the edge of the development limit.

There does not appear to be any other zonings affecting the site. It is noted the site is outside any AONB.

Site Characteristics and area characteristics

The site outlined in red comprises 2 fields and lands to the rear of the telephone exchange and extends to adjoin a number of properties along Newcastle Road, and a number of cul-de-sacs off Main Street. It is noted these lands rise gently towards the Newcastle Road.

Site History

A history search has been carried out for the site and surrounds, whereby it was noted there is previous history of approval for housing on this site, including:

R/2006/0448/F- Lands off Forde Way, Main Street and Newcastle Road, Private housing development of 46 units in total (1 detached, 22 semi detached, 15 terraced town houses and 8 apartments), Full, Approval, 17-09-07, Applicant: Rusmac Properties Ltd.

R/2005/0536/O- Lands off Forde Way/Main St, Housing development, Outline, Approval, 13-10-05, Applicant: Mr Boyd

R/2004/2124/Q- Lands off Forde Way, Proposed Housing Development, Pre-Application Enquiry

LA07/2016/0691/F- Lands off Manse Road and to the west of Forde Close and Forde Way, Seaforde, 10 semi-detached dwellings and associated road, car parking and landscaping with access from Forde Close, Full, pending, Applicant: Helm Housing Association.

Consultations

Having account the location, constraints and zonings of the site and nature of this proposal consultations have been carried out with Transport NI (formerly Roads Service), NI Water, NIEA (WMU, PHB and PHM, PHB and PHB are now HED), Rivers Agency, NI Water and Environmental Health, and following receipt of additional information/amended plans it is considered no objections are offered in principle to this proposal.

Representations

Some 13 representations in opposition to the proposal have been received to date (17-01-17) from owner/occupiers of properties within Forde Way, Newcastle Road, Manse Road, Austin Terrace, also, from Cllr P Clarke, while representation was also received from the Rural Development Officer of County Down Rural Community Network and the Seaforde and District Community Association. It is also noted some representations did not provide address details while there were also several phone-calls regarding the proposal. The main areas of concern include:

- concerns of traffic safety from increased traffic (during and after construction) and associated dangers, are any traffic calming measures proposed,
- nuisances during construction phase with noise, machinery, muck, will there be restrictions on deliveries and working hours,
- lack of amenities for young people,
- concerns that current storm/foul sewers cannot cope with additional load,
- environmental impacts on the area,
- further development will have a negative impact on the area,
- over-development in this small quiet area,- the development will result in the loss of visitor parking and turning area,
- loss of planting,
- is there a demand for the volume of units proposed,
- when the project starts will there be a realistic time-frame for its completion,
- lack of green area within the development,
- the developer has suggested they may sell the site for social housing,
- the developer has bought no.201 Newcastle Road, and intends on demolishing this property to gain access to this site,
- reference is made to a separate application for housing, whereby the combined effect would create another 100 plus vehicles.

A site meeting also took place between residents, local councillors and Transport NI representatives to discuss concerns.

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

With regards to the comments made, as outlined above extensive consultation has been undertaken as part of this application with a number of bodies who provide expertise in specific fields and have offered no objections in principle to this development in line with current policy.

It is proposed to access this development through the existing development of Forde Way, beyond No.16, whereby the Planning Dept has no information or evidence to suggest a different access is being proposed at no.201 Newcastle Road as referred to in the representations received. Transport NI's comments are solely based on the current proposal which accesses through Forde Way

A determination has been carried out as to whether an EIA is required to accompany this application, whereby it was concluded no such EIA was required to determine an application of this nature and size.

As stated above the site is located within the development limits of Seaforde on land regarded as white-land whereby there is also a previous approval for housing (46 units), as such it is considered there are no policy grounds to with-hold the principle of housing on this site. Having account the existing house types and density in this area, and previous approval, it is also considered the general density, plot sizes and character proposed respects existing. The layout provided has also identified 4 areas of communal green areas of amenity space.

As outlined above this application is for a private housing development, however in the event permission is granted, conditions would not normally be included as to who can occupy the units proposed, while conditions are also never imposed as to when a development of this size should be completed, following its commencement, as this is not considered reasonable.

The other application for housing referred to relates to LA07/2016/0691 for the development of 10 dwellings accessed via Forde Close, which remains under consideration.

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

As stated above the application site is located on the inner edge of the development limit of the small settlement of Seaforde as identified in the Ards and Down Area Plan 2015, on land regarded as white-land. It is noted the site is outside the Area of Townscape Character of Seaforde.

The site is bounded by housing to the north and east while the southern and western boundaries form the edge of the development limit.

The lands to the north and east of the site are largely residential in character comprising a mix of house types and layouts, while the lands to the south and west

are rural/agricultural in character, whereby the lands comprising the application site form the edge of the settlement limit.

Assessment

As stated above the site is located off Newcastle Road and Main Street being located behind existing developments thus is not readily visible from these roads.

It is proposed to erect a total of 41 units on this site comprising a mix of detached and semi-detached units, which are to be accessed via the existing cul-de-sac of Forde Way.

(It is noted from the history outlined above there is a previous Full permission on this site for housing).

It is noted this application has been amended on several occasions since it was first submitted in Feb 2015, however this assessment is now based on the latest plans, including site plan date stamped 9th Nov 2016.

It is noted the development comprises a number of house types including A, A(a), B, B(a), B(b), C, and D, which are all 2 storey although with varying ridge heights, to be finished in painted smooth tender, dark flat roof tiles, and upvc windows and RWG's. House Types A(a), B(a), and B(b), have recently been amended to provide dual frontage units due to their locations at corners and adjoining the communal areas of amenity space.

Having account the existing character and house types in this area, no objections are offered to the house types, densities and associated designs/finishes proposed. The levels provided indicate those proposed will respect existing ground levels and also those of the adjoining properties.

It is considered the site layout including separation distances between units and also to the respectively rear boundaries comply with current guidance thus will not result in any unacceptable impact on the amenity of any adjoining property in terms of overlooking, overshadowing, loss of light or dominant impact.

NIEA/HED had previously requested further information due to the potential impact on adjacent listed buildings and have now advised they are content with the proposals.

In addition it is considered sufficient provision has been made for private amenity space for each unit, while each unit will also have its own in-curtilage parking and driveways, while a number of properties will also have detached garages (single storey).

Transport NI have been consulted as part of this application and have also been made aware of the local residents concerns during a site meeting and have offered no objections in principle to this proposal.

As stated above all units are to be accessed via the existing cul-de-sac of Forde Way, with footpaths line to either side of the road.

It is also noted the southern and western boundaries which form the edge of the development limit are to include a 5m wide landscape buffer which is welcomed, with planting also proposed between units, whereby a planting schedule has been provided.

It is also noted from the information submitted this development will connect to the mains whereby NIEA and NI Water and Rivers Agency have offered no objections in principle.

Having account the scale of this development a level of public open space is required to be provided as outlined in the SPPS and PPS8. The latest site layout plan indicates 4 areas of communal open space throughout the development, whereby the level indicated is considered acceptable for this development.

While it is noted there is local opposition and concern to this proposal, having account current prevailing policy, including the Area Plan designations, it is considered no objections can be offered to the layout as proposed.

As such Approval is recommended subject to conditions.
(Conditions to include time limit for commencement, roads, planting).

Recommendation: Approval.

ITEM NO	23			
APPLIC NO	LA07/2016/1109/F	Full	DATE VALID	8/22/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Stephen Magee 63 Bishopscourt Road Downpatrick BT30 7PD		AGENT	The Bowsie Partnership 3 Lower Clay Road Toye Downpatrick BT30 9PL 02897543301

LOCATION 60 metres northwest of 9 Ballywoodan Road
Downpatrick

PROPOSAL Proposed replacement dwelling with detached double garage

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the dwelling which it is proposed to replace makes an important contribution to the heritage, appearance, and character of the locality and is capable of being made structurally sound and improved.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Ballywooden Road.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
- 6 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted not respect the traditional pattern of settlement exhibited in that area; the buildings would, if permitted create or add to a ribbon of development; the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to the rural character of the countryside.



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

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1109/F

Date Received: 22nd August 2016

Proposal: Replacement Dwelling and detached double garage
(off site)

Location: The site is located at no9 Ballywooden Road and is approximately 9km to the east of settlement of Downpatrick.



Site Characteristics & Area Characteristics:

Characteristics of Site

The site contains a large detached 2 storey dwelling located on the roadside and surrounding by associated farm buildings. The dwelling is finished with smooth render painted light blue with timber windows and doors, non-profiled roof slates and 4no large yellow brick chimneys located on the main ridge. There is a subordinate 2 storey rear return and rear yard finished in hard standing. To the front of the dwelling is a mature garden containing several tall mature trees. The garden is enclosed by a boundary wall which borders Ballywooden Road and the side access lane. There are 2 mature Monkey Puzzle trees located in the garden and several smaller apple trees. The proposed off-site location is a relatively flat agricultural field. The north, east, and west of the site are defined by existing mature hedges and the southern boundary adjoins existing farm buildings.

Characteristics of the Area

The area is characterised by open countryside. There are sparsely located rural style dwellings and farms throughout the area. There are a number of dwellings located to the south of the site accessed by various laneway off Ballywooden Road.

The topography of the area is varied and undulating.

Site History:

R/1999/0092	50M SW of 7 Ballywooden Road Strangford, Down- Site for dwelling (outline) Refused
R/2000/1225/O	Adj to 11 Ballywoodan Road, Strangford New dwelling Granted 24.11.2000
R/2001/0781/O	Adjacent to 11 Ballywoodan Road, Ballywoodan, Downpatrick, Northern Ireland, BT30 7PE Single storey dwelling. Granted 22.09.2001
R/2002/0578/RM	Adjacent to 11 Ballywoodan Road, Bishops court, Downpatrick New dwelling. Granted 20.06.2002
R/2002/1125/RM	Adj to 11 Ballywooden Road, Strangford. Rural style dwelling. Granted 04.12.2002
R/2002/0969/O	7 Ballywoodan Road, Ballywoodan, Downpatrick, Northern Ireland, BT30 7PE Erection of detached dwelling house Granted 11.10.2002
R/2009/0689/O	South of 15 Ballywooden Road Kilclief, Downpatrick Co Down. New dwelling on a farm. Granted 31.12.2009
R/2012/0089/RM	South of 15 Ballywooden Road, Kilclief, Downpatrick, New Dwelling Granted 18.04.2012
R/2011/0148/CA	Land Adjacent To 7a Ballywoodan Road, Ballywoodan, Downpatrick, Down, BT30 7PE, Alleged

unauthorised breach of condition of approval: R/2006/0727/F –
Visibility splays not provided Case closed

Planning Policies & Material Considerations:

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

The site is located in the open countryside and within an Area of Constraint on Mineral Developments (ACMD). There are no other designations on this site.

Consultations:

- | | | |
|-----------------|--------------|---------------|
| • Statutory | Transport NI | No objections |
| • Non-Statutory | NI Water | No objections |
| • Statutory | NIEA – WMU | No objections |

Objections & Representations

The following neighbouring properties were notified

- 11 Ballywoodan Road, Ballywoodan, Downpatrick, Down, BT30 7PE
- 15 Ballywoodan Road, Ballywoodan, Downpatrick, Down, BT30 7PE
- 3 Ballywoodan Road, Ballywoodan, Downpatrick, Down, BT30 7PE
- 5 Ballywoodan Road, Ballywoodan, Downpatrick, Down, BT30 7PE
- 60 Bishops Court Road, Ballywoodan, Downpatrick, Down, BT30 7PB
- 64 Bishops Court Road, Ballywoodan, Downpatrick, Down, BT30 7PD
- 7 Ballywoodan Road, Ballywoodan, Downpatrick, Down, BT30 7PE
- 7a Ballywoodan Road, Ballywoodan, Downpatrick, Down, BT30 7PE

No objections have been received.

The application was advertised on 7th September 2016.

Consideration and Assessment:

The application is for a replacement dwelling and will be assessed under all relevant planning policy. The key policy documents for replacement dwellings in the countryside are the SPPS and PPS21.

The SPPS (para 6.73) states *‘that provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the existing dwelling where practical, or at an alternative position nearby where there*

are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building.'

PPS21 Policy CTY3 reiterates this and states that non listed vernacular dwellings should be retained or refurbished where they make an important contribution to the heritage, appearance or character of the locality.

The building exhibits all essential characteristics of a dwelling including chimneys, windows, doors, and all walls are substantially intact as is required by the policy. The dwelling to be replaced appears to be in good structural condition and appears to have been recently lived in. The dwelling is considered to be a rural non-listed vernacular building and is a good example of vernacular architecture and design. The dwelling has 4 large chimneys on the main ridgeline with sliding sash windows. The subordinate rear return gives the buildings a T plan and there are no projections to the front of the dwelling. The dwelling has a roadside location and as such has a strong presence along this particular stretch of Ballywooden Road. The dwelling takes juxtaposition to the road giving direct views of the front of the dwelling when approaching from the northwest. It is considered that the dwelling makes an important contribution to the heritage, appearance, and character of the locality.

Siting

The proposal is a full application and proposes an off-site replacement 2 storey dwelling located in an agricultural field approximately 50m to the northwest of the existing dwelling. The proposed replacement is a 2 storey dwelling and single storey garage. The existing curtilage is considered sufficient to accommodate the replacement dwelling and is defined by mature existing boundaries and trees which provide a good level of screening. The proposed curtilage would have an area of approximately 0.4 hectares and is considered unacceptable in terms of its size. The northern boundary of the proposed site would be removed to create visibility splays and new Thorn hedge planted. The proposed off site location would not result in any landscape, heritage, access, or amenity benefits.

The principle for the off-site location is not accepted.

A letter was sent to the agent on 14th November 2016 to advise of these issues and to provide an opportunity to submit any further information. A response was received on 24th November 2016 from the agent to justify the proposal. The letter states that *'the applicant owns and runs a sizable horse breeding and training business in the established farm yard and the existing dwelling would be an extremely dangerous place to live and bring up a family.'* It goes on to state that *'no9 is in a very poor state of repair and Mr Magee has had to live away from the business which is proving unsatisfactory as he needs to live on the farm to be there for the birthing of foals and other disturbances which occur regularly.'* The agent advises that the applicant *'would consider the retention of the existing dwelling which could be retained and developed later for the housing of grooms, staff changing tack room, kitchen etc...while retaining its vernacular character.'*

A letter from the applicant was received on 28th November 2016 addressing the same issues and states that refurbishment is not viable due to rising damp.

The existing dwelling appears to be structurally sound and evidently would require some maintenance and modernisation. The applicant states that refurbishment is unviable due to rising damp. While no evidence of this has been submitted, rising damp can be treated by a variety of building techniques such as installing a damp proof course and would not justify its replacement of the dwelling where it is considered to make an important contribution to the heritage, appearance, and character of the locality. No evidence has been submitted to demonstrate that the existing dwelling is not reasonably capable of being made structurally sound or otherwise improved. It is considered that the dwelling could be sympathetically refurbished to provide a modern home whilst retaining this vernacular dwelling.

Health and Safety

The dwelling has its own access from Ballywooden Road. There is a single storey shed which can be accessed from the rear yard of no9. The rear of a stable block abuts the yard of no9 and there is a gate restricting access from the main farm yard which is located approximately 20m to the south of no9. The main access to the farm yard is from the existing laneway to the west of no9's curtilage. The existing dwelling's curtilage is defined by mature boundaries and is adequately separated from the farm yard by the intervening buildings and gates. It is apparent that the farm yard is, and can be, accessed from a separate lane. The existing dwelling is adequately separated from the farm yard and it is not accepted that a dwelling in this location could not be made safe for a family by utilising gates and safe farming practices.

It has not been satisfactorily demonstrated that the existing dwelling could not be refurbished/renovated and it has not been satisfactorily demonstrated that there are genuine health and safety reasons why a dwelling would be unsuitable in this location.

Retention of Dwelling

The applicant advises that the existing dwelling could be retained however the principle of the replacement is not accepted as the dwelling makes an important contribution to the heritage, appearance, and character of the locality. Even if the principle of the proposal could be established the existing dwelling could not be sympathetically incorporated into the layout of the overall development scheme given the physical separation of the existing dwelling and the proposed dwelling.

CTY3

For the reasons set out above the proposal is considered contrary to the SPPS and policy CTY3 of PPS21.

The proposed replacement dwelling is a 2 storey with single storey garage and had been sited back from Ballywooden Road. There are 2 large farm sheds located to the south of the proposed dwelling which would provide a backdrop when viewed from Ballywooden Road. There are also tall trees further south which again would provide a backdrop. The northern boundary of the site is to be removed opening up the site to views from Ballywooden Road. Given the dwelling to be replaced is a large 2 storey dwelling near the road side, it is not considered the proposed dwelling would result in a significantly greater visual impact than the existing dwelling.

CTY13

The proposed dwelling would not appear prominent in the landscape due to the backdrop of the site when viewed from Ballywooden Road. The east and west boundary of the proposed curtilage would be defined by the existing hedges. The southern boundary would abut the existing buildings. The northern boundary hedge and trees would be removed and a grass area planted out along Ballywooden Road with new Thorn hedge planted behind visibility splays. The loss of this hedge would create open views of the dwelling when passing.

The proposed curtilage is considered unacceptable in term of its size which measures approximately 0.4ha. The dwelling would have a sprawling garden to the front of the dwelling leading up to Ballywooden Road and would be an unnatural feature in the landscape. The proposal is considered contrary to CTY13.

The proposed design is considered acceptable and is generally in accordance with Building on Tradition.

CTY14

The proposed would not appear overly prominent in the landscape and would not result in a suburban style build-up of development when viewed from existing buildings. The proposal does not respect the traditional pattern of development in the area due to its extensive curtilage which is uncharacteristic of the rural setting and would damage rural character. The proposal would add to a ribbon of development which consists of no9 and its associated outbuilding which runs length ways along Ballywooden Road, and a small vernacular outhouse associated with no11 fronting onto Ballywooden Road. The proposal is considered contrary to CTY8 & CTY14.

CTY16

The proposed Bio-Disc is located approximately 15m from the proposed dwelling. NIEA WMU has been consulted and has raised no objections.

Access

The proposed access is directly east of the existing access lane which leads to no3 Ballywooden Road. Visibility spays have been provided and Transport NI are content with conditions. The proposal complies with PPS3 and DCAN15.

Summary

The dwelling to be replaced is considered to be a non-listed vernacular dwelling which makes an important contribution to the heritage, appearance, and character of the locality and it has not been demonstrated that the existing dwelling is not reasonably capable of being made structurally sound or otherwise improved.

The proposed off-site location would not result in any demonstrable landscape, heritage, access, or amenity benefits and the existing curtilage is sufficient to accommodate a modest sized dwelling.

The proposed dwelling would have an unacceptable curtilage which would result in damage to the rural character of the surrounding area and would result in the addition to a ribbon of development.

It is not considered that the Health and Safety reasons provided in the applicants and agent's letters have been satisfactorily demonstrated and it is considered the site of the existing dwelling is sufficiently separated from the nearby farmyard by gates, mature site boundaries, and its own separate access from Ballywooden Road. It is considered that the dwelling would provide a safe family home if the farm business is operated in accordance with best farming practices and the use of gates to ensure the safety of children.

The proposal is considered contrary to the SPPS and CTY1, CTY3, CTY8, CTY13, and CTY14.

Recommendation:

Refusal

Refusal Reasons:

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

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the dwelling which it is proposed to replace makes an important contribution to the heritage, appearance, and character of the locality and is capable of being made structurally sound and improved.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits

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

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted not respect the traditional pattern of settlement exhibited in that area; the buildings would, if permitted create or add to a ribbon of development; the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to the rural character of the countryside.

I the applicant would like to explain why there is a need to build at the proposed site.

Firstly the location of the existing house is in the yard where I currently run a race horse breeding and training business from, as well as an arable farm. I am licensed by the Turf Club Co. Kildare. One of the conditions of this license is that children are not permitted inside any training premises for safety reasons. This rule applies to all training facilities as well as parade rings at racecourses. As a result I would be unable to raise a family living in the current house, where racehorses walk within two metres of the backdoor on their way to morning exercise. Some of these horses are very young and inexperienced and can be a danger to be around.

A few years back my late father sold site lines either side of the lane which divides our farm, to a neighbour in order for him to build a house down this laneway. As a result the garden is very small providing very little recreational area and no room for a garage or parking area. The area behind the house at the stable yard side is needed in order for the horses to walk from the yard to the gallops opposite, making it too dangerous for the parking of vehicles in case a racehorse kicked out at either cars or family members, as these racehorses can be very highly strung and unpredictable at times.

The existing house, which is not listed, has not been lived in for over 20 years. It was last vacated by my late grandmother and even then had fallen in to a state of disrepair with the upstairs floors beginning to dip and bow. It is suffering from severe damp, two windows have fallen out due to decay of the window frames and the upstairs floors have become unsafe. As a result it would not be financially viable to restore and would never be as energy efficient as the house we are proposing to build. The house we propose is in my opinion of a similar style and appearance to the existing house to enable it to be in keeping of the area.

When we first investigated applying for planning our architect Ken Bowsie viewed the farm and looked at the sites I would like to have applied for permission to build on and after viewing them, approached Annette McAlarney in planning. Annette ruled out the two options we had suggested but advised us to apply at the site we are currently applying for under a replacement dwelling application.

I believe the proposed site is still linked to the farm as it is situated alongside two of our sheds, and is our only option within the farm to provide adequate safe parking and a safe recreational area for the family which I hope to raise. I will be unable to renovate the existing dwelling due to the financial cost and the reasons I have mentioned, however if this committee insists on the current dwelling standing I can leave the four walls standing as they are and use it as a farm store or a building for grooms to use.



Our Ref: AC
(Licensing: 045 – 44 56 05)

23rd January, 2017

To Whom It May Concern:
Mr. Stephen Francis Magee,
Ballywooden House,
9 Ballywooden Road,
Strangford,
Co. Down BT30 7PE

I confirm that the above-named is licensed as a Racehorse Trainer with this office.
As children are not permitted to Racecourse Parade Rings prior to races, in the interest of safety it is advised that this should also apply to training establishments.

If you have any queries, please do not hesitate to contact me.

Yours sincerely,

Angie Coakley
LICENSING DEPARTMENT

OFFICE OF THE GOVERNING BODIES

THE CURRAGH, COUNTY KILDARE, IRELAND, R56 Y668. TELEPHONE: (+353 45) 445600 FAX: (+353 45) 445601

WEBSITE: www.turfclub.ie EMAIL: info@turfclub.ie







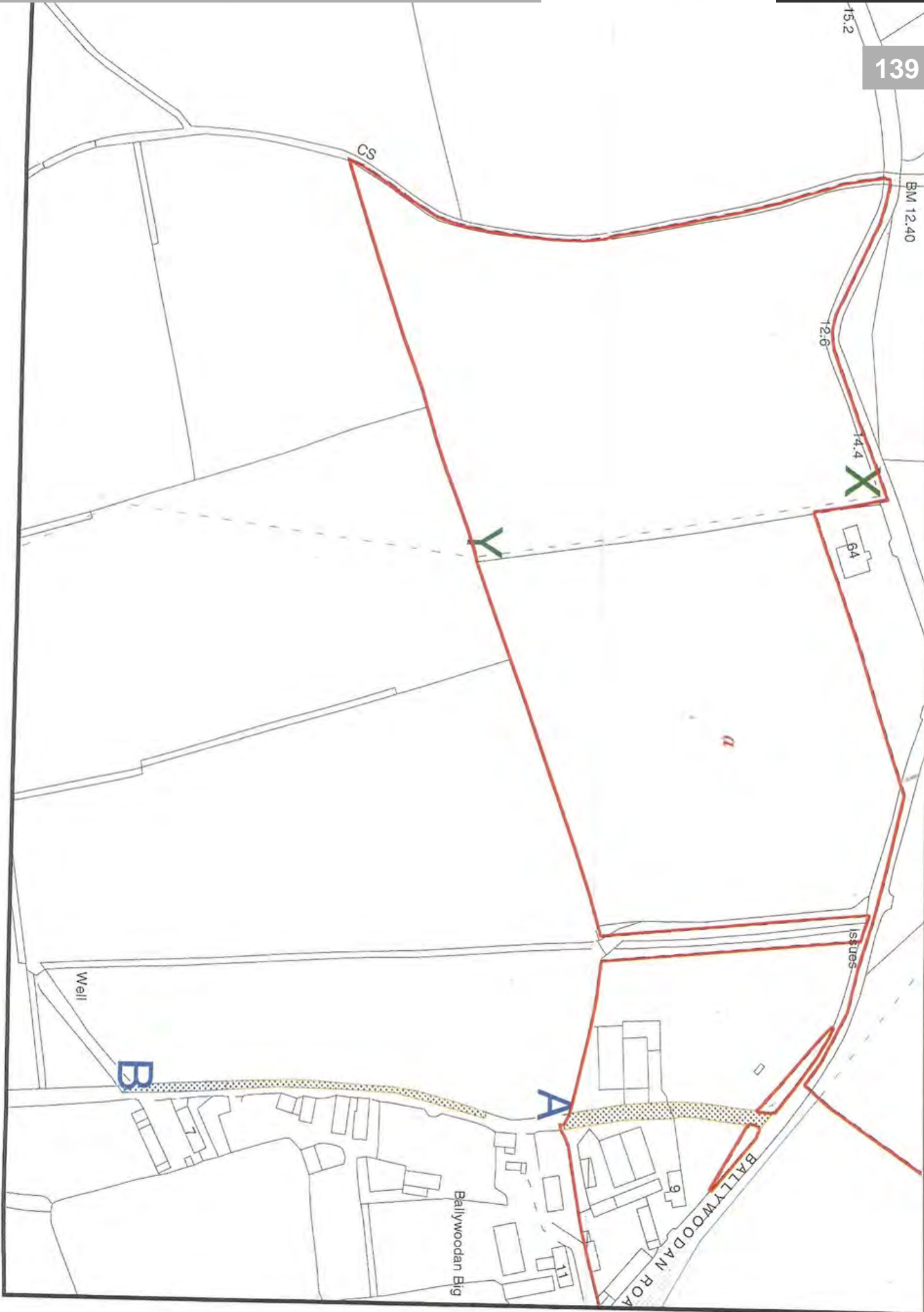


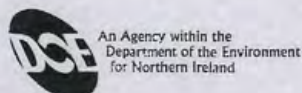












*** COPY ***

PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

APPLICATION NO.: X/99/0213

Date of Application
: 24th March 1999

Site of proposed

Development : Adjacent to No.20 The Straits and including road improvements on the Straits and provision of footpath to Killinchy Road (to rear of no's 1,3 & 5 the Straits) Lisbane. (Traffic Impact Study Now Available for Inspection)

Description

of Proposal : Erection of 12 No. self catering holiday cottages, conversion of existing farm buildings to provide leisure suite, change of use of dwelling to conference centre and associated leisure facilities including landscaping and car parking plus road improvements.

Applicant

: McWilliams & Hawthorne Ltd
: 20 The Straits
Lisbane

Agent

: Mr David Burgess
: 24 Templeburn Road
Crossagar
BT30 9NG

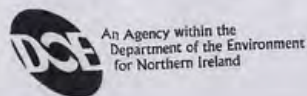
Drwg Ref.: X/98/0213/01-10

The Department of the Environment for Northern Ireland in pursuance of its powers under the above-mentioned Order hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

- 01 The development must be begun not later than the expiration of five years beginning with the date of this permission as required by Article 34 of the Planning (Northern Ireland) Order 1991.
- 02 Prior to the commencement of the development hereby approved a plan shall be submitted to the Department indicating space within the curtilage of the site for the parking of vehicles at a standard of 1.5 spaces per holiday cottage 1 space per 3 seats for the conference/leisure facility and 1 space per employee. Such space to be permanently retained and not used for any purposes other than the parking of vehicles.
- 02 Reason: To secure adequate parking facilities and to ensure that the proposed development does not prejudice the flow of traffic on



APPLIC NO.X/99/0213

*** COPY ***

the conditions of general safety on the neighbouring highway.

03 One space per 25 spaces of the total car parking provision shall be provided to the necessary standards for, and reserved specifically for, people with disabilities; such spaces shall be clearly marked for that purpose.

Reason: To ensure the provision of adequate parking facilities to meet the needs of people with disabilities.

04 All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the building and any trees or shrubs which, within a period of five years from the occupation of the building, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

05 The holiday cottage units hereby permitted shall be used for holiday accommodation and shall not be used as permanent residences.

Reason : The site is located within the Green Belt where it is the policy of the Department to restrict development and this consent is hereby granted solely because of its proposed holiday use.

06 No building work or alterations shall be commenced until the road improvements indicated on Drawing Number 10 dated stamped 7 July 1999 have been completed to satisfaction of the Department.

Reason : In the interests of road safety.

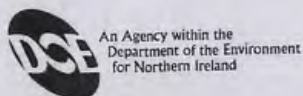
INFORMATIVE(S)

01 Roads Service has no objections in principle subject to the appropriate licence being obtained to carry out work on the public road and submission of appropriate detailed road construction drawings indicating such matters as drainage provision.

02 Public Health : No objection subject to connection with the main sewer and the following:- 1. Conference Centre : The proposed WC cannot communicate with the kitchen except via an intervening lobby which must be provided. An Environmental Health Officer from Ards Borough Council should be consulted with regard to the applicant complying with Food Safety and Health and Safety Legislation. The applicant must register the food business with Ards Borough Council at least two weeks prior to opening. 2. Leisure Suite : An Environmental Health Officer from Ards Borough

Council should be contacted with regard to compliance with Health and Safety Legislation. 3. Holiday Cottages : To operate, NITE will require a certificate of approval for self catering accommodation.

03 A water supply is available in The Straits however this is limited and



APPLIC NO.X/99/0213

*** COPY ***

the applicant must ensure that supply and pressure is adequate for the proposal on site storage will be required and the use of pressurised water pressure is not recommended. Applicant must contact Water Service regarding water supply requirements and the fitting of a water meter to the proposal. Sewerage system to be separate storm and foul. The nearest available foul sewer is located within the garden of the existing property at the junction of The Straits/Killinchy Road and applicant will be required to provide at their own expense a pumping station, pumping main and gravity sewer within the site development and The Straits to connect to this sewer. All work must be to Water Service specification and approval and drawings of the proposal must be submitted for approval before works commences. A grease trap must be provided on the drains from the kitchens. All storm water to drain to nearest watercourse subject to approval from DOA Rivers Agency and consent must also be obtained for an emergency overflow from the pumping station to the same watercourse outlet. It is unlikely that Water Service will adopt any pipes within the site boundaries.

04 This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

05 The applicant's attention is drawn to:

(i) The relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and

(ii) The code of practice for Access for the Disabled to Buildings.

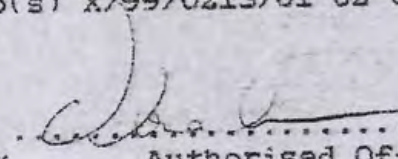
A notice to private developers is enclosed for your information.

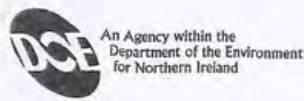
06 This decision relates to planning control only. The Department would advise that if the proposed works require Building Regulations approval this should be obtained from the relevant District Council before the works commence. The Department would also advise that this planning decision does not cover any other approval which may be necessary under other legislation.

07 Note: Permission relates to Drawing No(s) X/99/0213/01 02 03 04 05 06 07 08 09 10

Date 15th July 1999

*** COPY ***


.....
Authorized Officer



Stamp: -8 APR 1999 DOWNPATRICK DIVISION PLANNING AND TRAFFIC

Divisional Planning Office Rathkeltair House Market Street DOWNPATRICK BT30 6EA Tel: 01396 612211 Fax: 01396 618196

Roads Service Rathkeltair House Market Street DOWNPATRICK BT30 6EA

ROADS SERVICE CONSULTATION

Contact Mr I Nicol Ext

LOCATION: Adjacent to No.20 The Straits and including road improvements on the Straits and provision of footpath to Killinchy Road (to rear of no's 1,3 & 5 the Straits) Lisbane. PROPOSAL: Erection of 12 No.self catering holiday cottages, conversion of existing farm buildings to provide leisure suite, change of use of dwelling to conference centre and associated leisure facilities including landscaping and car parking plus

APPLICANT:McWilliams & Hawthorne Ltd 20 The Straits Lisbane AGENT:Mr David Burgess :24 Templeburn Road Crossagar BT30 9NG

APPLIC.NO. X/99/0213 Consultation Date 31.03.99 O.S.Sheet: 167 07 Grid Ref : 34860 36445 Date Applic Valid: 24.03.99 Applic Type:FULL

IF R.M., OUTLINE APPLICATION NUMBER AND DATE :

The Department has received a planning application seeking approval for the above development. Please enter your comments below and return this form as soon as possible and not later than 19th April 1999. If the application goes to appeal then a copy of your reply will be made available, if requested by the appellant or his agent. COMMENTS (Continue overleaf if necessary)

* Roads Service has no objections in principle subject to the appropriate licence being obtained to carry out work on the public road & submission of appropriate detailed road construction drawings indicating such matters as drainage provision. Roads Service consider that the footpath behind the properties unlikely to be used & the latter could be omitted from drawings. There is a possibility that there may be a dispute over ownership of land within the red line which may require resolution

Signed ... B.R. Laughlin

Date..... 6.5.99

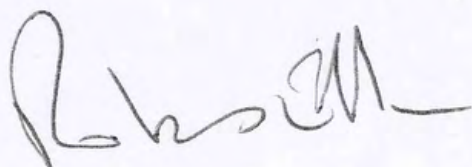
Mr T Clarke *8/7*
Divisional Planning Manager
Planning Service

Mr Donaldson

*This condition has been
included *pm c*
*8/7**

PLANNING APPLICATION X 1999/0213 HOLIDAY COTTAGES, LISBANE

Further to my minute dated 30 June 1999, I would point out that in view of the ongoing dispute over verge ownership alongside Nos 1, 3 and 5 and the possible timescale implications regarding resolution, it may be appropriate to incorporate a condition on any planning permission that road widening must be completed before any development work commences.



R S ELLISON
Principal Engineer
Traffic & Planning
Roads Service

6 July 1999

MONT079TR

19 *JK 17*

Mr T Clarke
 Divisional Planning Manager
 Planning Service

Mr Fay
For urgent attention
John C
17

PLANNING APPLICATION X 1999/0213 HOLIDAY COTTAGES LISBANE

I refer to your minute dated 22 June 1999 and previous discussions.

1. The applicant proposes to widen the road in accordance with Drawing No BD98579D/002.
2. Widening on the south side is across the frontages of 1, 3 & 5 The Straits. The main issue is whether this widening is on the public verge.
3. Historically, prior to construction of 1, 3 & 5 the boundary along the south side of The Straits was a hedge with a verge on its road side. We cannot be sure of the precise width of this verge, however indications are of widths ranging from 1 - 1.8 m along the frontages of these 3 houses.
4. Prior to the construction of the 3 houses this hedge line was removed and replaced by a timber fence which extended from the A22 to the near boundary of house number 5. The applicant has stated that this was erected by Roads Service but no record can be found.
5. The proposed road widening on the south side of The Straits does appear to be within the new fenceline and the original hedgeline line along this side at No 5. On the basis of this indication it may therefore be reasonably concluded that the widening is within the boundaries of land controlled by Roads Service and it would seem appropriate to approve the application.
6. It should be noted that full information regarding road construction details will require to be confirmed with the applicant and prior to commencement of any work a licence must be obtained from Roads Service.

RS Ellison

R S ELLISON
 Principal Engineer
 Traffic & Planning

John
We undertook to go
back to objectives
prior to any decision
8 Jun 99

30 June 1999

TUET070TR

D.C. OFFICERS PROFESSIONAL PLANNING REPORT

D.C.OFFICER Mr I Nicol Ex

APPLICATION NO. K/99/0213

POLICY CONSTRAINTS

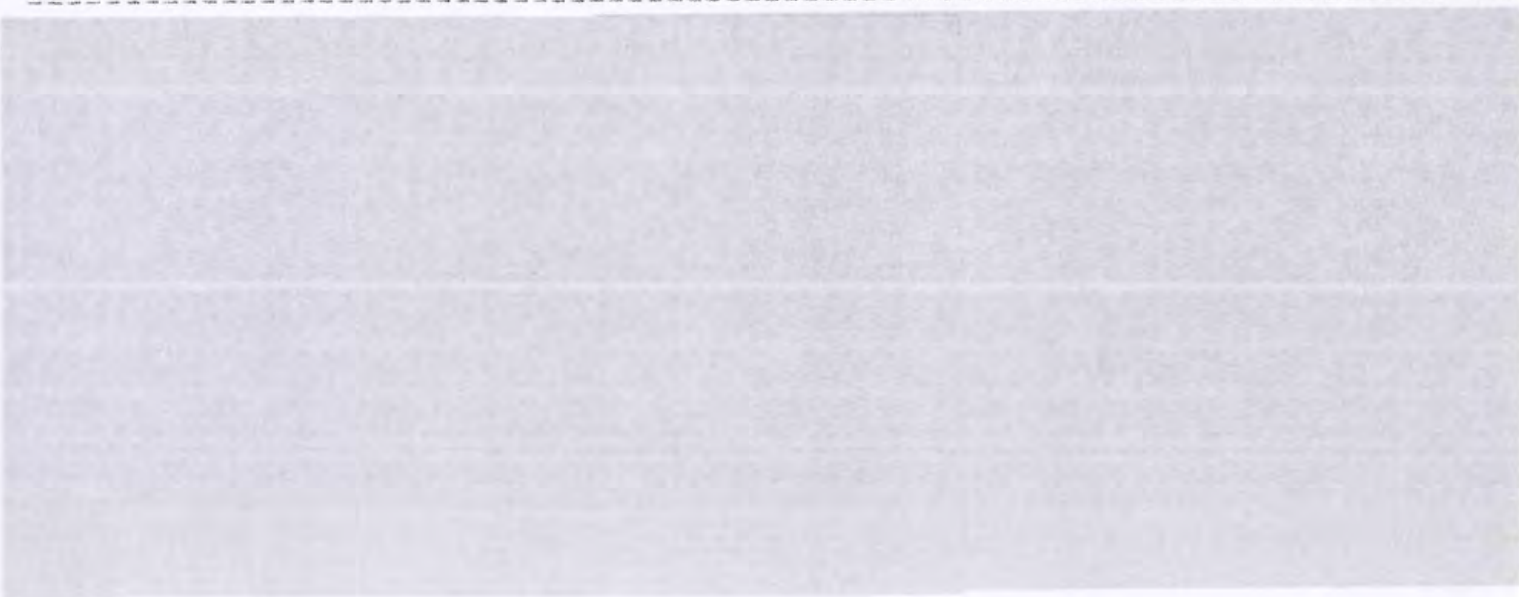
MIN.UNIT :	AMENITY POLICY :	GBX1
ENV.UNIT :	NIHE AREA :	
COMPENSATION:	PROTECTED RTE :	AZZ
DRAINAGE :	DEVT.LIMITS :	
AIRPORTS :	CENTRAL AREA :	
MOD/POLICE :	AREA PLAN ZONE :	
CONSERVATION:	LOCAL PLAN AREA:	
AMENITY LDS :	STUDY AREA :	
EZ/FREEPORT :		
DISTRICT CO.:	OTHER HAZARD :	-----

=====

SITE VISIT DETAILS/DESCRIPTIONS

Date 16.04.99

Main section of site as at previous appln - main farm group with extended dwelling on concrete yard facing drive in for the street tree lined drive - Grassland surrounding, modern dwellings at 1 3 5 2 4 10 12 The Straits. no footway but grass verge. Timber fence on verge at gap between 3 & 5. Field behind 1 3 & 5.



D.C. OFFICERS PROFESSIONAL PLANNING REPORT

147

D.C. OFFICER Mr I Nicol Ex

APPLICATION NO. X/99/0213

MAJOR ISSUES ARISING

Principle of land use in G.B. near hamlet.

Road improvements.

=====

REASONED ASSESSMENTS/RECOMMENDATIONS

Resubmitted scheme following consideration of previous proposal (X/99/0213) at DPM level. It has been accepted that in principle a tourist related scheme may be acceptable (JWOM/DBS 16 Dec 1999)

The current proposal includes additional land for road improvements. A traffic impact study has been prepared and Roads Service are content with the proposals, but have commented that the footpath to the rear of 13+5 is unnecessary.

D.C. OFFICERS PROFESSIONAL PLANNING REPORT

D.C.OFFICER Mr I Nicol Ex

APPLICATION NO. X/99/0213

REASONED ASSESSMENTS/RECOMMENDATIONS (continued)

```

* * * * *
* LSD CODE
* (AP,RF,W,M,K)
* Directorate
* Referral (D)
* No. of Site
* Visits/Meetings
*
* PNR CODE
* (P,N,R,I,O)
*
* STATUTORY CHARGES
* (a) Replacement
* (b) Condition
*
* OUT OF TIME REASON
*
* TEMPORARY APPROVAL
*
* * * * *

```

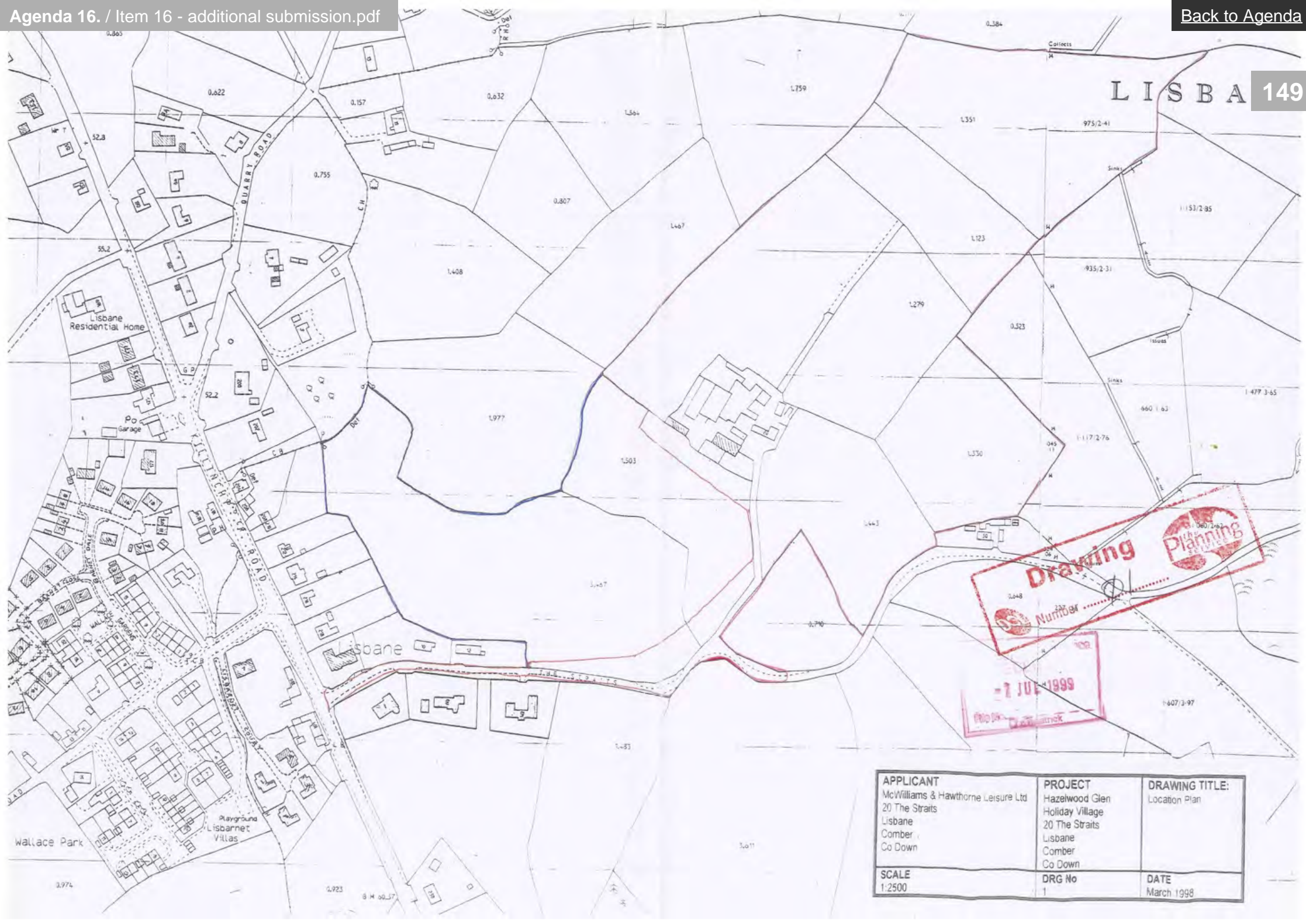
Discussed this [redacted] RETCA with
 Roads Service. Comments made
 in the letter would not alter R.S. recommendations
 IAD - 08.06.99

Full PERMISSION -

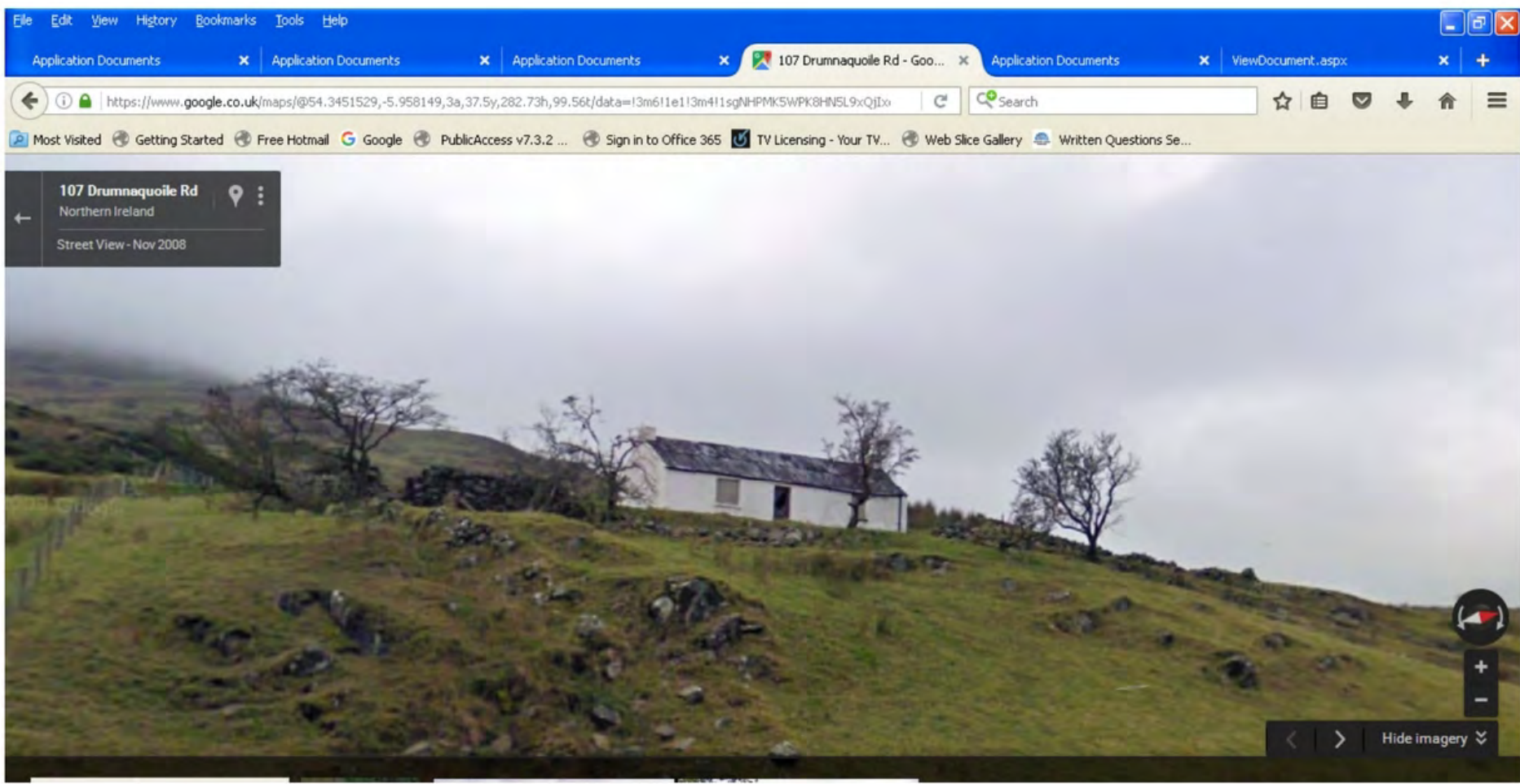
DC OFFICERS SIGNATURE: IAD
 Date: 08 06 99

DC GROUP SIGNATURES: [Signature]
[Signature]
[Signature]
 Date: 08 06 99

(Continuation sheet for conditions plus informatives as necessary)



APPLICANT McWilliams & Hawthorne Leisure Ltd 20 The Straits Lisbane Comber Co Down	PROJECT Hazelwood Glen Holiday Village 20 The Straits Lisbane Comber Co Down	DRAWING TITLE: Location Plan
SCALE 1:2500	DRG No 1	DATE March 1998

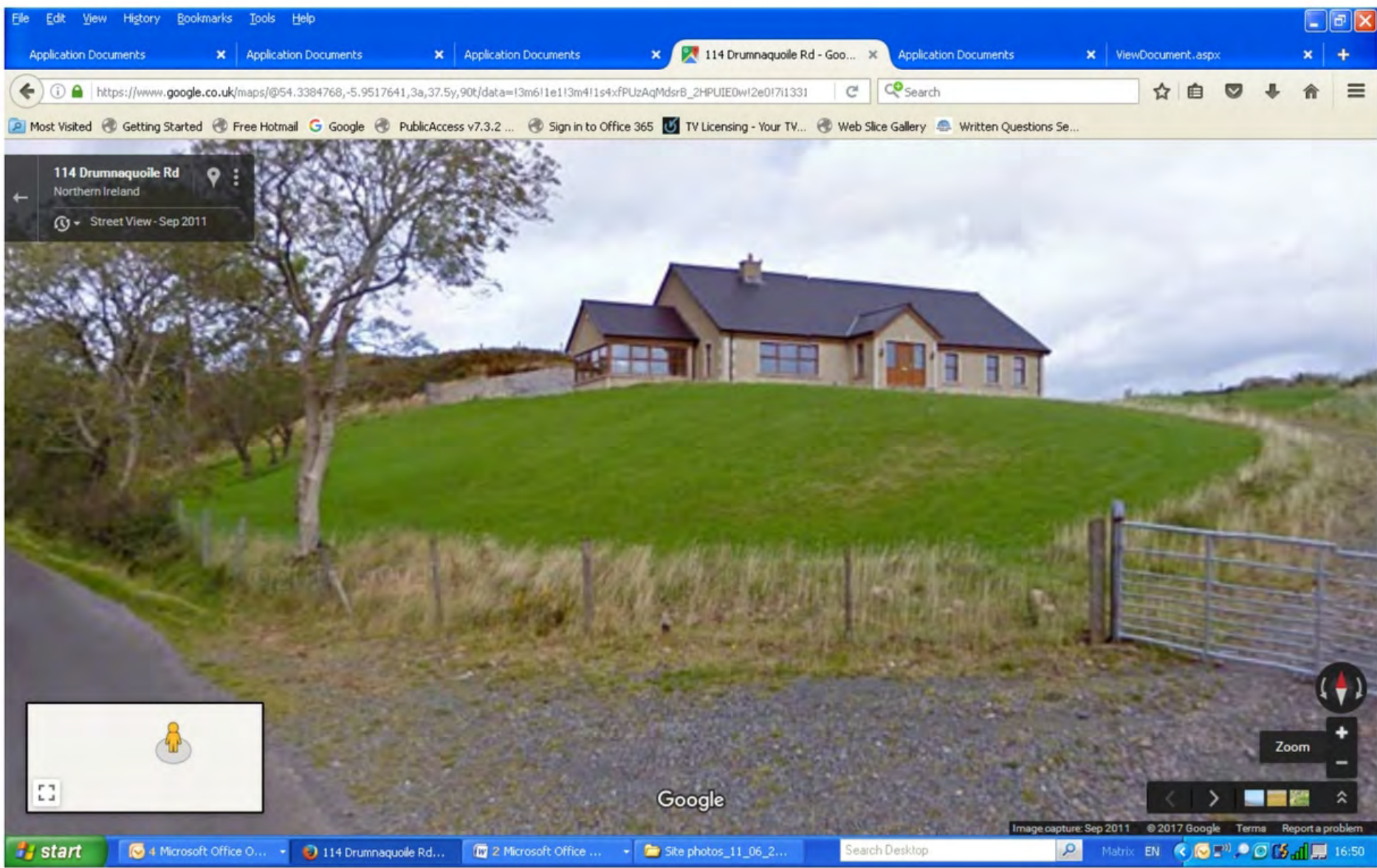


Before



After planning granted – denote the vegetation and levelled area which has clearly been filled







Newry, Mourne and Down District Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Deferred Consideration Report

Summary	
Case Officer: Annette McAlarney	
Application ID: R/2013/0559/F	Target Date:
Proposal: Retrospective application to retain change of use from domestic garage to Class B2 light industry (noise survey received)	Location: 23 Manse Road Seaforde
Applicant Name and Address: John Watson c.o agent	Agent name and Address: Design Architectural 25 Jordanstown Clough BT30 8NW
Summary of Issues: Inappropriate Use in Countryside: by reason of Nuisance.	
Summary of Consultee Responses:	
Characteristics of the Site and Area: The site is located in the countryside and is accessed from the Manse Road through a private shared lane. The site is a large plot with a 2 storey detached dwelling and 2 outbuildings located to the side and rear of the dwelling. The site details a small field which is on lands to the immediate rear ie north and east of the dwelling and rear detached outbuilding and a garden to the front and eastern side. The dwelling faces south and the building considered within the proposal is the agricultural building, noted as workshop on the submitted plans. This building is a typical outbuilding that has been modernised through time. The building is finished with a mix of a stone wall, timber cladding and rendered walls with a monopitch roof finished with corrugated tin, roller shutter doors and a single glazed window on the elevation facing east. The stone	

wall portion of the outbuilding is accessed through timber doors. 2 doors are also positioned on the south facing elevation which faces the rear of the detached dwelling.

Deferred Consideration:

This RETROSPECTIVE application was presented to Down Council in December 2014 as a refusal based on PPS 21 CTY1, PPS4 PED6 and PED9.

The proposal is for change of use from domestic garage/outbuilding to a light industrial unit under Use Class B2 'Light Industrial'. The current business being carried out on site is steel fabrication and welding for farm related equipment.

The Department's Use Class Order defines Class B2 Light Industrial as Class B2: Light Industrial Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

POLICY CONSIDERATION

The application had been assessed against PPS21 CTY1 which directs to PPS4.

The relevant policies in PPS4 are PED2 and PED 9

PED 2 Economic Development in the Countryside, PED2 outlines the circumstances in which an economic development use would be permitted and they are detailed below

PED3 – The expansion of an established economic development use

PED4 – The redevelopment of an established economic development use

PED5 – Major Industrial development; and

PED6 – Small Rural Projects

All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

The proposal does not fit within any of the above circumstances. It is not considered that there are exceptional circumstances to allow for this development.

The proposal must also be assessed against PED9 - General Criteria for Economic Development

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

This proposal is not compatible with the existing surrounding land and in particular the impact a business of this nature would place on neighbouring residential properties. This has been highlighted in the 4 objections which have been received in connection to this retrospective application which detail the un-socialable operating hours and inappropriate noise levels currently coming from this business.

(b) it does not harm the amenities of nearby residents;

In the most recent response received from Environmental Health they have requested that a condition be imposed requiring the doors to be kept closed during operations to restrict the level of noise and that details involving a replacement exhaust and other noise reduction techniques be imposed. The business appears to be impacting of the amenities of neighbouring residents for the reasons outlined above. This would suggest a potential for nuisance to neighbouring properties.

I do not consider that given the nature of the business operations ie welding etc and the size of the machinery being worked on that this can all happen within the current building. Therefore the condition to shut all

doors during operations would be unrealistic. This issue is also highlighted by one of the objectors who states currently the doors are not kept shut during operations thus causing noise nuisance.

(c) it does not adversely affect features of the natural or built heritage;

Further to a land use search it appears that no features of the natural or built heritage environment would be adversely affected by this proposal.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

The proposal is not located in an area at flood risk nor will it exacerbate flooding

(e) it does not create a noise nuisance;

As detailed above a business such as this has the potential to impact on neighbouring properties by way of noise.

(f) it is capable of dealing satisfactorily with any emission or effluent;

No issues have been raised by the relevant bodies regarding emissions or effluent.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

No objections were outlined in Transport NI's response providing that the information detailed on the P1 form is correct.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

Adequate parking and manoeuvring areas appear to be available, however concerns were raised by neighbouring properties in relation to the number and size of many of the vehicles which attend the business. However it should be noted that Transport NI have not raised concerns regarding this subject to the information being accurate included in the P1.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

No concerns in relation to the section of the policy

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

No concerns regarding this element of the criteria.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

The proposal is well screened from the Manse Road and the adjacent property due to mature existing planting along the eastern boundary.

(l) is designed to deter crime and promote personal safety; and

No concerns regarding this element of the criteria.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The scale and finishes shown on the accompanying plans together with the boundary treatments are deemed acceptable to enable the proposal to integrate into its environment.

Objections have been received from neighbouring properties namely 25 Manse Road and 21 Manse Road, raising issues of

- Neighbours were not served nor upon share a private laneway
- Existing stone shed has not been used for previous engineering works

- Doors to workshop are not kept closed - creating significant noise to the area
- Concerns relating to pressure testing of oil tanks
- Laneway not suitable for large vehicles
- Storage of substances and pollution implications

Given the above, it is considered that the retrospective application is contrary to Policy PPS4 PED2 and PED 9.

The agent in a supporting statement submitted on 15 October 2015 has requested that the proposal be assessed against PPS 21 CTY4 for Conversion and Reuse of Existing Buildings. The statement makes reference to the previous use on the site for an engineering works. This use has not been lawfully established, this would require determination through a CLUD. It is not the purpose of this application to establish any lawful use on site.

PPS21-CTY4 - The Conversion and Reuse of Existing Buildings states that

Planning permission will be granted for proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

- (a) the building is of permanent construction;
- (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;
- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Buildings of a temporary construction such as those designed and used for agricultural purposes, including sheds or stores will not however be eligible for conversion or re-use under this policy.

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

The current retrospective application for a non-residential use is not appropriate to this countryside location.

The newly published SPPS, Para 6.73 Development in the Countryside makes reference to the conversion and re-use of existing buildings for non-residential use: and states that provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

Para 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS

introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

There is therefore a more stringent definition of what a suitable building for conversion is within the SPPS, given the above transitional arrangements, greater weight is attached to the SPPS in this regard. The current building is not a suitable locally important building of special character or interest. As previously stated the proposed use is not appropriate for this countryside location.

Para 6.87 refers to economic development in the countryside. The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. Such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.

It is recognised that the current business is small scale and does serve an agricultural need which is locally based and whilst the proposal does involve the reuse of a rural building, I consider the inappropriateness of the business at this location to have determining weight in this instance in favour of the retained policy PPS4.

On the basis of the above REFUSAL is recommended.

Conditions/Reasons for Refusal:

Refusal Reasons

1. PPS21 CTY1
2. PPS21 CTY4
3. PPS4 PED 2 & 9

Signature

..

Date

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

ITEM NO	25			
APPLIC NO	LA07/2016/1296/O	Outline	DATE VALID	9/29/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs John Curran 111 Old park Road Drumaness Ballynahinch BT24 8SE		AGENT	O'Neill Architecture 147 Main Street Dundrum Newcastle BT33 0LX NA

LOCATION Opposite 2 and 4 Magheralone Road
Drumaness
Ballynahinch
BT24 8ND

PROPOSAL Proposed 1No. dwelling and garage with associated site works

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

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point and is not located at a cross-roads.
- 3 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the proposal would, if permitted, result in the creation of ribbon development along the Crawfordstown Road and would result in additional ribbon development along the Magheralone Road.
- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the building would, if permitted create and add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1296/O

Date Received: 29th September 2016

Proposal: Proposed 1 no dwelling and garage with associated site works.

Location: Opposite 2 and 4 Magheralone Road, Drumaness, Ballynahinch.



Site Characteristics & Area Characteristics:

The site in question is a rectangular type plot that sits lower than the Crawfordstown Road and is accessed via the Magheralone Road and fronts onto both said roads. The site is bounded on all sides by planting with particularly strong planting to the south east of the site. There is also young planting across the site. The entrance is via an agricultural gate that is generally level with the road. The lands do not appear to have any particular use and are not an associated use/amenity to any adjacent property.

The site is not within any development settlement limits as defined in the Ards and Down Area Plan 2015. There are surrounding single dwellings of differing sizes and scales. The site is located adjacent to a junction between the Crawfordstown Road and Magheralone Road.

Site History:

R/2000/1102/F – 2 Magheralone Road, Drumaness – Replacement Dwelling – Granted – 16-12-2000.

Planning Policies & Material Considerations:

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

Consultations:

NIEA – Drainage and Water – no objections

Natural Heritage and Conservation Areas – note hedgerow of importance on site.

NI Water – No objections

Transport NI – No objections, conditions attached.

Objections & Representations

5 Neighbours were notified 10th October 2016 which expired 24-10-2016, the application was advertised in the local press on 12th October 2016 which expired 26th October 2016. To date no representations have been made.

Consideration and Assessment:

A planning statement was submitted as part of the application which considers that the site meets with CTY 2a and CTY 8 of PPS 21. Both will be considered.

Policy CTY2a – New dwellings in Existing Clusters sets out a number of criterion and any applications under this policy must meet all of the 6 criterion set out in order to be considered acceptable.

The site is located away from a farm and does consist of 4 or more buildings of which 3 or more are dwellings, the buildings include nos 1,2,3 and 4 Magheralone Road and no 73 Crawfordstown Road although it is notable that there is distance between no 73 and the actual site due to the amount of amenity space afforded to the side of no 73.

The buildings in the area do not appear as a visual entity for several reasons including the positioning of buildings, the change in levels across the sites and planting and screening between sites screening the site from the other the buildings and therefore the buildings are not considered to be a visual entity in the local landscape. When travelling along the Crawfordstown Road there are clear visual gaps between dwellings and also with screening all do not read together at any given time. No 1 Magheralone Road is set well back from the road and is heavily screened. The drop in lands onto the Magheralone Road also reduces the overall ability for the dwellings to appear as one. This aspect of policy has not been met.

There is no focal point in the area and the building is not located at a cross roads but rather a standard junction. The supporting statement does agree with this however suggests that the list given in CTY2a is not exhaustive and the list is not exclusive. There is nothing in the area that would constitute a focal point and the supporting statement clearly fails to demonstrate how this aspect of policy has been met.

The identified site does have a suitable degree of enclosure; this is helped by the level of the site in relation to surrounding lands. It is noted that in the NIEA consultation response it was identified that there is important hedge row in place that is important in terms of habitat, it would be conditioned that the substantial planting to the south east of the site would be retained as it does provide good screening and as there is the potential for importance to habitat. On the basis that the planning would be conditioned retained and there is a large enough plot to accommodate a dwelling without affecting the hedgerow it is not considered necessary to request any further information in this respect.

There also is development on at least two sides of the site. This aspect of policy has been met.

A dwelling on this site would not significantly alter the existing character of the area and would not visually intrude into the open countryside. The plot of land could accommodate a dwelling.

There is sufficient lands available and distance between surrounding residential dwellings to ensure that a dwelling would not, if properly designed, impact on residential amenity.

The proposal has failed to meet with all the criterion of CTY 2a.

The application is also considered against CTY 8 Ribbon Development.

Permission would be granted for the development of a small gap site sufficient enough to accommodate a maximum of two houses within an otherwise substantial and continuously built up frontage. For the purposes of the policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

As the site is at the end of the Magheralone Road with no development to the far side of the site on the Crawfordstown Road there is clearly no gap in this direction, a dwelling in this location would however add to ribbon development as there are a series of developments along this section of road and an addition to the end of this section of buildings would be considered to lead to additional ribbon development.

When travelling along the Crawfordstown Road there is not a continuous built up frontage with only a small gap. The site sits adjacent to no 73 Crawfordstown Road and on the far side of the Magheralone Road is no 2 Magheralone Road that double fronts onto each road so is considered as the second dwelling. On the site location plan presented with the application to the west of the site is no 31 and it appears as if the curtilage of 31 Crawfordstown Road abuts no 2 Magheralone Road however on the ground there is actually a small agricultural field between the two so clearly there is not a continuous frontage but for the gap site and this application does not fulfil the criterion of a gap site opportunity and would lead to ribbon development.

A dwelling could be accommodated on the site in terms of CTY 13 however as this is outline planning which has not met with CTY 1 further consideration is not required at this point.

CTY 14 Rural Character is also given consideration which sets out a number of issues that are detrimental to rural character, one of which is the creation or adding to ribbon development. As previously indicated when assessing the application under CTY 8 it is clear that if a dwelling was constructed on this site it would lead to 3 buildings in a row and would therefore lead to the creation and addition of ribbon development therefore this proposal also fails CTY 14 and would further erode the rural character of the area.

Recommendation:

Refusal for the reasons outlined above.

Refusal Reasons

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to 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 the Crawfordstown Road and would result in additional ribbon development along the Magheralone Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create and add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Case officer:

Authorised by:

Date:

ITEM NO	26			
APPLIC NO	LA07/2016/1388/F	Full	DATE VALID	10/18/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Jackie Orr 8b Rocks Chapel Road Downpatrick BT30 9BA		AGENT	David Burgess 24 Templeburn Road Crossgar BT30 9NG 07720 145 893

LOCATION Approx 170m North-East of 7 Rocks Chapel Rpad
Crossgar
with access of Downpatrick Road

PROPOSAL Extension to existing farm shop to form tea rooms

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

- 1 The proposal is contrary to 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 PED3 of PPS4: Planning and Economic Development, in that the development proposed is not in proportion to the existing structure and will not integrate as part of the overall development; the extension does not respect the scale, design and materials of the original structure on site.
- 3 The proposal is contrary to Policy a, g and j of PED9 of PPS4: Planning and Economic Development, in that the development proposed is not compatible with surrounding land uses, the existing road network cannot safely handle any extra vehicular traffic, while the site layout and building design are not of high quality.
- 4 The proposal is contrary to Policy AMP3 of PPS3: Access, Movement and Parking, in that the development proposed will result in the intensification of use of the existing access on to a Protected Route, and does not meet any of the exceptional circumstances and is not of regional significance.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1388/F

Date Received: Oct 2016.

Proposal: Full planning permission is sought for an extension to the existing farm shop to form tea rooms, on lands approx 170m North East of 7 Rockschapel Road, Crossgar.

Applicant: Jackie Orr

Location:

The site is located in the countryside between Crossgar and Downpatrick as identified in the Ards and Down Area Plan 2015. It is also noted this road is a Protected Route while the site is also within an Area of Constraint on Mineral Developments as identified in the Plan.

This area is rural in character whereby this stretch of road rises towards Crossgar

Site Characteristics & Area Characteristics:

The site comprises a roadside plot of land along the Downpatrick Road, several hundred metres north of the junction with Rockschapel Road. This site includes a farm shop at present with area of hard-standing and vehicular entrance and parking area. The roadside boundary includes a hedgerow with mound behind. It is also noted a footpath and grass verge runs along the frontage of the site and continues along this stretch of road. The remaining boundaries are marked by post and wire fencing.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been a number of applications within and adjacent to the site, however having account the nature of this proposal, the most relevant history observed includes:

R/2014/0466/LDE- Lands approx 170m North East of 7 Rockschapel Road, Crossgar, Hard standing with associated access onto the adjoining public road. The hard standing and associated access have been in existence for a period in access

of 5 years from the date of this application and therefore immune from enforcement action by the Department under existing legislation, LDE, Withdrawn, 11-08-16, Applicant: Jackie Orr.

R/2014/0425/F- Lands approx 170m North East of 7 Rockschapel Road, Crossgar, Shed for farm-gate shop (retrospective), Full, Approval, 03-06-16, Applicant: Jackie Orr

Consultations:

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

Having account the nature of this application it is not considered necessary to seek comments from any other body to determine this application.

Objections & Representations

None received to date (01-01-17)

Having account the extent of the red line and current practice no neighbour notification was undertaken as part of this application, however it was advertised in the local press in Nov 2016.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS11, PPS15, PPS21 and supplementary guidance.

As stated above the site is located in the countryside between Crossgar and Downpatrick, along the Downpatrick road which is a Protected Route, as identified in the Ards and Down Area Plan 2015.

This application follows the previous Retrospective permission for a farm shop at this location.

As stated above the site is located in the countryside and accesses on to a Protected Route, whereby it is proposed to extend the existing farm shop to provide tea rooms. (It is noted this application is proposed whereby works have not commenced).

As part of this Full application a P1 form and detailed plans have been submitted. (No other supporting documents have been provided).

It is noted from the information submitted as part of this application and also the previous approval R/2014/0425, the applicants home address is listed as 8b Rockschapel Road, which is approx 0.5-1 mile south of the application site.

It is also noted from the 2016 farm maps supplied with the previous approval that this is a sizeable farm, comprising some 127 hectares, and although includes lands to both the north and south sides of the Rockschapel Road, the majority of lands are

located off the Bonecastle and Vianstown Roads, which are located some 6 mile away, to the far side of Downpatrick.

The existing farm shop on the application site (Downpatrick Road) comprises a single storey structure with low pitch roof and is approx 3.5m high, finished in green coloured steel panels, and has a footprint of approx 12m by 6m (72sqm).

The proposed extension is also single storey with a pitched roof and will be approx 5m high, of solid wall construction, with painted render finish, concrete tiled roof, and aluminium windows and doors. This extension will have a footprint of approx 10.5m by 8.5m (90sqm), and will also have a porch type entrance to the front.

This tea room extension will include 4 entrance points, including 1 internal link to the farm shop (via a store), however the primary entrance appears to be via the porch, which is separate from the farm shop. The tea room element includes an open floor plan with a store, kitchen and W/C.

While the site is located in the countryside, whereby PPS21 applies, having account the nature of the proposal (tea room), it is considered PPS4 is the key policy context for this business.

It is noted the key policy consideration for the previously approved farm shop (Ref R/14/0425) was policy CTY11 of PPS21 (Farm Diversification), however the current proposal for a tea room, is considered to comprise a different use, and thus is to be considered against the provisions of PPS4.

Policy PED2 of PPS4 outlines where economic development uses will be permitted in the countryside, whereby policy PED3 (Expansion of an established economic development use in the countryside) is considered relevant.

Policy PED3 advises the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.

Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;

- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.

Having account the content of PED3 it is considered the building comprising the extension is not in proportion to the existing building and will not integrate as part of the overall development.

While it is acknowledged the building is attached and internally linked to the existing structure, it is considered it appears like a separate entity, whereby the scale, design and materials do not respect existing.

As stated above the site is enclosed by a hedgerow and mound of screening along the roadside, which partially obscures views of the existing structure. However having account the increased size of the proposed extension, it is considered it will be visible for a stretch of the Downpatrick Road and will not appear like an extension due to its size, design and finishes.

As such it is considered the proposal fails policy PED3 of PPS4.

The P1 form submitted advises the farm shop currently employs 2 people, with an expected increase of 1 as a result of the extension.

In addition to the above, all proposals expected to comply with the criteria set out in policy PED9 (General Criteria for economic development), whereby it is considered the proposed use as a tea room in this countryside location is incompatible with the surrounding land uses, while the site layout, building design and associated infrastructure are not of high quality. Also, while it is considered there is sufficient provision for parking and manoeuvring with the site (as per the figures provided on the P1 form), the site accesses on to a Protected Route, which needs further consideration against policy AMP3 (access to Protected Routes) of PPS3. It is noted from the plans submitted it is proposed to extend the area of hard-standing to the north side of the building, in place of the existing grassed area.

As such the proposal is also considered contrary to policy PED9 (a and j) of PPS4.

In addition to the above the proposal must also be considered contrary to PPS21.

It is noted direct access has now been granted on to the Downpatrick Road Protected Route for this farm shop (retrospective). However, as outlined above the proposed tea room is considered to be contrary to policy PED3 and PED9 of PPS4, thus is not considered to meet the exceptions of policy AMP3 of PPS3, whereby the P1 form acknowledges there will be an increase in the number of persons and vehicles using this site, this resulting in the intensification in use of this access.

As such the proposal is considered to be contrary to policy AMP3 of PPS3.

In light of the above it is also considered the proposal again falls PED9 (g) as it is considered the existing road network cannot safely handle any extra vehicular traffic, on to this Protected Route.

Transport NI have advised this A7 is a Protected Route and that Planning must be satisfied that this application falls within the exceptions listed in the policy relating to accesses onto protected routes. If this application does not fall within the exceptions listed then it should be refused.

The recently published SPPS takes account of economic development, industry and commerce, which states that growing a sustainable economy and investing in the future is a key strategic priority of the NI Executive, and while this document promotes economic development, advises the level of new building for economic development purposes outside settlements must be restricted.

Taking into account the above, and information submitted to date, it is considered the proposal is unacceptable being contrary to PPS3, PPS4 and PPS21. The content of the recently published SPPS has also been noted as part of this consideration.

Following initial consideration of the case a letter was issued to the nominated agent on 25th Nov advising that following initial consideration of the case and proposals, the application is considered to be unacceptable, being contrary to PPS3, PPS4 and PPS21, and afforded an opportunity to submit further information in support of the application.

A supporting statement was received from the agent on 8th Dec 2016. The content of this supporting information has been noted and considered, however an opinion to Refuse remains for the reasons previously outlined.

Recommendation: Refusal.

Reasons:

- **The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
- **The proposal is contrary to Policy PED3 of PPS4: Planning and Economic Development, in that the development proposed is not in proportion to the existing structure and will not integrate as part of the overall development; and, the extension does not respect the scale, design and materials of the original structure on site.**
- **The proposal is contrary to Policy a, g and j of PED9 of PPS4: Planning and Economic Development, in that the development proposed is not compatible with surrounding land uses, the existing road network cannot safely handle any extra vehicular traffic; while the site layout and building design are not of high quality.**
- **The proposal is contrary to Policy AMP3 of PPS3: Access, Movement and Parking, in that the development proposed will result in the intensification of use of the existing access on to a Protected Route, and does not meet any of the exceptional circumstances and is not of regional significance.**

Planning Statement

Development: Extension to existing farm shop to form tea rooms

Location: Approx 170m North-East of
7 Rockschapel Road
Crossgar
with access off
Downpatrick Road

Applicant: Jackie Orr

Planning Ref: LA07/2016/1388/F

Proposed refusal reasons

Refusal reason 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.

New information from applicant

This application is within the countryside between Downpatrick and Crossgar. The tea rooms are an extension, diversification and development of the existing approved business. As the business is in a rural location so the extension of the business must be rural. The existing operation is small and the extension is small.

Refusal Reason 2 - The proposal is contrary to Policy PED3 of PPS4: Planning and Economic Development, in that the development proposed is not in proportion to the existing structure and will not integrate as part of the overall development; the extension does not respect the scale, design and materials of the original structure on site.

New information from applicant

The proposed extension shares a wall with the existing building. The original building is small in scale with a clad metal wall finish. The extension is also small in scale with finishes which are acceptable within rural design. The style of design, finishes and low-elevation roof complement the original design and improves the architectural and design quality of the construction on site. The existing building is well integrated behind the mounding and mature hedging. The extension, being of low elevation, will equally integrate.

Refusal Reason 3 - The proposal is contrary to Policy a, g and j of PED9 of PPS4: Planning and Economic Development, in that the development proposed is not compatible with surrounding land uses, the existing road network cannot safely handle any extra vehicular traffic, while the site layout and building design are not of high quality.

New information from applicant

PPS 4, PED 9 must be complied with.

(a) it is compatible with surrounding land uses;

The land use for the farm shop has been existing for more 15 years and is therefore long-established, legitimate and compatible to the use on the site. The tea room is an extension of the existing use and is therefore compatible with existing land use.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

The access has been in use for more than 15 years and gained approval through the retrospective approval. As such it is legitimate. The existing sight-splays comply with the requirements of DCAN 15. There have been no accidents on this safe stretch of road as a result of any of the traffic to or from the site. This is due to the fact that the access complies with the requirements for a safe vehicular access. Roads in the area are adequate. The Road at this point is perfectly straight with a wide verge and excellent sight-splays.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

The proposed extension is of higher quality design than the original building. The finishes and design style meet the rural design standards. The car-parking is on gravel which is expected and much used

in the rural setting. The site is well drained and does not produce flooding onto the public road. The existing mound and hedging provide adequate screening. The access is natural and in line with others on this road across the wide grass verge and public footpath. The hills and trees behind provide a suitable backdrop. We feel the design and landscaping are suitable and appropriate.

Refusal Reason 4 - The proposal is contrary to Policy AMP3 of PPS3: Access, Movement and Parking, in that the development proposed will result in the intensification of use of the existing access on to a Protected Route, and does not meet any of the exceptional circumstances and is not of regional significance.

New information from applicant

The existing access is already established onto the protected route, we are not establishing a new one. The standard of the access fully complies with the require standard in DCAN 15. The existing wide and flat verges providethe most extensive requirement of 4.5m x 215m splays in each direction which allow for 60 vehicles per day onto the main road. The traffic levels in this development are much less than 60 per day. The extra member of staff in this application is the applicant's daughter in law who will travel to work with her husband, Richard, who already works on the site in the farm shop. This is an existing compliant access with surplus capacity and therefore complies.

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

Council Newry, Mourne and Down

Date 2/2/17

ITEM NO	1			
APPLIC NO	LA07/2015/0088/F	Full	DATE VALID	3/30/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr George Tinnelly 7 Shore Road Rostrevor BT34 3EQ		AGENT	Cole Partnership 12a Duke Street Warrenpoint BT34 3JY 02841753679
LOCATION	Equestrian Centre Greenpark Road Rostrevor			
PROPOSAL	Proposed stables and store for existing equestrian centre			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy OS 3 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation, in that it has not been demonstrated that:

There is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and topography;

Any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of siting, layout and landscape treatment;

The proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car;

Satisfactory arrangements are provided in regards to parking.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

The design of the proposed building is inappropriate for the site and its locality; &

The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2015/0088/F

Date Received: 30th March 2015

Proposal: This application is for a proposed stables and store for an existing equestrian centre.

Location: Equestrian Centre, Greenpark Road, Rostrevor

Site Characteristics & Area Characteristics:

The proposed site to be developed is located approximately 100m west of number 46 Cherry Hill, Rostrevor. The site is accessed via an existing laneway off the Greenpark Road that provides access to the main equestrian centre. There are a number of storage containers in the immediate vicinity of the equestrian centre. There are also large spoil heaps of extracted rock and stone approximately 30m south of the equestrian centre. At the time of inspection there was a sign up warning of danger from deep excavation in progress. The spoil heaps of rock and stone appear to have been quarried from land close to the equestrian centre.

The access laneway continues past the equestrian centre but reduces in width. It is winding and travels steeply up through Carrickbawn Wood until it reaches the site for the proposed stables and store. The site for the stables and store is located approximately 240m south-east of the existing equestrian centre and paddock on land that is at a much higher level than the existing centre. The site has been stripped on trees and substantial infilling appears to have taken place in order to create a level site for the proposed development. The site is largely screened from view by existing trees and vegetation. The topography of the surrounding land is undulating with scenic views of the surrounding landscape through gaps in the vegetation.

The application site is within the Mournes Area of Outstanding Natural Beauty; a Site of Local Nature Conservation Importance (Carrickbawn Wood); a Local Landscape Policy Area; an Archaeological Site and Monument Zone; an Ancient Woodland; and an area of constraint on mineral developments as designated in the Banbridge, Newry and Mourne Area Plan 2015.



Figure 1 - Satellite Image of Application site

Site History:

- P/1994/0865 – Erection of an equestrian centre to include stables paddock and car park – Carrickbawn Wood, Greenpark Road, Rostrevor – Permission Granted 02.02.1995
- P/2008/1178/O – Site for hotel (50 bedrooms) and spa (amended description and additional information) 200 metres east of no 25, Greenpark Road, Rostrevor – Permission granted 09.11.2011

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland;
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation;
- Planning policy Statement 21 – Sustainable Development in the Countryside (PPS 21).

Consultations:

- Transport NI – No objections to this proposal.
- Env. Health – No objections in principal.
- NI Water – Generic response
- NIEA Historic Buildings Unit – Content with the proposal without conditions.

- NIEA Historic Monuments Unit – Content with the proposal.
- NIEA Water Management Unit – Content with the proposal subject to conditions.
- NIEA Natural Environment Division – Considers there to be no likely significant effects on any designated sites.

Objections & Representations

9 neighbour notification letters were issued and the application was advertised in the local press the week beginning 27th April 2015. No objections or representations have been received to date.

Consideration and Assessment:

As outlined above, planning permission was granted for an equestrian centre at Carrickbawn Wood, Greenpark Road, Rostrevor, under reference P/1994/0865 on 2nd February 1995. This proposal is for the erection of proposed stables and stores for use as part of the existing equestrian centre. The stable/store measure 24m long, 12.2m wide and has a pitched roof with a ridge height of 8.5m. The building will be finished in smooth plaster, green aluminium cladding and green PVC gutters and rainwater pipes. The proposed building is to be sited away from the main equestrian centre and paddock on land that has already been stripped, cleared and in-filled in order to create a level surface for the proposed development.

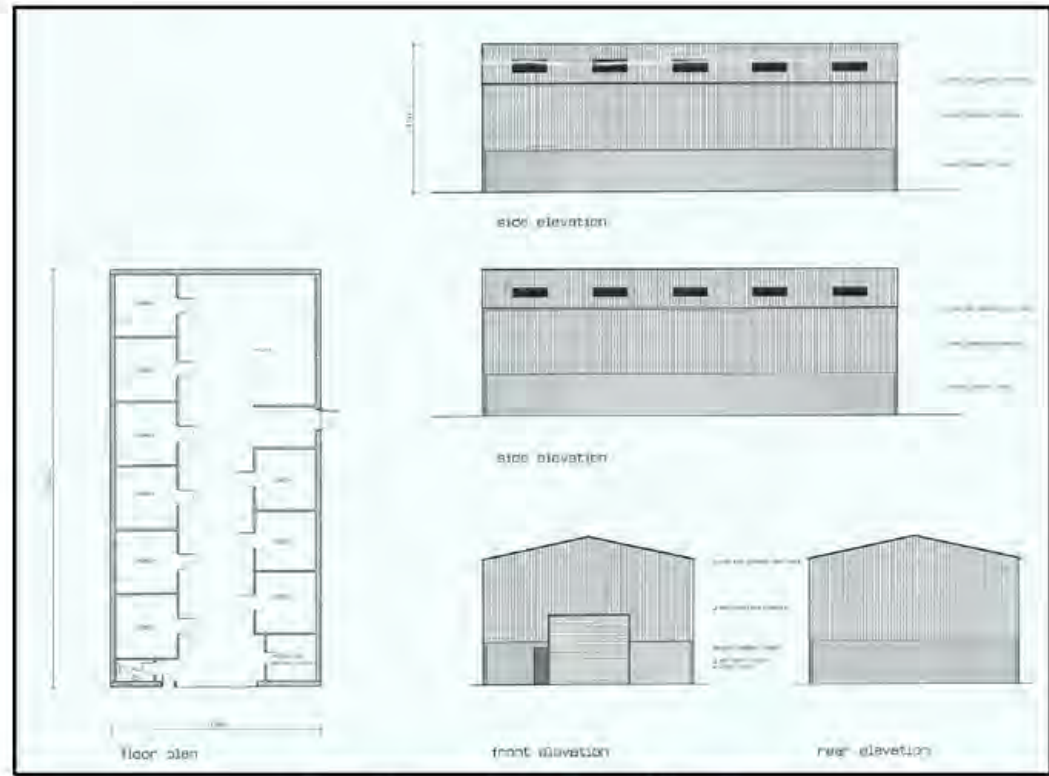


Figure 2 - Proposed Floor Plans and Elevations

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. The site is outside settlement limits. There is no significant change to the policy requirements for an equestrian development following the publication of the SPPS, therefore the retained policies of Planning Policy Statement (PPS) 8 and PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy CTY1 of PPS 21 states there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. This includes outdoor sport and recreational uses in accordance with PPS 8.

Principle of Development

Paragraph 5.33 of Planning Policy Statement 8 recognises the keeping and riding of horses for recreational purposes has become increasingly popular in many parts of the countryside. It states outdoor participatory recreational uses will normally be considered acceptable in principle provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings. The principle of equestrian development has already been established by the granting of the original application under reference P/1994/0865. This proposal involves the erection of a new building to be sited approximately 240m away from the main group of buildings and paddock at the equestrian centre.

Policy OS3 of PPS 8 states development proposals for outdoor recreational uses in the countryside will be permitted where all of a number of criteria are met.

- i. I am satisfied there would be no adverse impact on features of importance to nature conservation, archaeology or built heritage. NIEA were consulted as part of the decision making process and are content there would be no likely significant effects on any designated sites, including the Carrickbawn Wood SLNCI
- ii. The site is located within Carrickbawn Wood in an area that is surrounded by mature trees and vegetation. There would be no loss of agricultural land and the proposal would not result in an unacceptable impact on nearby agricultural activities.
- iii. The height of the proposed building is 8.5m which seems excessively high. Although the proposed site is surrounded by mature trees and vegetation I have concerns that a building of this height could not be readily absorbed into the landscape due to the infilling of the site and the sloping topography of the land. A building extending above the height of the mature trees may have an adverse impact on visual amenity.

- iv. The proposed development would not cause an unacceptable impact on the amenities of people living nearby.
- v. I am satisfied that public safety would not be prejudiced as a result of this development and that it is compatible with other countryside uses in terms of the nature, scale extent and frequency of the equestrian activity.
- vi. The height of the proposed building is of a scale that is not appropriate for the area. I also have concerns in regards to the proposed siting so far away from the main equestrian centre and paddock. There is sufficient land to accommodate the proposed structure close to the existing buildings and paddock so that it would read as part of the cluster. No justification has been provided in relation to the siting of the proposed stables over 240m away from the existing development. Furthermore, substantial ground works appear to have been carried out within the land outlined in red on the site location map, both around the existing equestrian centre and also at the site of the proposed stables/store. The agent was asked to submit an application to regularise the ground levels as existing however no application has been received.
- vii. The siting of the proposed facility has not taken into account the needs of people with disabilities. The site is located up a long, narrow, steep laneway that is not easily accessible by means of transport other than private car.
- viii. TransportNI have offered no objections to the proposal on the basis there would be no intensification of use. In terms of car parking arrangement no details have been provided. Two letters were sent to the agent requesting, among other things, a detailed site layout plan illustrating the layout out of the car-park. No information has been provided.

Integration and Design

Policy CTY 13 of PPS 21 relates to the integration and design of buildings in the countryside. The policy states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. I am satisfied that a new building with a reduced ridge height in this location would not be a prominent feature in the landscape due to the existing mature trees and vegetation and the topography of the surrounding land. These features would provide a visual backdrop to the development which would assist integration. The site offers a suitable degree of enclosure to accommodate a new building and the provision of some additional landscaping would allow it to integrate into the landscape. However no landscaping details/plan have been included with the application. Although substantial in-filling has taken place - which would need to be regularised - I am satisfied the ancillary works integrate with their surroundings. In terms of the design of the building, I consider an 8.5m ridge height to be unacceptable. I am also of the opinion that the building should be sited beside the existing cluster of development close to the existing equestrian centre. The application is considered to be contrary to policies CTY 13(e) & (f).

Rural Character

Policy CTY 14 of PPS 21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. Paragraph 5.79 of PPS 21 requires new buildings respect the traditional pattern of settlement, that is, the disposition and visual appearance of land and buildings in the locality of the proposed development. Accordingly, to be considered acceptable, a new building in the countryside should adopt the spacing of traditional buildings found in the locality; or integrate sensitively along with a group of existing buildings. The proposed new building is located a considerable distance away from the existing cluster of development of the equestrian centre and as such does not read as part of the overall development. It is for this reason that I feel it does not respect the traditional pattern of development exhibited in the area and is therefore contrary to Policy CTY 14(c).

Recommendation:

The proposed height and siting of the new building - away from the existing cluster of development - are considered to be unacceptable. No landscaping details have been provided and there is a lack of detail in regards to the proposed car parking arrangements. The proposed facility also fails to take into account the needs of people with disabilities. Substantial ground works have taken place within the site outlined in red and have not been addressed despite requests being sent to the agent. I therefore recommend this application for refusal.

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy OS 3 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation, in that it has not been demonstrated that:
 - There is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and topography;
 - Any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of siting, layout and landscape treatment;

- The proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; &
 - Satisfactory arrangements are provided in regards to parking.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
- The design of the proposed building is inappropriate for the site and its locality; &
 - The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
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 not respect the traditional pattern of settlement exhibited in that area;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

5. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a detailed proposed site layout plan illustrating the layout of the car park and details of landscaping, and a retrospective application to regularise the existing ground levels are required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Case Officer Signature: _____ **Date:** _____

Authorised Officer Signature: _____ **Date:** _____

- 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 not respect the traditional pattern of settlement exhibited in that area;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

- 5 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a detailed proposed site layout plan illustrating the layout of the car park and details of landscaping, and a retrospective application to regularise the existing ground levels are required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

ITEM NO 2
APPLIC NO LA07/2015/0097/F Full **DATE VALID** 3/20/15
COUNCIL OPINION REFUSAL
APPLICANT John Rafferty 34a Ballynalack **AGENT** B Dinsmore
 24a
 Road Street Duke
 Camlough
 npoint Warre
 Newry BT34
 3JY
 4175369
 8

LOCATION To rear of 34a Ballynalack Road
 Camlough
 Newry

PROPOSAL Proposed retention and completion of equine shelter and store.

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

- 1 The proposal is contrary to Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
- 2 The proposal is contrary to Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Ballynaleck Road
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - ancillary works will not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the building would, if permitted, be unduly prominent in the landscape;
 - the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings;
 - the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;
 - the building would, if permitted add to a ribbon of development;
 - the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to and further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2015/0097/F

Date Received: 20.03.15

Proposal: Retention and completion of equine shelter and store

Location: To rear of 34a Ballynalack Road, Camlough, Newry

Site Characteristics & Area Characteristics:

The site is located in a countryside location approximately 2.25 km SE of Camlough.

The application site comprises two parcels of land: to the west of Ballynaleck Road which include existing stables/ yard and land to the east from Ballynaleck Road falling gently away towards and adjoining Camlough Lake within this area there is an existing dwelling house, domestic gardens, an agricultural field (to the rear of the house) and an unauthorised building.

Site History:

LA07/2015/0095/F - 34a Ballynalack Road, Camlough, Newry. Proposed 3 bay domestic garage with store. Refused (Current) (Application site)

P/2013/0093/F Anfield House, 35 Ballynalack Road, Camlough, Armagh, BT35 7HU, Retention of existing out-building for agricultural use. Refused 11.08.14 (Application site)

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

P/2012/0007/CA - Unauthorised erection of a building, being development carried out without the necessary consent required. Currently under investigation (Application Site)

P/2002/0096/F 34 Ballinaleck Road, Camlough. Extension to dwelling. Approved 15.05.2002

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Site is within the countryside of the designated AONB and adjacent to Camlough ASSI

Policy Consideration: SPPS, PPS2, PPS3, PPS8, PPS21 (CTY 1, CTY 8, CTY 13 and CTY14)

Supporting Information (dated 20.03.15) – Information relating to business at No. 35 Anfield House details include invoices, photographs and information regarding show jumping competitions, horse passports, membership of NI Horse Board and veterinary information. HRMC and companies registered to 34a Anfield HAoue

Retention and completion of equine shelter and store

PPS3 - Transport NI have no objections

PPS21 (CTY 1)

The policy provides a list of non-residential uses which may be deemed acceptable within the countryside. CTY 1 specifically states that other types of development will be permitted where there are overriding reasons as to why the development is essential and could not be located within a settlement.

Whilst policy directs this type of development towards a settlement it is nevertheless acknowledged that given the nature of such a use that a rural setting may be appropriate. Notwithstanding this there have been no overriding reasons outlined despite the submission of supporting information to justify why this development is essential at this location and why it could not be located within or close to the existing equine business which is situated 140m W of the site. Therefore development fails to meet CTY 1 of PPS21.

SPPS and PPS21 (CTY 8 – Ribbon Development)

Although the building is set back from Ballynaleck Road it nevertheless has a visual linkage with buildings 28- 36 Ballynaleck Road, development at this location will further add to a ribbon of development contributing to a build-up appearance at this location which can be clearly observed from the Keggal Road and thus proposals fails policy tests in this regard.

SPPS and PPS21 (CTY13 – Integration and Design)

The building is located to the SW corner of a much a larger agricultural field occupying an isolated and separate position forward of existing development on Ballynaleck Road. Development will appear prominent on this open and exposed terrain lacking long established natural boundaries to provide an adequate degree of enclosure to ensure integration.

Furthermore proposals are likely to attract additional ancillary works which have not been indicated on the layout plan in order to gain access to the SE elevation of the building (double door entrance to equine shelter) for vehicular and horse box use. It is difficult to envisage how it is possible to operate from such a building given its proposed use that such requirements (i.e. hard standing, raised levels to accommodate access etc.) will incur suburban design solutions which are inappropriate at this scenic designated AONB and will require additional landscaping to overcome integration concerns. Although the site benefits somewhat from a backdrop of rising land this is of little consequence as the building is set on semi-elevated ground which is open and exposed that any development at this location will appear conspicuous and misplaced failing to blend into the natural landform without adverse impact. Overall proposals fail to meet criteria a - d and f of CTY 13.

SPPS and PPS21 (CTY14 – Rural Character)

Proposals will be unduly prominent in the local landscape for the reasons outlined in consideration of CTY13. The building is set back from what is an established building line set by existing development along Ballynaleck Road (as seen from Keggall Road), the building is stand alone on an already open and exposed portion of land and will appear prominent in the local landscape. The development is visually linked with a number of residential dwellings (Nos. 28-36 Ballynaleck road) and will further add to a built up appearance of this area by extending development beyond the traditional settlement pattern exhibited at this location, further eroding the rural character of this area, adding to a ribbon of development and with additional ancillary works required would further damage the rural character thus proposals fail to meet any of the criteria of CTY14.

PPS 8 (OS3)

Policy OS3 of PPS8 deals with outdoor recreation in the countryside and advises that 'The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met' criteria includes impact to visual amenity or the character of the local landscape to which this development will have adverse impact and for this reason does not adhere to the provision of policy.

Paragraph 5.33 of PPS8 deals specifically with equestrians uses for the keeping and riding of horses for recreational purpose whilst participatory recreational uses such as riding schools will normally be considered acceptable in principle, it nevertheless does not preclude proposals such as equine shelter and store for personal/ family or a commercial usage. It is acknowledged that this type of usage is better placed in a rural location than a settlement and it is not disputed that the applicant and his family are actively involved within the equestrian business. However this does not provide justification for the position of an equine shelter some 140m away from the existing stables and that such provision could have been made at the existing complex or indeed consideration given to other traditional or redundant farm buildings. Where this was not possible a building of such size and scale could have been located directly opposite the existing stable complex grouping with these and agricultural buildings (Adjacent and S) having a lesser visual impact and would attract less ancillary works.

Overall proposal fail to meet OS3 and paragraph 5.33 of PPS8 no justification for the need for the building.

SPPS and PPS2 (NH6 AONB)

The building is reflective in terms of design and finishes to that of existing stables located to the west. However the siting is not sympathetic to the special character of the area, the poor design and orientation of the building will attract additional ground works in order to be adequately accessed. The location of development will extend the area of development onto previously undeveloped agricultural land, set a precedent for similar type development and will detract from the scenic quality of the area. Proposals fail to meet SPPS and NH6 of PPS2.

Impact on the ASSI

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the conservation objectives/features of any European site either alone or in combination.

Consultations:

Environmental Health (15.05.15) – No objection

Transport NI (20.05.15) – No objection

NIEA (01.06.15) - Considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content and refers to standing advice.

SES (25.10.16) - No substantial change to the plan apart from its end use now as a stable/horse shelter, so I wouldn't expect a different answer in terms of ASSI.

Objections & Representations

2 neighbours notified

Advertised 21.04.15

No objections lodged

Consideration and Assessment:

The existing building is subject to an enforcement investigation (P/2012/0007/CA), previous planning permission had been sought to retain the building for agricultural use which was subsequently refused 11.08.14. The current proposals are for the

retention of this building as an equine shelter and store with supporting information provided. Whilst taking this into account proposals nevertheless fail to meet the requirements of planning policy for the reasons set out above and on this basis it is recommended to refuse the application.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Ballynalack Road
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - ancillary works will not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the building would, if permitted, be unduly prominent in the landscape;
 - the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings;
 - the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;
 - the building would, if permitted add to a ribbon of development;
 - the impact of ancillary works would damage rural character;

and would therefore result in a detrimental change to and further erode the rural character of the countryside.

- 5. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH 6 of the Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within an Area of Outstanding Natural Beauty and the development, is not sympathetic to the character and appearance of the AONB.
- 6. The proposal is contrary to Planning Policy Statement 8 Policy OS3 and Paragraph 5.33 in that the development will cause an adverse impact to visual amenity or the character of the local landscape there is no justification for the need for a building.

Photographs



Existing dwelling building just below ridge to the right of the photo



Existing access to rear of dwelling, Camlough Lake to E and building to the right of the photo



Unauthorised building for proposed retention, Camlough Lake in the background



Existing stables to right of photo accessed onto Ballynalack Road



Existing stables



View of entire site from Keggal Road



View of entire site from Keggal Road



View of entire site from Keggal Road

- 5 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH 6 of the Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within an Area of Outstanding Natural Beauty and the development, is not sympathetic to the character and appearance of the AONB.
- 6 6. The proposal is contrary to Planning Policy Statement 8 Policy OS3 and Paragraph 5.33 in that the development will cause an adverse impact to visual amenity or the character of the local landscape there is no justification for the need for a building.



Representation on Behalf of Mr John Rafferty – Applicant

By B. Dinsmore RIBA – Agent

Application Ref: LA07/2015/0097/F

Proposal: Retention of an Equine Shelter and Store

Location: To the Rear of 34a Ballynalack Road, Camlough, Newry

Planning Services recommends refusal for the following reasons:

1. *The proposal is contrary to Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.*
2. *The proposal is contrary to Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Ballynaleck Road.*
3. *The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:*
 - *the proposed building is a prominent feature in the landscape;*
 - *the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;*
 - *the proposed building relies primarily on the use of new landscaping for integration;*
 - *ancillary works will not integrate with their surroundings;*
 - *the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.*
4. *The proposal is contrary to Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:*
 - *the building would, if permitted, be unduly prominent in the landscape;*
 - *the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings;*
 - *the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;*
 - *the building would, if permitted add to a ribbon of development;*
 - *the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to and further erode the rural character of the countryside.*
5. *The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH 6 of the Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within an Area of Outstanding Natural Beauty and the development, is not sympathetic to the character and appearance of the AONB.*
6. *The proposal is contrary to Planning Policy Statement 8 Policy OS3 and Paragraph 5.33 in that the development will cause an adverse impact to visual amenity or the character of the local landscape there is no justification for the need for a building.*

The mono-pitch building proposed for retention is 8.15m long, 5.25 metres wide and 3.10 metres high at its highest point. It is located against a natural backdrop of indigenous hedging which is taller than the shelter most of the year and will make it virtually invisible from Ballynalack Road and unobtrusive from Keggal Road (See photographs).

As the information submitted with the application and accepted by Planning Services demonstrates the Raffertys are actively involved with horses. Their daughter Hannah Rafferty competes successfully at national and international levels. The 1 ½ acre field to the rear of the home house is used to graze horses and to observe them (e.g.) when a mare is close to foaling. The purpose of the lean-to is to provide shelter to protect a grazing horse from sunburn, or inclement weather and to protect feed. It is my understanding that field shelters are an NSPCA requirement.

By consultation and neighbourhood notification there are no objections.

The Planners Professional Report under **PPS21 (CTY1)** acknowledges that this building type is best placed in a rural setting but claims that is not essential. The reason the shelter is essential is for the protection of competition grade horses while grazing. It cannot be located close to the existing stables as they do not benefit from grazing land adjacent. (See location map & google earth map)

SPPS and PPS21 (CTY8 – ribbon development)

The building would be virtually invisible from Ballynaleck Road, most of the year.

SPPS and PPS21 (CTY13 – Integration and Design)

The building is set behind and below a long established boundary formed by natural and indigenous hedgerow. It is not exposed or prominent. There is no requirement for any ancillary works as the building is to be used solely as a shelter. The building can be further integrated with 'earthy' finishes as proposed.

SPPS and PPS 21 (CTY 14 – Rural Character)

As CTY13

PPS 8 (OS3): This proposal meets the criteria of this Planning Policy. As stated the shelter is required to be associated with the observable grazing land and not the stables..

SPPS and PPS2 (NH6 AONB): There are no plans for additional ancillary works. They are not required. The siting is wholly sympathetic and the monopitch design will follow the natural contours of the land.

Notwithstanding the applicant is willing to consider amendments.

ASSI – no significant effect

Conclusion:

This building is required for the shelter of competition grade horses on 1 ½ acres of grazing land to the east of the applicant's residence. Planning Services intimate that it would be acceptable if associated with the stables and by different design. However, I trust I have demonstrated that this is just not practical in this instance.

BD 25/01/2017

ACEmap® Single

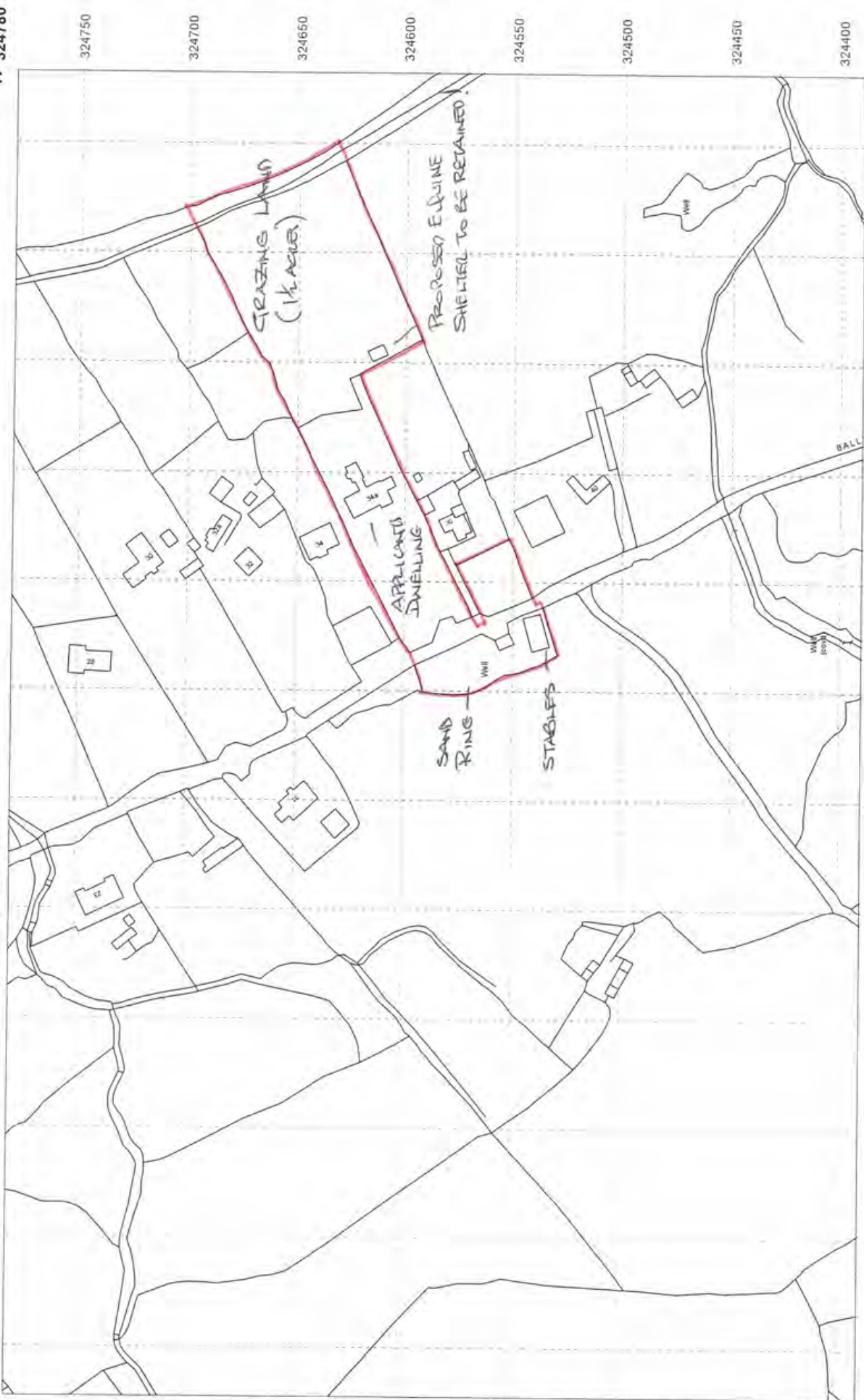
Printed: 24/10/2014
Customer Ref: 302880, 324585
Centre Point (Easting, Northing): 302880, 324585
35 BALLYNALACK ROAD, BALLYNALACK, CAMLOUGH, BT35 7HU, 185341999



Scale: 1:2,500
Order no. ORD06645
Plan No. 26512SE

303182

324780



324750 324700 324650 324600 324550 324500 324450 324400

302700 302750 302800 302850 302900 302950 303000 303050 303100 303150

Copyright Statement
Except as otherwise permitted in any form or by any means, with the permission of Land & Property Services, stored or transmitted under the Copyright Designs and Patents Act 1988 this map may only be reproduced.

Every care has been taken to ensure accuracy in the compilation of this map at the time of publication. Land & Property Services cannot, however, accept responsibility for errors or omissions and when such are brought to our attention, the amendment of any future publication as appropriate shall be entirely at our discretion. Ordnance Survey of Northern Ireland and ACEmap® are registered Trademarks of Department of Finance and Personnel.

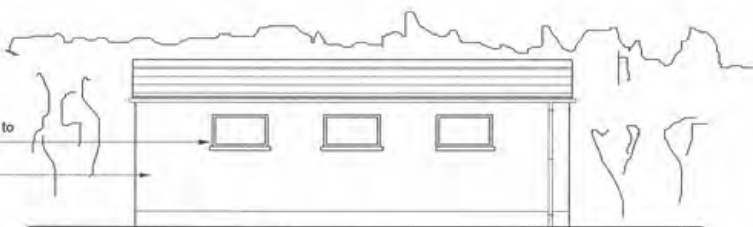
Licence / Permit No.

© Crown Copyright 20

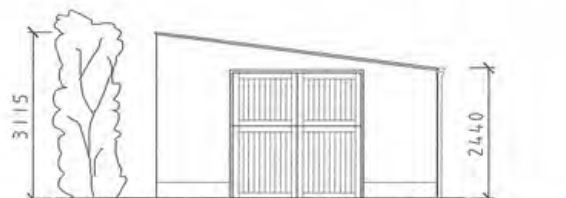
324390

302577

dark grey coloured corrugated tin roof
 black upvc 1/2 round gutter and 65s downpipe
 perforated polycarbonate sheeting to hardwood frames
 blockwork with smooth rendered cement finish



SIDE ELEVATION
(facing East-NE)



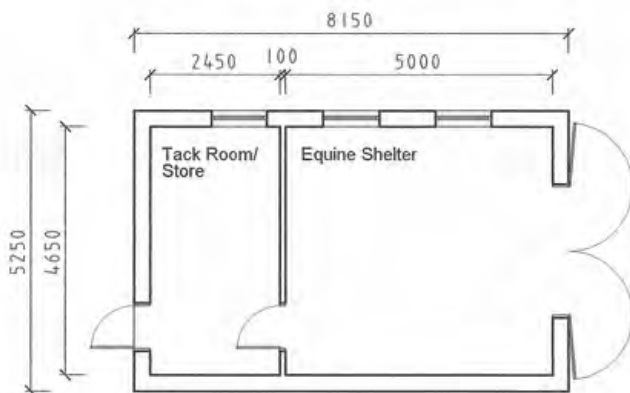
REAR ELEVATION
(facing South-SE)



SIDE ELEVATION
(facing West-SW)



FRONT ELEVATION
(facing North-NW)



FLOOR PLAN



bernard dinsmore chartered architect		Project: Proposed Retention And Completion Of Equine Shelter To Rear Of 'Anfield House' 34a Ballynalack Road, Camlough.	
24a duke street, warrenpoint, co.down, bt34 3jy telephone (028) 4175 3698 email: info@bdinsmore.co.uk		Client: John Rafferty	
co.down, bt34 3jy fax (028) 4175 3699 www.bdinsmore.co.uk		Title: Plans + Elevations	Status: Planning
Scale: 1:100	Date: Dec 2014	Drawn By: CC	Checked By: BD
Job No.: J 1400	Drg No.: RS03	Rev.:	Sheet Size: A3

The contents and design of this drawing are property of Bernard Dinsmore Chartered Architect. No part of this drawing may be photocopied or otherwise reproduced without the prior permission in writing of Bernard Dinsmore Chartered Architect. Use printed dimensions where given. Do not scale without checking drawing scale against actual dimensions. Do not scale if drawing size does not match sheet size.

Application Ref: LA07/2015/0097/F
Proposal: Retention of an Equine Shelter and Store
Location: To the Rear of 34a Ballynalack Road, Camlough, Newry



ITEM NO	4			
APPLIC NO	LA07/2015/0203/F	Full	DATE VALID	4/27/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Martin Bailie 44 Bavan Road Mayobridge BT34 2HS	AGENT		
				NA
LOCATION	150m South East of No 57 Bavan Road Mayobridge Newry.			
PROPOSAL	Change of house type on approved site with works commenced on site. (with reduced site curtilage)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0203/F

Date Received: 27th April 2015

Proposal: Change of house type on approved site with works commenced on site. (with reduced site curtilage)

Location: 150m South East of No 57 Bavan Road, Mayobridge, Newry.

Site Characteristics & Area Characteristics:

Site is located within the rural countryside approximately 2 miles north east of the village of Mayobridge. It is currently an agricultural field with the north eastern perimeter bound by a wall, agricultural shed and hedging planted within the neighbouring properties boundary. The south eastern perimeter is bound by mature hedging and the remaining borders unbound. The site rises above the level of the Bavan Road and evens out before rising again.

Site History:

The subject site was granted outline approval for a dwelling and garage under P/2003/0469/O on 13th May 2003 and then Reserved Matters (RM) approval on 12th February 2009. Conditions were imposed in both applications however in relation to the latter, the first condition referred to time (development to which the approval relates to have begun by whichever the later of the following dates i.e. 5 years from Outline approval or 2 years from date of RM). The second condition referred to a pre-commencement condition for the vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development permitted.

Planning Policies & Material Considerations:

Planning conditions attached to P/2006/0896/RM namely:

1:- As required by Article 35 of the Planning (Northern Ireland) Order 1991 the development to which this approval relates must be begun by whichever is the later of the following dates:-

i. The expiration of a period of 5 years from the grant of outline planning permission (being 13th May 2008); or

ii. The expiration of a period of 2 years from the date hereof (being 12th February 2009).

Reason: Time limit.

and 2:- *The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.*

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

Planning Act (NI) 2011

The Planning (NI) Order 1991

SPPS – Strategic Planning Policy Statement

PPS 3 – Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

Planning Case Law including:

Riordan Communications v South Bucks District Council (2002) JPL 594 which followed the lead given in the Scottish case of *East Dunbartonshire Council v Secretary of State (S.O.S) for Scotland and MacTaggart & Mickel Ltd (1999) 1 PLR 53* – the approach taken in the Riordan and East Dunbartonshire case has been followed by the Court of Appeal in *Staffordshire County Council and Riley (2002) PLC 75*. The East Dunbartonshire case found that by applying an objective approach and considering first whether what has been done has been in accordance with the relevant planning permission and second whether it is material in the sense of not being de minimis.

R (Ashfield) v National Assembly for Wales (2003) EWHC 3309 (admin); Pitchford 18th December 2003 held, following the East Dunbartonshire case that the appropriate test is objective and that the intention of the person carrying out the operation is irrelevant.

F.G Whitely and Sons v Secretary of State for Wales and Clwyd Co. Council (1992) – which produced the Whitley principles being:

- the developer has done everything practicable to meet the condition;
- approval has subsequently been given so that unauthorised work carried out within the time limits was made lawful;
- the planning authority has agreed that development could start without complying with the relevant conditions; or
- the condition had been complied with but the procedural formalities, such as written notification of the planning authority's approval, had not been completed before work started.

Hart Aggregates Ltd v Hartlepool BC (2005) – conditions that go to the 'heart' of the permission.

Bedford BC v The Secretary of State for C and LG and Alexander Stanislaw Murzyn (2008) – gave prominence to the actual wording of conditions precedent (pre-commencement) and whether by not complying with them prior to the development

being carried out resulted in a breach of condition or unlawful development/implementation.

Greyfort Properties Ltd v SSCLG (2010) – A true condition precedent must both prohibit development without compliance with it and must also go to the heart of the permission.

Boots Homes Ltd v Bassetlaw District Council 2002 – the outcome of this case was that “conditions on a planning permission must either be complied with, at least in substance (see the Flintshire case), or if it is sought to vary or discharge them.”

Consultations:

Transport NI – no objections – conditions supplied regarding vehicular access:

The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 27 April 2015, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Objections & Representations – No 3rd party representations.

Consideration and Assessment:

The application is for a change of house type to that previously approved under P/2006/0896/RM. The outline stipulated conditions regarding timing for the submission of reserved matters, access arrangements, the design, siting, landscaping and materials. The proposed application involves a dwelling and garage on the same site as the previous approval albeit a smaller footprint (for the dwelling only). The previous house type proposed showed floor space of around 338 sq.m for the 1 ½ storey dwelling of 6.5m above finished floor level and a potential 57 sq.m for the 1 ½ storey garage (upper floor window proposed but only ground floor plan submitted). This current application is proposing a 1 ½ storey dwelling of 6.7m above finished floor level (0.2m above the outline condition) with floorspace around 233 sq.m and a 1 ½ storey garage with potential floor space of 110 sq.m (again upper floor window but only ground floor plan submitted). All other aspects of the proposed site layout including landscaping and access arrangements match that of the RM 02 date stamped 9th May 2006 and granted 12th February 2007.

Overall the proposed dwelling is smaller in scale albeit 0.2m higher, but the design and material finishes are in conformity with the outline conditions. Mourne granite stonework is proposed to parts of the front façade which is acceptable. The proposed increase in size of the garage however is worrying and should be reduced to that approved at the RM stage.

However, although the proposed change of house type – dwelling only maybe acceptable, due to the passage of time since the Outline and RM were approved and

the fact that both permissions have now lapsed, the onus is on the applicant to demonstrate that development has begun to keep the permissions live.

The advice currently on the Department's website/planning portal is the same that was given around the time the RM application was decided. The Department's advice provides the following:

'Where an applicant has complied with conditions relating to works to be carried out before the commencement of development of other work e.g the construction of an access in accordance with the approved plans, **and**

- Where an applicant has commenced any work of construction in the course of the erection of a building, such as the digging of foundations and preferably pouring of concrete, driving of piles or other substantive works;
- The laying of any underground main pipe to the foundations or part of the foundations of a building;

If development is commenced on site but not completed, the Department recommends the applicant retains any documents or records the work carried out including copies of dated invoices, receipts, building control approval, dated photographs etc in case there is a need to produce these at a later date if there is any issue about the date of commencement. There is legal procedure for the developer to satisfy themselves that the work which they have undertaken is lawful through an application for a Certificate of Lawfulness under Section 169 of the Planning Act (NI) 2011 (Article 83A of the Planning (Northern Ireland) Order 1991). The Planning Appeals Commission has also referred to this procedure in recent appeals 2015/A0139, 2015/A0193 and A2014/0290 to name a few.

Whilst the above information on the Department's website is only advice, section 63 of the Planning Act (NI) 2011 provides the legislation. Section 63 outlines the provisions supplementary to sections 61 and 62 which refer to the duration of planning permission and the duration of outline planning permission respectively. In the case of this application and the date of when the RM expired being 12th February 2009, Article 36 of the Planning (NI) Order 1991 would have been applicable. Both Section 63 (2) and Article 36 (1) refer to operations comprised in the commencement of development namely:

- (a) Where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building;
- (b) Where the development consists of or includes alterations any work involved in the alterations;
- (c) Where the development consists of or includes a change of use of any building or other land, that change of use;
- (d) Where the development consists of or includes mining operations, any of those operations.

It is recognised that some of the works so far completed may fall with the meaning of 'development' as per section 23 of the Planning Act (NI) 2011 (and Article 11 (1) of the Planning (NI) Order 1991) however; the 'actual' work, the date it was carried out and its relationship with the approved planning application does not in my opinion

constitute a material start to the dwelling approved under P/2006/0896/RM. On the basis of the *Whitley principles*, a material start to P/2006/0896/RM has not been demonstrated as the works undertaken to the access (condition no.2 of P/2006/0896/RM) was a pre-commencement condition/condition precedent and that which has occurred has not fully complied with the condition in terms of providing the actual vehicular access. Transport NI again has provided a condition similar to that placed on the RM decision notice regarding the access, visibility splays and any forward sight distance to be provided prior to commencement of any other development and in accordance with the relevant drawing.

In order to substantiate his claim that access works took place within the correct timeframe, a Road Permit granted by DRD Roads Service on 9th February 2009 was submitted. This document appears to give permission for the developer to carry out work for a road opening and water connection at land 150m south east of no.57 Bavan Road. However, this document is not evidence that the actual access and other works stipulated in condition 2 were carried out before 12th February 2009. Other evidence submitted included an invoice from Hennessy Construction dated 5th February 2009 for digger and dumper hire, labour and materials. This invoice specifically referred to the roadside and new access works to house on site at 150m south east of 57 Bavan Road, Mayobridge for Martin Bailie. Whilst it is evident on site that works have been carried out to the road verge, the creation of the vehicular access to the site has not been created therefore in this instance and on the basis of the *Whitley principles* the developer has not done *everything practicable to meet the condition* which was a pre-commencement condition. Following much deliberation the applicant Mr Martin Bailie finally furnished the Planning Authority with the requested affidavit from himself and Calmor Properties. In his own affidavit, Mr Bailie states that the work had to commence before 12th February 2009 and that the site's access was created before this date and the required permit received from Roads Service. The access condition identified above is a 'true' condition precedent that goes to the heart of the decision issued. It needs to have been complied with in full before any further works to the approval were carried out. It is in my opinion however that this condition hasn't been met in full.

With regard to the other works, the then Department's advice at the time surrounding commencement as described above was very clear. The *East Dunbartonshire case* is also very relevant as it established *the need to apply an objective approach and consider first whether what has been done has been in accordance with the relevant planning permission and second whether it is material in the sense of not being de minimis*. In the case of this change of house type application, in order to establish commencement, the applicant has provided invoices from Calmor Properties Ltd and Savage Associates both dated 7th February 2009 and both referring to trial holes with Calmor Properties Ltd also making reference to the clearing of site (provision of digger, dumper and 30m land drain and 4" stone). Calmor Properties Ltd have also provided an affidavit however Savage Associates who provided the engineer to test the trial holes for Calmor Properties Ltd have not provided an affidavit. The Calmor Properties Ltd (Sean McAvoy) affidavit refers to being engaged by Mr Martin Bailie to carry out works at the site and refers to his invoice which gives particulars of the said works. He confirms he carried out the works and Savage Associates were retained to inspect the works which were completed before 7th February 2009. Within the area of the previously approved house there is however no clear indication of earlier

ground disturbance. Mr Bailie indeed referred to no foundations having been dug but trenches formed as it was not possible to make a building control application due to the fees involved for the then approved house type (building control also confirm no application made). The field also had to be made good due to a conacre agreement.

In planning each case is assessed on its own particular merits and in terms of this case, to satisfy the commencement issue it is important to apply the objective approach in keeping with the East Dunbartonshire case. Therefore in considering *what has been done* to commence the development, it is my opinion that in this particular case i.e. the trial holes for the dwelling and garage foundations which are now no longer present would equate to work which is not *in accordance with the relevant planning permission* as they were to assess the ground conditions for the foundations and; these trial holes would be considered as not *material* as they are of a *de minimis* nature. The submission of letters from NIE dated 19th December 2007 regarding an enquiry for the provision of a new electricity supply to the site also does not establish the commencement of development here but rather intention which case law *R (Ashfield) v National Assembly for Wales (2003) EWHC 3309 (admin)* found the intention of the person carrying out the operation is irrelevant. As previously stated, the access works were a pre-commencement requirement which also have not been fully complied with.

The applicant referred to a letter of advice surrounding the issue of commencement from Planning Service at the time he carried out works to his site however the Planning Authority throughout the processing of this case has never received this letter.

In conclusion, the commencement of development for the dwelling approved under P/2006/0896RM has not been carried out in accordance with Section 61 of the Planning Act (NI) 2011 or Article 34 of the Planning (NI) Order 1991 as it was at the time of the decision notice. This change of house type application therefore should be refused as the previous permissions have lapsed and there is no overriding reason why this development is essential in this rural location.

Refusal Reason:

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

Case Officer Signature:
Date:
Authorised Officer Signature:
Date:

Your Ref: LA07/2015/0203/F

Our Ref: 2232

24 January 2017

**CHANGE OF HOUSE TYPE ON APPROVED SITE 150M SOUTH EAST OF NO.57 BAVAN ROAD
MAYOBRIDGE NEWRY**

The above application is a "legacy" application from a period in time when Northern Ireland was in a recession and due to the prevailing Planning Policies an application of this nature could not be renewed so works had to be commenced on site to secure the Approval.

The original Reserved Matters application was validated on 9th May 2006 during the boom period for a house extending to circa 340sqm (3700sqft) but when work had to commence on site in 2009 we had entered the recession. I had to decide where best to spend the money necessary to commence the application.

At this time there was no clear guidance available regarding commencement. There were many interpretations of what was acceptable from Agents, Planning Service and even Building Control. These included "put the entrance in", "dig out the garage and put in a Building Notice", "lodge a Building Control application and dig out a wall of the house", "put the entrance in and get a Road Permit," "you only need to put the founds in", "apply to Building Control for your garage and get them out to inspect the foundation trenches", and many other combinations. In order to obtain actual written guidance I wrote to the Divisional Planning Manager on the 15th September 2008 (copy of letter attached) which stated "Due to the uncertain economic future a number of my clients have asked what "commencement on site" means in regards to their Reserved Matters approval. There are a number of options at present ranging from construction of access to laying of foundations." I received a reply on the 26th September 2008 (copy attached) which stated "*development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Generally speaking the construction of an access or layout of foundations, provided they are in accordance with the approved plans, would be sufficient to indicate that development had begun*" This letter formed the basis of guidance I gave to my clients and was passed to other agents and interested parties.

I looked at the options available and decided to construct the access to the site at the public road as this would always be necessary as well as clearing part of the site where the dwelling was to be located and provide the layout of the garage foundations in conjunction with trial holes in the vicinity of the dwelling proper to ascertain the ground conditions. A local contractor carried out this

work and it was inspected by a Structural Engineer as opposed to Building Control as I did not make an application to them. The works were then backfilled and the field made good as the land was leased in long term conacre and indeed the same farmer still leases the land today.

By not lodging an expensive Building Control application I retained the opportunity to lodge an alternative "change of house type" application at a later date.

On 27 April 2015 I made the application we are discussing today for a smaller dwelling extending to circa 235sqm (2500sqft) in good faith and with a genuine expectation of receiving Approval. This expectation was based on guidance received from the Planning Service at the time of commencement and specifically 2 other applications I was involved with in the Newry & Mourne area which were similar to mine. One is located on the Carnaney Road, Mayobridge and the other is located on the Cullion Road, Mayobridge. Indeed neither had a Building Control application, one had a Road Opening Permit dated after the Planning expiry date and neither had the access constructed in accordance with the approved plans and the corroborating evidence in the form of receipts was minimal. **Both received Approval.**

In and around December 2015 I was informed that the new Newry, Mourne & Down Planning Department did not deem the works on site to be commenced in relation to current guidelines. However, as previously stated I and many of my clients had commenced work on historic "legacy" sites adhering to the clear guidelines given in the letter attached.

With regard to the Issue of commencement I was also informed that Planning were seeking legal advice with regard to the issue of commencement. I sought clarification on this matter but **none** was received and I was later told that **this in fact did not happen.**

I was also asked to provide affidavits for works carried out and advised that this was common practice. In my 30 years of private practice I have **never** had such a request and neither have any of the Agents or Solicitors who I associate with for applications of this type. I did provide the affidavits after seeking my own legal advice.

I now wish to refer to the Planning Report on the application.

I would comment on some of the critical items in the Report written which uses the term "in my opinion" on a number of occasions, as follows;

1. Reference is made to "advice currently available" as opposed to the advice that was given to me at the time from Planning Service which should be applied to this legacy application.
2. The Report says that the access to the public road is not correct because Roads service have added a condition to any subsequent approval. **This is the first time I have been made aware of this.** I have spoken to Roads Service and this is a response to the information provided in the form of the applications site plan. It is to insure that the existing visibility splays are retained and maintained and not a comment to what is on site. I am happy to meet the Committee, Roads Service and the author of the Report on site to view the extensive works carried out which actually exceed the visibility splays required. Indeed the local Roads Service have inspected the work and returned the deposit I lodged when applying for a Permit to carry out the works.

3. There is reference to me saying "no foundation having been dug". I stated that no concrete had been poured.
4. There is reference to Affidavits "eventually" provided. As previously stated I had never been asked for this before. I sought legal advice and clarification from Planning as to an acceptable format and where this request had been made before by Planning. This was **not** forthcoming from Planning so I had to approach the Director in charge of Planning for advice which he subsequently provided.
5. The Report states that a Road Opening Permit is not evidence that works have commenced and yet I have an email from Planning (which I have attached for reference purposes) regarding the Cullion Road application referred to earlier which advises **that it is** as it is from a recognised Government body.
6. The Report refers to the "trial holes" and that these were only to assess ground conditions but does not refer to the garage foundations which are material to the development and were inspected on site by a Structural Engineer.
7. The most concerning content of the report is the paragraph stating "The applicant referred to a letter of advice surrounding the issue of commencement from Planning Service at the time he carried out works to his site however the Planning Authority throughout the processing of this case has **never** received this letter"

This is not correct and I have a response regarding this letter from the Director in charge of Planning and an acknowledgement of receipt from Mr Pat Rooney.

The letter referred to was actually part of an agents submission regarding Application LA07/2016/0075 at the last Committee Meeting and this application was subsequently approved.

At the last meeting as well regarding Application P/2015/0173 the letter was also referred to and this application was also subsequently approved. In the submission regarding this application reference was made to variations in the Conditions regarding site access at Outline and Reserved Matters stage and the application herewith has the same conflicting conditions.

I would now ask the Committee for their support in approving this "legacy " application bearing in mind the evidence provided and the precedent which has been set regarding other legacy applications. Applications of this nature are not all identical but are variations of the same theme.

Job No Misc

15th September 2008

Mr Martin Warde
Newry & Mourne Planning
Marlborough House
Central Way
Craigavon

Dear Martin

COMMENCEMENT OF WORKS ON SITE.

Due to the uncertain economic future a number of my clients have asked what 'commencement on site' means in regards to their 'Reserved Matters' approval. There are a number of options at present ranging from construction of access to laying of foundations.

Could you possibly advise if there is any planning legislation that defines the terminology.

I look forward to hearing from you.

Yours sincerely

Martin J. Bailie MCIAT



Your Ref:

Our Ref: FOI 19415

Being dealt with by:

Date: 26 September 2008

Mr Martin J Bailie MCIAT
 Martin Bailie Architectural Services Limited
 92 Newry Street
 Rathfriland
 Newry
 BT34 5PY

Divisional Planning Office

Marlborough House
 Central Way
 Craigavon
 BT64 1AD

Dear Mr Bailie

Thank you for your letter of 15 September 2008 requesting information about the commencement of development in relation to planning permission.

Every new planning permission is deemed to be subjected to a condition that development shall be commenced within five years or such other period as the planning authority may expressly impose. An outline planning permission has two timescales and the consent will require the submission of a further planning application for the approval of reserved matters within 3 years. Once the last of the reserved matters has been approved, there is usually a two year period within which the development must commence.

No definitive ruling can be given with regard to when development is commenced, as so much will depend on the facts of each case. However, development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Generally speaking the construction of an access or the layout of foundations, provided they are in accordance with the approved plans, would be sufficient to indicate that development had begun.

You should therefore satisfy yourself that a material start has been made in accordance with the above prior to the expiration of your planning permission.

I hope this is helpful.

Yours sincerely

IAN McALLISTER
 For Divisional Planning Manager



Martin Baillie

From: pat.rooney@nmandd.org
Sent: 20 January 2017 16:09
To: Martin Baillie
Subject: Re: FW: Commencement FAO Par Rooney.

Martin,

I can confirm that a copy of the letter was sent in by you, as stated in your e-mail.

The Planning Department was aware of the content of this letter. Apologies for the confusion and I hope this clarifies the matter.

Pat.
PG Rooney BA Hons, MSc Town and Country Planning, M.R.T.P.I.
Principal Planning Officer.

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

Newry Mourne & Down District Council
 O'Hagan House | District Council Offices | Monaghan Row | Newry BT35 8DJ
 Tel: (Council) 0300 013 2233
 Tel: (Planning) 0300 200 7830

www.newrymournedown.org
www.facebook.com/nmdcouncil
www.twitter.com/nmdcouncil

From:	"Martin Baillie" < info@martinbaillie.co.uk >
To:	< pat.rooney@nmandd.org >,
Date:	20/01/2017 12:37
Subject:	FW: Commencement FAO Par Rooney.

From: Martin Baillie [<mailto:info@martinbaillie.co.uk>]
Sent: 20 January 2017 12:05
To: 'Martin Baillie'
Cc: canice.o'rourke@nmandd.org; William.Clarke@downdc.gov.uk; gillian.fitzpatrick@nmandd.org
Subject: RE: Commencement FAO Par Rooney.

Pat,

I note that my application has been scheduled for the next Committee meeting. My statement will address the issues raised bearing in mind Committee decisions made regarding "legacy" applications of this nature but I am concerned about the content of the second last paragraph regarding the letter regarding advice I was given regarding commencement from planning Service at the time I carried out the works. The paragraph states "the Planning Authority throughout the processing of this case has **never** received this letter."

Below is a copy of email to yourself which is self evident. The letter was also commented on by Canice O'Rourke in correspondence to me and the subject of much correspondence.

I look forward to receiving your reply.

Martin Baillie

From: jacqui.mcparland@nmandd.org
Sent: 05 February 2016 17:15
To: info@martinbaillie.co.uk
Subject: LA07/2015/0203/F

Martin,

I refer to your letters dated the 27th and 28th January 2016.

In the case of P/2013/0433/F The DOE were able to utilise aerial photography taken from OSNI to establish development has commenced prior to the previous permission lapsing together with receipts which the agent and applicant had submitted. In the case of P/2013/0631/F the agent/ applicant was able to provide invoices and documentation from Roads Service (now transport NI) to established commencement. I would highlight to you that in both cases there were verifiable information from government agencies submitted for both. It is unusual that we have a site similar to yours in which the development commenced so long ago, and there are no building control records or other verifiable evidence submitted. As you can see above in the two cases that you have highlighted we have had evidence both in the form of invoices and receipts and from government agencies. The affidavits are required in order to give legal standing to the invoices.

In older cases it is quite common to ask to have the foundations exposed, especially if they have been covered over. In fact we have recently just inspected the same for P/2014/0975/F. Whilst it is accepted there are similarities, the question of whether development has commenced is a matter of fact and degree and based on the merits of each case. I would highlight that a recent refusal which issued also on a commencement issue is P/2015/0002/F.

The Council are seeking legal advice on the issue of commencement and I note your request that you wish the application to be taken as a refusal and that you have no intention of providing the affidavits. I would advise you that a decision will be taken once the legal advice has been received.

Regards

*Jacqueline McParland
Senior Planning Officer
Newry and Mourne Development Management Team
Newry, Mourne and Down District Council*

This e-mail, its contents and any attachments are intended only for the above named. As this e-mail may contain confidential or legally privileged information, if you are not, or suspect that you are not, the above named, or the person responsible for delivering the message to the above named, delete or destroy the email and any attachments immediately. The contents of this e-mail may not be disclosed to, nor used by, anyone other than the above named. We will not accept any liability (in negligence or otherwise) arising from any third party acting, or refraining from acting, on such information. Opinions, conclusions and other information expressed in such messages are not given or endorsed by the Council, unless otherwise indicated in writing by an authorised representative independent of such messages.

Please note that we cannot guarantee that this message or any attachment is virus free or has not been intercepted and amended.

The Council undertakes monitoring of both incoming and outgoing e-mails. You should therefore be aware that if you send an e-mail to a person within the Council it may be subject to any monitoring deemed necessary by the organisation.

As a public body, the Council may be required to disclose this e-mail (or any response to it) under UK Data Protection and Freedom of Information legislation, unless the information in it is covered by an exemption.

ITEM NO	5			
APPLIC NO	LA07/2015/0248/F	Full	DATE VALID	5/7/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Sean Fitzpatrick 163 Newcastle Road Kilkeel		AGENT	Quinn Design and Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY 4177 2377

LOCATION 261m North West of 36A Council Road
Kilkeel

PROPOSAL Erect 225kw wind turbine with a 40m high monopole and a 3 blade 13.5m radius rotor. Erect equipment room to serve turbine. Form hardcore access track.

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

- 1 The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland and policy RE 1 of Planning Policy Statement 18: Renewable Energy in that the proposed turbine would adversely affect the visual amenity and landscape character of the area in its own right, and in cumulation with the existing turbine approved under application P/2012/0745/F, and the wider environmental, economic and social benefits of the proposed renewable energy project are not considered to outweigh the visual objections to the scheme.
- 2 The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland and policy RE 1 of Planning Policy Statement 18: Renewable Energy in that it has not been demonstrated that it will not result in an unacceptable adverse impact on residential amenity at sensitive receptors by reason of noise from this turbine in cumulation with the existing turbine approved under application P/2012/0745/F.
- 3 The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6 of Planning Policy Statement 2: Natural Heritage in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the special character of the area by reason of its siting and scale.
- 4 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a full ETSU Noise Assessment is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0248/F

Date Received: 7th May 2015

Proposal: Erect 225kw wind turbine with a 40m high monopole and a 3 blade 13.5m radius rotor. Erect equipment room to serve turbine. Form hardcore access track.

Location: 261m North West of 36A Council Road, Kilkeel.
The site is located ¼ mile NE of Kilkeel.

Site Characteristics & Area Characteristics:

The site is located in the SE corner of a larger agricultural field. The field is relatively flat and fronts onto Council Road to the north. It is bounded by low Mourne Granite boulder walls with some sparse hedging to the eastern boundary and a more dense area of gorse beyond the site to the south. The turbine will be approximately 55m back from the road. There is an existing turbine on the holding 225m to the SW. The turbine will be visible over a wide area given the low-lying nature of the landscape and the lack of vegetative screening. The turbine will appear especially prominent in the immediate area including from Lisnavale, Newcastle Road, Council Road, Carrigenagh Road and Anthony's Road. However it will also be visible over much of the Mourne coastal plain from as far away as Head Road 4 miles to the north.



The site is located in a rural area just to the NE of Killeel. The site is outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015 but is within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. The site sits on a relatively flat coastal plain between the Mourne Mountains and the Irish Sea. The main land uses in the surrounding area are agriculture and residential.

Site History:

There have been no previous planning applications on the site. The nearby turbine owned by the same applicant is on a 40m pole with a 13.5m radius rotor. It was approved under application P/2012/0745/F on 30th May 2013. It is located approximately 200m SW of the site now applied for and gives a good indication of the scale of the current proposal.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- PPS18 – Renewable Energy
- PPS18 Best Practice Guidance
- Wind Energy Development in Northern Ireland's Landscapes

Consultations:

Arqiva – No objection

Belfast International Airport – No objections

BT – No objections

Civil Aviation Authority – Standard advice

Defence Infrastructure Organisation – No objections

Environmental Health – A simplified noise assessment was submitted with the application. However, given that this would be a second wind turbine in the immediate area, Environmental Health requested a Full ETSU Noise Assessment to consider the cumulative noise impact of the turbines on surrounding sensitive receptors. The agent objected to this request and a full noise assessment including background noise data has not been provided. Therefore it has not been demonstrated that there will be no unacceptable adverse impacts on sensitive receptors.

National Air Traffic Services – No objections

NIEA – Standing Advice on groundwater. A Bat survey was requested. This was submitted on 16th October 2015 and identified no potential impacts on local bat populations. NIEA are now content subject to standard informatives.

NI Electricity – Standard safety advice

NI Water – No objections

Ofcom – One fixed link operated by BT was identified. BT was subsequently consulted and returned no objections.

PSNI – No objections

TransportNI – No objections

Objections & Representations:

The application was advertised in local papers on 27th May 2015. There were no notifiable neighbours under Article 8 (1)(b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015. No objections or representations were received. The red line was amended to show access to the site on 31st March 2016, though as this only related to a change within the same field and did not affect the public road, the nature of the proposal or any third parties, it was not considered necessary to re-advertise the application.

Consideration and Assessment:

The main issues to be considered are the benefits of renewable energy generation, visual impacts on the landscape and Mourne AONB, impacts on natural heritage and implications for residential amenity and communication networks.

The proposal exceeds the threshold of Category 3(J) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. The Council was required under Regulation 10 to make a determination as to whether the proposal was for EIA development. Following an extensive consultation process, it was determined on 28th August 2015 that an Environmental Statement would not be required as the environmental effects were not likely to be significant.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan, and is unzoned. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS18.

The SPPS (paragraph 6.224) operates a broadly similar approach to PPS18 for renewable energy schemes, though 'appropriate' rather than 'significant' weight is to be given to the environmental, economic and social benefits of renewable energy (paragraph 6.225). With that exception, and since the SPPS is generally less prescriptive, the retained policy of PPS18 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. This proposal is assessed against the five main criteria of policy RE1 of PPS18 as follows:

- (a) There will be no adverse impacts on public safety. The turbine is at sufficient distance from public roads in the case of fall over. TransportNI has no objections under PPS3 to the use of the existing access point from Council Road and its extension to the site. The main issue for consideration here is noise from the

turbine. The nearest dwelling is the applicant's brother's house 260m east of the site and a letter has been submitted to confirm that this occupier has a financial interest in the project. Other surrounding NSRs are between 400 – 500m away. A simplified noise assessment was submitted with the application. During processing it was agreed that a nearby planning application for a new dwelling (P/2015/0002/F) should be excluded from the noise assessment as the previous permission on the site had lapsed. This was confirmed by its dismissal at appeal on 27/06/2016 (Appeal Ref: 2015/A0193). However, given that this would be a second wind turbine in the immediate area, Environmental Health requested a Full ETSU Noise Assessment to consider the cumulative noise impact of the turbines on surrounding sensitive receptors. The agent objected to this request and a full noise assessment including background noise data has not been provided. Therefore it has not been demonstrated that there will be no unacceptable adverse impacts on residential amenity or human health at sensitive receptors.

- (b) There are no visual concerns with the ancillary equipment room or access track. The remainder of this assessment will focus on the turbine itself. The existing turbine to the SW gives a good indication of the visual impact the proposal would have in the local landscape. It is extremely prominent over a wide area of the Mourne coastal plain as the flat landscape and comparative lack of vegetative field boundaries means there is little or no natural screening. The NIEA document, *Wind Energy Development in Northern Ireland's Landscapes* provides guidance on the types of wind development that can be generally accommodated in each of Northern Ireland's landscape character areas. This site is at the southern edge of LCA 74 – Kingdom of Mourne. It has high sensitivity to wind energy development. The document refers to the area's open landscape and its distinctive field pattern and states that this pattern is highly sensitive to physical and visual disruption particularly by development which is comparatively large and out of scale. The existing turbine appears as such a structure which disrupts the natural appearance and scale of the landscape. It will be a prominent feature in the immediate area including from Lisnavale, Newcastle Road, Council Road, Carrigenagh Road and Anthony's Road. However it will also be visible over much of the Mourne coastal plain from as far away as Head Road 4 miles to the north – see photos below. As there is no means of integration by landform or vegetation, and little backdrop, the Council considers that the visual amenity and landscape character of the area would be detrimentally harmed by a further turbine at this location. The existing turbine is not considered a precedent or justification for the proposal as the decision was taken by a different planning authority and it is difficult to reconcile that decision with the prevailing policy context. We can only conclude that 'significant' weight was given to the environmental, economic and social benefits of renewable energy and that this was judged to outweigh the visual concerns. As the weight to be attached to these matters is now 'appropriate' rather than 'significant' following the introduction of the SPPS, the Council considers that the acknowledged renewable energy benefits of the scheme (providing power to approximately 145 houses) would not outweigh the further harm that would be done to the landscape character of this area which functions as the setting of Northern Ireland's highest mountain range, the Mourne. It would not be in the public interest to perpetuate poor planning decisions and the change in wording of the policy means that it is now appropriate to apportion the weight given to various material considerations

differently. Accordingly, the proposal should be recommended for refusal on visual grounds.



From Anthony's Road



From East Council Road



From Carrigenagh Road



From Lisnavale



From Newcastle Road



From Head Road

- (c) Wind turbines can potentially impact on protected species including birds and bats. These species tend to use linear features such as hedgerows as foraging routes. The turbine base is 20 metres from the nearest linear feature, a field boundary to the south. At this distance a bat survey was required. This was submitted on 16th October 2015 and identified no potential impacts on local bat

populations. NIEA are now content subject to standard informatives. There are no nearby built heritage features that would be adversely affected.

- (d) The turbine should not harm local natural resources such as air or water quality. NIEA Waste Management Unit assessed the proposal and provided standard advice on groundwater. The site is at sufficient distance from any watercourse or water supply, so further investigation as part of the planning process is not required.
- (e) The turbine is to be located within private farmland and it will not affect public access to the countryside.

The proposal has also been assessed against the specific requirements for wind energy development as follows:

- (i) The size, scale and siting of the proposed turbine will have an unacceptable impact on visual amenity and landscape character as discussed above. Policy NH6 of PPS2 is also relevant in considering the visual impact of the turbine as the site is within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. The AONB designation reflects the public amenity value of a wide area and its importance to the tourism industry. The planning system aims to preserve the visual appeal of these areas and protect them from inappropriate development. This proposal is not of an appropriate size and scale for this sensitive area and it will harm the special character of the area in views from across the Mourne coastal plain. Refusing the proposal on these grounds is in keeping with a recent appeal decision (2013/A0045) relating to a proposed turbine on the opposite side of Killeel. As in that decision, this proposal fails to respect the sensitivity of the landscape and would adversely alter the character of the landscape. The visual objections to the proposal are determining.
- (ii) The applicant has an existing turbine 200m SW of this site. It has a 40m tower and 27m rotor diameter. While two turbines in a local area would not always cause concern regarding their cumulative impact, the exposed nature of the landscape at this location is such that together, they would have an adverse cumulative visual impact, being completely out of scale with the fine-grained field pattern and scale of nearby buildings. A second turbine in close proximity to the first would heighten the perception of them both and dominate views in the landscape in a way that the existing single one does not. The proposal should be refused on the basis of cumulative impact.
- (iii) This is a relatively flat site in a lowland landscape, so there is no risk of landslide or bog burst.
- (iv) Various organisations were consulted to establish whether the proposal would cause unacceptable electromagnetic interference. There have been no objections from Arqiva, Belfast International Airport, British Telecom, Civil Aviation Authority, Defence Estates, National Air Traffic Services, NI Water, OFCOM or PSNI.
- (v) The development will not impact on road, rail or aviation safety following advice from the consultees listed above. If approved, a condition would be attached to ensure that an aviation warning light is installed at the highest point of the hub.
- (vi) As discussed above, the agent has failed to provide a full ETSU noise assessment based on the impact of the two turbines in proximity to sensitive

receptors. The proposal should be refused on this basis, as well as on failure to supply necessary information. There is only one dwelling within the theoretical area that could be affected by shadow flicker from the turbine and this is the applicant's brother's house which has a financial interest in the project. Therefore a shadow flicker assessment was not requested. It is unlikely that ice throw or reflected light will be an issue at this location.

- (vii) If approved, a condition could be attached to ensure that any above-ground redundant plant will be removed and the site restored within 6 months of the operational use of the turbine for electricity generation ceasing.

The environmental benefits of this clean energy project are acknowledged, but in this case the Council cannot accept that they outweigh the harm that a second turbine in a small area would cause to views in the landscape and within the Mourne Area of Outstanding Natural Beauty. The scheme is contrary to policy RE1 and paragraph 6.224 of the SPPS and policy NH6 of PPS2 and should be refused.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland and policy RE 1 of Planning Policy Statement 18: Renewable Energy in that the proposed turbine would adversely affect the visual amenity and landscape character of the area in its own right, and in cumulation with the existing turbine approved under application P/2012/0745/F, and the wider environmental, economic and social benefits of the proposed renewable energy project are not considered to outweigh the visual objections to the scheme.
2. The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland and policy RE 1 of Planning Policy Statement 18: Renewable Energy in that it has not been demonstrated that it will not result in an unacceptable adverse impact on residential amenity at sensitive receptors by reason of noise from this turbine in cumulation with the existing turbine approved under application P/2012/0745/F.
3. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6 of Planning Policy Statement 2: Natural Heritage in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the special character of the area by reason of its siting and scale.
4. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a full ETSU Noise Assessment is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- brendanfrancisquinn@yahoo.co.uk

Statement in support of planning application
LA07/2015/0248/F

Proposal: Erect 225kw wind turbine with a 40m high
monopole and a 3 blade 13.5m radius rotor.
Erect equipment room to serve turbine. Form hardcore
access track.

Location: 261m North West of 36A Council Road
Kilkeel

Applicant: Sean Fitzpatrick

Acoustic Designs

4 Turlough Gardens, Fairview,
Dublin D03 Y0V0, Ireland
Phone : +353 (0)1 8376693
www.acoustic-designs.com

Quinn Design & Engineering Services,
36 Carrogs Road,
Burren, Warrenpoint
Co. Down, BT34 3PY

24 January 2017

Re: LA07/2015/0246/F Single Wind Turbine

Mr. Quinn,

Thank you for forwarding the planning report from Newry, Mourne and Down District Council regarding the proposed wind turbine at 261m NW of 36A Council Road, Kilkeel. I would like to respond to the comments in the report in relation to noise.

A noise assessment, dated March 2015, was carried out by me on behalf of the applicant and I understand this was submitted with the application. Newry, Mourne and Down District Council Environmental Health Department requested an additional noise assessment. I advised the applicant that the noise report from March 2015 fully complied with the requirements of ETSU-R-97 and that an additional noise assessment was not required.

The noise report, dated March 2015, showed that the noise from the proposed wind turbine, assessed cumulatively with noise from a neighbouring approved wind turbine, is in full compliance with the noise assessment criteria specified in ETSU-R-97. It would be a pointless waste of time and money to undertake a full ETSU-R-97 noise assessment with a background noise survey at the site of the proposed wind turbine since the proposed wind turbine has already met the ETSU-R-97 noise criteria and ETSU-R-97 states that “*this condition alone would offer sufficient protection of amenity*”.

ETSU-R-97 - *The Assessment & Rating of Noise from Wind Turbines* has been endorsed in Northern Ireland and provides guidance for the assessment of noise from wind turbines. This provides a methodology for predicting, assessing and rating the noise from wind turbines. The methodology rates the noise from wind turbine(s) relative to the background noise. However, it also provides for

Acoustic Designs

a simplified approach, based on fixed noise limits. ETSU-R-97 states that;

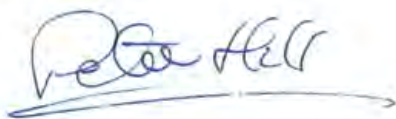
"if the noise is limited to an $L_{A90,10min}$ of 35dB(A) up to wind speeds of 10 m/s at 10m height, then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary."

"...both day- and night-time lower fixed limits can be increased to 45dB(A) ...where the occupier of the property has some financial involvement in the wind farm"

The cumulative noise from the proposed wind turbine and the neighbouring approved wind turbine fully comply with these criteria.

Please let me know if you have any further queries, if you would like to discuss any of these issues further or if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Peter Hill". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Dr Peter Hill BA BAI MSc PhD MIOA MAES

Background

The applicant has an existing wind turbine which is identical to the one now proposed. The existing turbine was approved through planning reference P/2012/0745/F and is located 216m south west of the proposed siting.

The proposed turbine will have a 40m high monopole and a 3 blade 13.5m radius rotor. At its highest, the turbine will measure 53.25m from ground level.

Refusal Reasons 2 & 4. Noise.

The potential for a wind turbine to cause noise nuisance is regulated by a document called ETSU-R-97. This document is used by District Councils and wind farm designers throughout England, Wales, Scotland and Northern Ireland.

Compliance with ETSU-R-97 can be demonstrated in 2 ways.

1. **The Simplified Assessment.** Using noise data provided by the turbine manufacturer, an acoustic consultant can work out the noise level that will be created by a turbine or turbines at non associated dwellings/sensitive receptors. As long as the noise level created by 1 or more turbines at a non associated dwelling is predicted to be under 35db, the requirements of ETSU-R-97 are met and there should be no issue.
2. **The Full Assessment.** ETSU-R-97 also allows an acoustic consultant to monitor background noise levels on the proposed site at differing wind speeds for a period usually extending to 3 weeks. Once the monitoring is completed, the results are used along with noise levels provided by the turbine manufacturer to predict how noisy a wind turbine or wind turbines will be at the non associated dwellings. In circumstances where a full assessment has been undertaken, ETSU-R-97 permits a turbine or turbines to create a noise level 5db above background noise level at a non associated dwelling.

This application was accompanied by a Simplified Assessment prepared by Dr Peter Hill which confirms that the noise level from the existing and proposed turbines will not be above 35db at any non associated dwelling.

The noise level at no 36a was predicted to be above 35db. The applicant's brother, Peter Fitzpatrick, who owns and occupies no 36a has provided a letter confirming he will be financially involved with the scheme. The

Council's Environmental Health (EHD) and Planning Departments appear happy with this arrangement.

The Council's EHD has requested that we provide a Full Assessment as set out above. Their only reason for asking for this assessment stems from the fact that there is already 1 existing turbine on the site.

I have spoken to Sheena Mc Eldowney of the EHD in relation to this matter. Her reasoning for asking for the Full Assessment was not backed up by quotations/extracts from ETSU-R-97. As stated above it appears that the EHD have simply requested another noise assessment to confirm the correctness of the noise assessment already submitted.

The Council's EHD reasoning comes across as being ultra cautious and unreasonable.

Dr Hill is extremely well qualified and experienced in the assessment of noise from wind turbines, furthermore, he is affiliated with several professional bodies. He has written to the Council and spoken to Sheena Mc Eldowney. He agrees that the Council's EHD has absolutely no basis to request the Full Assessment as he has already demonstrated that the noise from the 2 turbines will not breach the threshold set out by the ETSU-R-97 document.

Dr Hill has provided me with a letter which is attached. The letter sets out his stance on the issue of noise. I have also attached the noise report as submitted with the application.

In short, there are 2 ways we can demonstrate that a wind turbine will not cause noise nuisance. We have used 1 of the 2 methods; however, the Council's EHD staff wants us to use the second option.

What does the preparation of the Full Assessment entail?

Carrying out the Full Assessment will cost in the region of £4000. On top of this the applicant would need to turn off the existing turbine for 3 weeks to facilitate the background noise monitoring. £4000 + 3 weeks lost earnings from the existing turbine totals to a very significant amount of money.

The Council, if minded to approve this application can simply impose a planning condition stating that the noise generated by both turbines at the closest existing non associated dwelling must not exceed 35db. Such a condition would be reasonable, precise and most important, it would be enforceable.

We respectfully contend that the acoustic report already submitted confirms that the noise from the proposed turbine when combined with the noise from the existing turbine will not exceed the levels permitted by ETSU-R-97. As such I would ask the Planning Committee to set aside refusal reasons 2 & 4.

Refusal Reason 1. Visual Impact & Cumulative Impact.

Applications for wind turbines are considered using several policy or advisory documents including:-

- Planning Policy Statement 18 (PPS 18)
- The Strategic Planning Policy Statement (SPPS)
- Best Practice Guidance to Planning Policy Statement 18 &
- Wind Energy Development in Northern Ireland's Landscapes.

With the exception of 1 word, the advice in the relative paragraphs in the SPPS are broadly similar to the advice in Policy RE1 in PPS18.

The Case Officer in the case of this application has advised that the relevant paragraphs in the SPPS are "*generally less prescriptive*" than Policy RE1 of PPS18. The Case Officer has however "*cherry picked*" some text from the SPPS which supports his contention that the application should be refused on the basis of visual impact and in doing so has ignored the text in Policy RE1 which supports an approval.

For example, the Case Officer suggests that ***appropriate*** rather than ***significant*** weight should be given to the environmental, economic and social benefits of renewable energy. The word "*appropriate*" was taken from the SPPS. The Case Officer then continues to use PPS18 substituting the word *appropriate* for the word *significant* where it suits.

Planning Officers shouldn't "*cherry pick*" words from policies nor should they re-write policy as they see fit. They need to apply all aspects of a policy to an application.

Page 17 of The Best Practice Guidelines to PPS18 includes the table overleaf which sets out how a wind turbine (or turbines) should be perceived in the landscape.

General Perception of a Wind Farm in an Open Landscape:

Up to 2kms	Likely to be a prominent feature
2-5kms	Relatively prominent
5-15kms	Prominent in clear visibility - seen as part of the wider landscape
15-30kms	Only seen in very clear visibility - a minor element in the landscape.

The table accepts that for up to 2 km, a wind turbine is likely to be a **prominent feature** in the landscape. Furthermore when viewed from points between 2 & 5km turbines can be **relatively prominent** in the landscape. Lastly, when viewed from distances between 5 & 15km, a turbine can be **prominent** in clear visibility.

The Case Officer has completely ignored this advice. He advises the turbine "*will be a prominent feature in the immediate area including from Lisnavale, Newcastle Road, Council Road, Carrigenagh Road and Anthony's Road*".

Each one of these locations is less than 2km from the proposed turbine. Lisnavale is 300m from the existing turbine and 500m from the proposed turbine.

Of the 6 locations where the Case Officer has photographed the existing turbine, 5 are within 1km of the existing turbine.

In short the visual impact of a turbine when viewed from distances under 2km should not form a significant part of the Council's consideration in relation to visual impact.

When viewed from Moyad Road, Head Road and the roads linking Head Road to the A2, the turbine is not a significantly prominent feature in the landscape. At these distances one has to look for the turbine as it can be difficult to differentiate the monopole from the countless NIE and BT poles that occupy the landscape. Furthermore, topography, roadside hedges/banks and buildings hide much of the turbine from countless stretches of road. The table on the previous page permits a turbine to be relatively prominent at distances between 2 & 5km. I would contend that at distances between 2 & 5km, the turbine is not a prominent feature in the landscape.

The Case Officers assessment of the proposed visual impact was based on the visual impact of the existing turbine. He advises that the existing turbine is "*extremely prominent over a wide area of the Mourne Coastal Plain as the*

flat landscape and comparative lack of vegetative field boundaries means there is little or no natural screening”.

The existing turbine is just over 53m tall. Reading the Officer's report one would be forgiven for believing that un-interrupted views of the turbine are available from all vantage points between Kilkeel & Newcastle and between the A2 and Head Road. This is certainly not the case.

For example, travelling east on the A2, which is the most heavily trafficked road in the area, the existing turbine is visible intermittently for a 1.2km stretch of road starting at the junction with Ballykeel Road which is on the Kilkeel side of Ballymartin. For significant stretches of this 1.2km section of the A2, only the top half of the monopole and the blades are visible with the lower half of the pole hidden by topography, buildings and high roadside stone walls, hedges or grass banks.

Travelling in the opposite direction, with the exception of some glimpses between buildings, the turbine is not visible until a road user has exited the built up area and driven into the countryside. From this point a road user is only 600m from the turbine. Again the lower section of the monopole is hidden by topography, buildings and high roadside stone walls, hedges or grass banks.

The screening offered by high roadside walls, trees, hedges and buildings prevents and/or reduces views of the turbine from the A2, yet, the officer's report would lead one to believe that un-interrupted views of the turbine are available from most points on the coastal plain.

It is accepted that the existing turbine is visible from Head Road and some of the roads running from Head Road towards the shore, however these vantage points are between 2 & 4 km from the proposed turbine at which point its visual impact is very greatly reduced due to the distances involved.

The officer alleges that the existing turbine can be viewed “*from as far away as Head Road 4 miles to the north*”.

The closest part of Head Road which is located 4 miles from the existing turbine is located 435m north east of the junction of Head and Oldtown Roads. This point is in a natural hollow and none of the turbine is visible.

Factual mistakes are not helpful.

The officer mentions appeal 2013/A0045 which proposed a similar turbine on the southern headland at Cranfield Point. He places much weight in the fact that appeal which proposed a turbine in the AONB was un-successful.

At paragraph 9 the commissioner advises *"I agree with the Department that Cranfield Point is an important feature in the landscape. It marks the entrance to Carlingford Lough and is highly visible from both land and sea. Even taking into account its reduced dimensions, the proposed turbine would be unacceptably prominent, conspicuous, and would have a significant impact on visual amenity by dint of its scale and siting on an open and exposed headland"*

This appeal wasn't unsuccessful simply because the site was in an AONB, rather, it was un-successful as the Commissioner agreed with Planning service that Cranfield Point was a very important feature in the landscape etc etc.

In stark contrast, the siting proposed through this application is set over 1.5m km from the coast.

The officer is critical of the fact that the proposed turbine will not have a *backdrop* when viewed from some points on the road network above/north of the turbine. When considering appeal 2011/A0243 commissioner D Mc Shane pointed out at paragraph 12 of his decision *"Policy and guidance make no requirement for a turbine to have a backdrop and Paragraph 1.3.18 of the BPG recognises that such development will by its very nature be visible and distinctive"*. Copy of decision attached.

The Existing Approval

The Case Officer has taken the view that the approval granted by Planning Service for the existing turbine was a **mistake**. He states *"it is difficult to reconcile that decision with the prevailing policy context"*. He continues to rationalise that the existing approval could only have been granted if Planning Service elevated the benefits of wind energy against the potential visual impact of the new turbine.

From reading the Case Officer's Report for the existing turbine, it is very clear that the officer considered the impact of the turbine from the A2 and the surrounding minor road network. The officer advises *"The proposed turbine measures 40m to hub and 54.5 metres from the ground including blade length. This is will be visible from the main A2 especially when travelling to Kilkeel from Newcastle and along a number of the surrounding minor roads. However, it is not thought this proposal if it were approved*

would cause demonstrable harm to the Area of Outstanding Natural Beauty".

From the above it is clear that the previous planning authority were content with their decision to approve furthermore they were content that the new turbine would not harm the AONB.

The Case Officer for this application refers to the NIEA publication "Wind Energy Development in Northern Ireland's Landscapes". The NIEA document advises that the host area has a "high to medium" sensitivity to wind energy development.

The document advises that care should be taken to avoid adverse impacts on the extremely sensitive, visually prominent and open, exposed upper slopes, on shorelines....

The proposed site is not located on the shore nor an open or exposed upper slope. Furthermore, it is located sufficiently distant from these areas to prevent its presence having a detrimental impact.

Cumulative Impact.

The reasoning behind the cumulative impact aspect of refusal reason no 1 can be simply described as follows.

The Planning Department don't think the existing turbine should have been approved + they have concerns re the visual impact of the existing and proposed turbines.

From a practical visual point of view, is it not better to group turbines together in small groups instead of having single turbines dotted across the landscape?

Anyone viewing the existing turbine will see 2 turbines side by side in the same view.

I would therefore contend that the cumulative impact aspect of refusal reason 1 is not well founded.

Refusal Reason 3, Special Character Of The AONB

The Planning Department alleges that the proposal would be contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage.

If the Planning Committee are minded to remove/over turn the refusal reasons relating to visual impact and cumulative impact they would do so safe in the knowledge that the turbine will not cause significant harm to the AONB in terms of visual impact.

A proposal which does not cause significant harm to the landscape can not affect the special character of the AONB, therefore refusal reason 3 could also be set aside/over turned.

How Can The Committee Approve This application?

From spectating and taking part in recent planning committee meetings, it is very readily apparent that the Council's Senior Planning Officer and the Council's Legal Advisor require Committee members to provide substantial planning reasons as to **WHY** an application should be approved contrary to the Planning Department's recommendation to refuse.

If minded to approve this application, the committee can record the following in the minutes of the meeting:-

- The noise assessment already submitted demonstrates that the noise levels created by the existing and proposed turbines will not exceed the threshold at sensitive receptors as set out in ETSU-R-97. A precisely worded condition could ensure amenity protection at any sensitive receptor.
- In sufficient weight has been given to the advice in the Best Practice Guidance Notes which confirm that turbines will be a prominent feature in the landscape when viewed from distances up to 2km.
- In sufficient weight has been given to the advice in the Best Practice Guidance Notes which confirm that when viewed from distances between 2 & 5km, turbines can be a relatively prominent feature in the landscape.
- The officer's report wrongly advises that the turbine can be seen from 4 miles away on Head Road.
- Cumulative impact is not an issue as only 2 turbines will be visible side by side at any one time.

- In sufficient weight has been apportioned to the benefits of wind energy.

I would like to thank the Council for the opportunity to speak in support of the application.

Brendan Quinn
BSc Hon's
ICIOB

Acoustic Designs Ltd.

4 Turlough Gardens, Fairview, Dublin 3
Phone : +353 (0)1 8376693
www.acoustic-designs.com

235

Single Wind Turbine Noise Assessment

Council Road, Kilkeel

Author : Dr. Peter Hill

Date : March 2015

1 Introduction

Acoustic Designs were engaged to provide a simplified assessment of the predicted noise from the proposed single wind turbine to be located 55m south of Council Road, Killeel Co. Down as shown on the location plan in the Appendix.

This noise assessment has been carried out in accordance with ETSU-R-97: *The Assessment and Rating of Noise from Wind Farms* (Sept 1996), having due regard to the Institute of Acoustics: *A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise* (May 2013) and its Supplementary Guidance Notes. These will be referred to in the course of this document as ETSU-R-97 and the IOA Guide respectively.

2 Noise Sources and Locations

There is an existing wind turbine (Turbine 1) located approximately 216m to the south west (see location plan in the Appendix). The existence of more than one wind turbine requires that the cumulative noise from all wind turbines is assessed.

Both the proposed wind turbine and the existing wind turbine are Vestas V27. The manufacturers noise data for this turbine is included in the Appendix. This data sheet gives the sound power levels (L_w) for the turbine for windspeeds between 6 m/s to 10 m/s. It also gives a value for the confidence level $\kappa = 1.14$. Thus we get a corrected value for the sound power of the turbine¹

Table 2.1 Sound power levels for proposed turbine – corrected for uncertainty.

	6 m/s	7 m/s	8 m/s	9 m/s	10 m/s
$L_{WA} + k$	96.4	97.3	98.4	99.1	99.7

¹ Following Example 4 of the IoA Supplementary Guidance Note 3.

Four noise sensitive receptors (NSR) were identified that may be affected by the noise from the proposed turbine. These are marked on the plan in the appendix. The distance from each turbine to each NSR is shown in Table 2.1

Table 2.1 Distance in meters from each turbine to each noise sensitive receptor

	Turbine 1	Turbine 2
NSR 1	292	507
NSR 2	437	261
NSR 3	435	430
NSR 4	390	505

3 Calculated Noise Levels

The noise level from each wind turbine at each noise sensitive receptor has been calculated for the range of wind speeds (6m/s to 10m/s) for which sound power level (SWL) data is available for both turbines. The calculations have been carried out in accordance with the methodology of ISO 9613-2 *Attenuation of sound during propagation outdoors* as specified ETSU-R-97.

$$L_{p(DW)} = L_w + D_c - A$$

where $L_{p(DW)}$ is the down wind sound pressure level, L_w is the sound power level of the source, D_c is the directivity correction (=0 for point source in free space) and A is the attenuation. A further -2 dB correction is applied to convert SPL to L_{A90} in accordance with ETSU-R-97. The attenuation A in turn is defined as

$$A = A_{div} + A_{atm} + A_{gr} + A_{bar} + A_{misc}$$

where,

1. A_{div} is the geometric divergence = $20 \log (d/d_0) + 1$
2. A_{atm} is the atmospheric absorption = $\alpha d/1000$
3. A_{gr} is the ground effect (ground factor $G=0.5$)²

2 Following IoA Good Practice Guide 4.3.4

4. A_{bar} is the barrier attenuation (not used here)
5. A_{misc} is other sources of attenuation (not used here)

This gives the sound pressure levels at each of the noise sensitive receptors for the proposed wind turbine

Table 3.1 Calculated sound pressure levels (L_{A90}) at each receptor for the proposed turbine

Receptor	6 m/s	7 m/s	8 m/s	9 m/s	10 m/s
NSR 1	23.5	24.4	25.5	26.2	26.8
NSR 2 *	32.1	33.0	34.1	34.8	35.4
NSR 3	25.6	26.5	27.6	28.3	28.9
NSR 4	23.6	24.5	25.6	26.3	26.9

Taking the noise from the existing wind turbine also into consideration gives the calculated cumulative noise levels at each noise sensitive receptor.

Table 3.2 Calculated sound pressure levels (L_{A90}) at each receptor for the cumulative noise from the existing and the proposed wind turbines.

Receptor	6 m/s	7 m/s	8 m/s	9 m/s	10 m/s
NSR 1	31.2	32.1	33.2	33.9	34.5
NSR 2 *	32.9	33.8	34.9	35.6	36.2
NSR 3	28.6	29.5	30.6	31.3	31.9
NSR 4	28.5	29.4	30.5	31.2	31.8

* NSR 2 has financial involvement in the proposed wind turbine project.

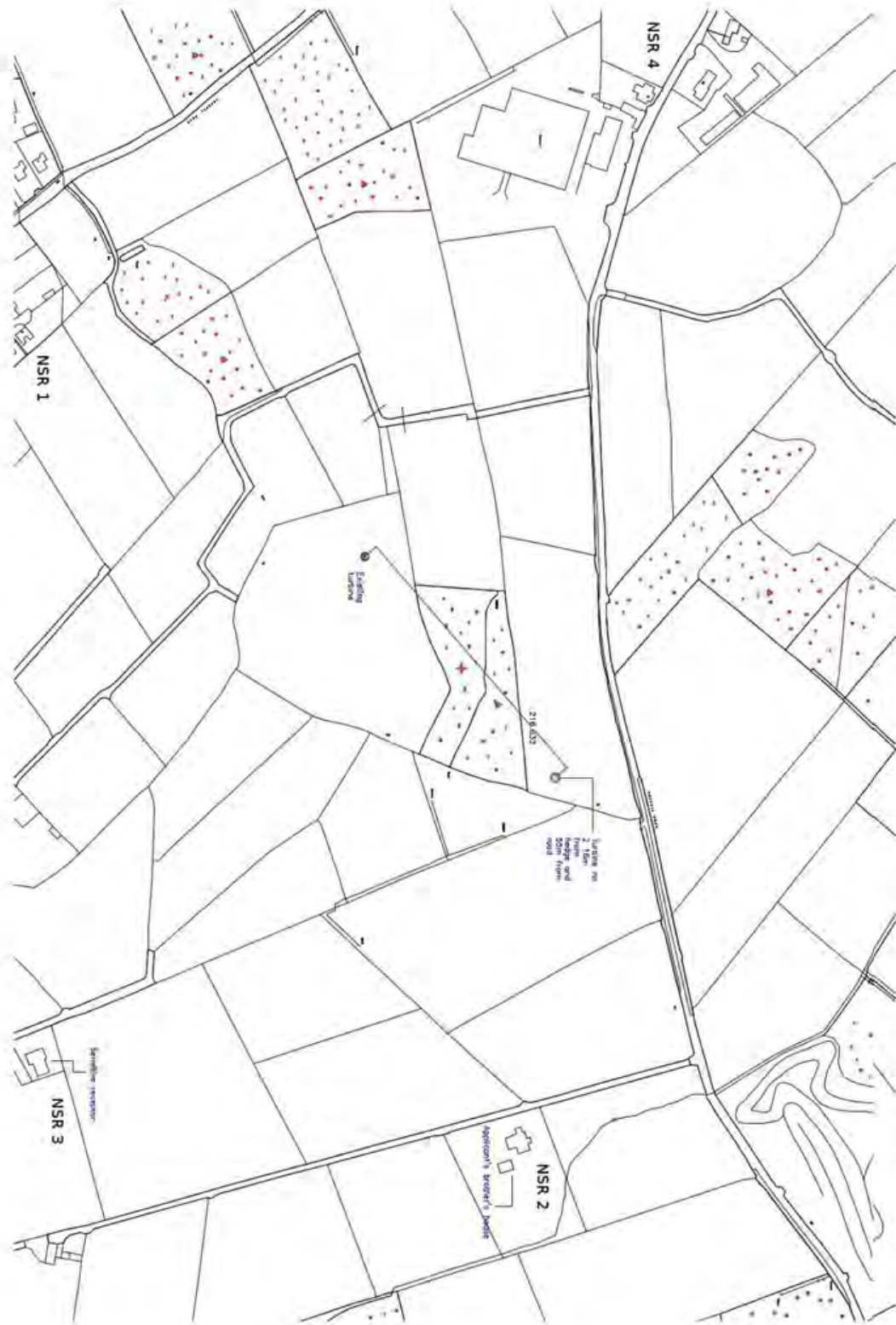
ETSU-R-97 states that “if the noise is limited to an $L_{A90,10min}$ of 35 dB(A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection of amenity” Tables 3.1 and 3.2 show that the calculated sound pressure levels meet this criteria at the closest noise sensitive receptors, apart from where there is financial involvement in the proposed project.

Appendices

Glossary of Technical Terms

A-weighting	Frequency weighting applied to sound measurements intended to mimic the frequency sensitivity of the human ear at low to moderate noise levels. Denoted by A
L_{Aeq}	Equivalent continuous A-weighted sound pressure level of a steady sound that has, over a given period, the same energy as the fluctuating sound being measured. Units dB re $20\mu\text{Pa}^2$
L_{A90}	The A-weighted mean square sound pressure level with fast weighting that is exceeded for 90% of the duration of a measurement. Units dB re $20\mu\text{Pa}^2$ This is normally taken to be the background noise level.
L_{Amax}	The maximum A-weighted sound pressure level with fast time weighting throughout the measurement period. Units dB re $20\mu\text{Pa}^2$
L_{Amin}	The minimum A-weighted sound pressure level with fast time weighting over a one second time period throughout the measurement period. Units dB re $20\mu\text{Pa}^2$
SWL/ L_w	Sound Power Level. Rate of acoustic energy emitted by a specified sound source. Units dB re 1pW

Location Map



Wind Turbine Noise Data

Parameters of evaluation / Auswerteparameter:

H = 50.0 m d = 1.88 m η_A = 0.0 m P_{rated} / P_{Nenn} = 0.23 MW
 D = 27.0 m z_0 = 0.050 m R_0 = 51.0 m $V_{H(95\%)}$ = 12.60 m/s
 stall control / passive Leistungsregelung: No

Measurement conditions / Messbedingungen:
 temperature / Temperatur = min. 30.8°C, max. 35.0°C air pressure / Luftdruck = min. 963.3 hPa, max. 985.7 hPa
 $V_{H(95\%)} = 12.98$ m/s $V_{10m(95\%)} = 9.96$ m/s range of the wind direction / Windrichtungsbereich = 237° - 278°

Results / Ergebnisse:

$V_{10m(95\%)}$ standardised = 9.66 m/s
 $P_{95\%}$ = 0.214 MW
 K = 1.14
 average turbulence intensity / mittlere Turbulenzintensität = 28.5 %

Table 1: uncertainty / Tabelle 1: Messunsicherheiten


V_{10m} [m/s]	U_A [dB]	U_{eq} [dB]	U_C [dB]
6	0.37	0.80	1.0
7	0.39	0.80	1.2
8	0.47	0.80	1.2
9	0.47	0.80	1.2
10	0.34	0.80	2.0

Table 2: results L = f(V_{10m}) / Tabelle 2: Ergebnisse L = f(V_{10m})

V_{10m} [m/s]	$L_{eq,z}$ [dB]	L_n [dB]	$L_{Aeq,z}$ [dB]	$L_{Aeq,e}$ [dB]
6	54.3	49.8	53.0	95.3
7	55.3	50.8	54.0	96.2
8	56.3	51.8	55.0	97.3
9	57.1	52.9	55.8	98.0
10	57.7	53.9	56.4	98.6

Table 3: results L = f(V_{10m(95%)}) / Tabelle 3: Ergebnisse L = f(V_{10m(95%)})

$V_{10m(95\%)}$ [m/s]	$L_{eq,z}$ [dB]	L_n [dB]	$L_{Aeq,z}$ [dB]	$L_{Aeq,e}$ [dB]
9.66	57.5	53.6	56.2	98.4



GL Garrad Hassan

RRB Energy Ltd. V27-225kW

Results / Ergebnisse

Site / Standort: Kalyanin, India
 WTGS-SNo. / WEA-SNr. 1751
 Mode / Modus 225 kW
 Date of meas. / Messdatum 2012-07-05
 Standard / Messung: IEC 61400-11 Ed. 2.1
 Averaging / Mittelung: 60 sec.
 In charge / Bearbeiter: Dipl.-Ing. Philip Schmedel



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

242

Appeal Reference:	2013/A0045
Appeal by:	Mr Brian Patterson against the refusal of full planning permission.
Development:	Wind turbine, 24m hub, 24m rotor
Location:	230m west of No. 66 Windmill Road, Kilkeel
Application Reference:	P/2011/0885/F
Procedure:	Written Representations and Commissioner's Site Visit on 18 th December 2013
Decision by:	Commissioner Andy Speirs, dated 23 rd December 2013

Decision

1. The appeal is dismissed and full planning permission is refused.

Reasoning

2. The main issues in this appeal are whether the development would have an adverse visual impact in the Mourne Area of Outstanding Natural Beauty (AONB) and result in detriment to the amenity of nearby property by reason of noise.
3. Policy CTY1 of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) applies to the proposal and sets out the types of development that are considered to be acceptable in the countryside. One of these is renewable energy projects in accordance with Planning Policy Statement 18 - Renewable Energy (PPS18).
4. Planning Policy Statement 2 – Natural Heritage (PPS2) was published by the Department in July 2013. This policy statement superseded the earlier PPS 2 - 'Planning and Nature Conservation' and the policy on AONBs set out in 'A Planning Strategy for Rural Northern Ireland'. Policy NH6 of PPS2 is entitled 'Areas of Outstanding Natural Beauty' and indicates that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and provided certain criteria are met. The latter include a requirement that the siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality. The Department wrote to the Commission on 3rd September 2013 indicating that its second reason for refusal had been amended to take into account the new policy. I must consider the policy in effect at the time of my decision. The appellant was afforded an opportunity to consider and comment on the amended reason for refusal and no issue of prejudice arises.

5. The aim of PPS18 as set out in Paragraph 3.1 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and realise the benefits of renewable energy. The objectives, set out at Paragraph 3.2 of the document, include: ensuring that the environmental, landscape, visual and amenity impacts associated with or arising from renewable energy developments are adequately addressed; and to ensure adequate protection of the Region's built and natural and cultural heritage features.
6. Policy RE1 of PPS 18 indicates that a proposal for renewable energy development will be permitted provided it will not result in an unacceptable adverse impact on five listed criteria. These include, inter alia, (a) public safety, human health, or residential amenity, and (b) visual amenity and landscape character. The policy goes on to indicate that compliance with an additional 7 criteria must be demonstrated for wind energy proposals. Criterion (i) requires that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines. Criterion (vi) requires that the development will not cause significant harm to the safety or amenity of any sensitive receptors arising from, inter alia, noise,
7. PPS18 is supported by a Best Practice Guide: Renewable Energy (BPG) and a supplementary planning guidance document entitled Wind Energy Development in Northern Ireland's Landscapes (the SPG). Paragraph 1.3.25 of the BPG recognises that wind turbines will often be highly visible and it will normally be unrealistic to seek to conceal them. However, it goes on to state that developers should seek to ensure that through good siting and design, landscape and visual impacts are limited and appropriate to the location. Paragraph 1.3.23 states that a cautious approach is necessary in relation to those landscapes which are of designated significant value, such as AONBs. The SPG provides a description of the sensitivity of the Northern Ireland's landscape to wind energy development in terms of the extent to which the inherent character and visual amenity of each Landscape Character Area (LCA) is vulnerable to change due to such development. The appeal site is situated within LCA 73 – Kilkeel Coast, which is indicated as having a high to medium sensitivity. The document states that "...much of the LCA forms an important setting and foreground to views of the Mourne Mountains and Carlingford Lough and Mountain. This is particularly true of the open coastal areas around Carlingford Lough, where the scale and grandeur of these views, and the tranquil and relative wildness of these coastal landscapes, could easily be overwhelmed by poorly sited wind energy development".
8. The appeal proposal (as amended during the processing of the planning application) is for the erection of a single wind turbine with quoted dimensions of 24m to the hub and a rotor diameter of 24m. Contrary to the appellant's claim, I can find no indication in PPS 18 that a turbine of 40m or less in height will be acceptable at the location in question. The Department cited various views of the appeal site in relation to the likely visual impact of the proposal. In my opinion, the most critical of these are from Cranfield Bay to the north and northwest of Cranfield Point, and from Carlingford Lough. Cranfield beach is widely used by the public and there are various recreational amenities located thereat, including toilets, an equipped play area and picnic facilities. From the beach and these

facilities, the location of the proposed turbine is readily visible. Several dwellings and caravan parks also overlook the headland upon which the proposal would be located. Carlingford Lough itself is used by commercial and recreational vessels and the headland is open to the view of passing sea-borne traffic.

9. Whilst policy and guidance acknowledges that wind turbines will inevitably have some visual impact, it also recognises that this impact must be weighed against the need to protect the amenity of certain landscapes. I agree with the Department that Cranfield Point is an important feature in the landscape. It marks the entrance to Carlingford Lough and is highly visible from both land and sea. Even taking into account its reduced dimensions, the proposed turbine would be unacceptably prominent, conspicuous, and would have a significant impact on visual amenity by dint of its scale and siting on an open and exposed headland. The appeal site is located within an area important for recreation, the sensitivity to development of which is recognised in the SPG. The proposal fails to respect this sensitivity and would adversely alter the character of the landscape. I consider that the visual impact of the proposal renders it unacceptable in the context of policy RE 1 of PPS 18. In my opinion the siting and scale of the proposal are not sympathetic to the special character of this particular locality within the Mourne AONB. As such, it also fails when considered against policy NH 6 of PPS 2. In the circumstances, I judge that the Department's 1st and 2nd reasons for refusal are sustained.
10. With regard to the issue of noise, I note that the appellant did not submit a noise assessment specific to the subject turbine. This had been requested by the District Council's Environmental Health Office in order to permit an assessment of the likely noise emissions. I note that there are 2 dwellings within 250m of the proposal and several others within 300m. There is little screening or enclosure for the proposal that would ameliorate noise transmission. It is for the appellant to demonstrate that the amenity of residents at these properties would not be harmed by noise emanating from the proposal and this has not been done. In the circumstances, I can only conclude that the proposal does not meet criterion (vi) of PPS18 policy RE1. The Department's 3rd reason for refusal is therefore sustained.
11. Policy RE1 indicates that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight. In this case these factors do not outweigh the objections to the proposal, which I have found to be sustained. The appellant referred to other turbines along the coastline; however, no details of these were provided that would allow me to consider their relevance to the subject appeal. Conflict with policies RE 1 of PPS 18 and NH 6 of PPS 2 are fatal to the proposal; the appeal must therefore fail.

This decision relates to the following drawings:-

Drawing 1 (rev 1) showing the site location at scale 1:2500, and drawing 2 (rev 2) - turbine details at scale 1:150, both stamped refused by the Department on 10th May 2013.

COMMISSIONER ANDY SPEIRS

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2011/A0243
Appeal by:	Mr C Quinn against the refusal of full planning permission
Development:	250 kw wind turbine with a hub height of 40 metres, blade height of 53.5 metres
Location:	Land 297 metres west south west from 110 Loughans Road, Drumfad, Co Tyrone
Application Reference:	M/2011/0316/F
Procedure:	Informal Hearing on 31 July 2012
Decision by:	Commissioner D McShane, dated 3 September 2012.

Decision

1. The appeal is allowed and full planning permission is granted subject to the conditions set out below.

Reasoning

2. At the hearing, the Department indicated that the reference to residential amenity in the first reason for refusal was an error and, given receipt of a noise impact assessment with the Appellant's statement of case, it conceded the second reason for refusal. The remaining issue to consider is the impact of the proposed turbine on visual amenity and landscape character.
3. Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is renewable energy projects in accordance with Planning Policy Statement 18: Renewable Energy (PPS 18).
4. The aim of PPS 18, set out at Paragraph 3.1, is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy. The permissive thrust of PPS 18 is slightly moderated by the objectives set out at Paragraph 3.2, which include ensuring that the environmental, landscape, visual and amenity impacts of renewable energy development are adequately addressed.
5. Policy RE 1 of PPS 18 sets out the Department's requirements for renewable energy in general and indicates that renewable energy development will be permitted provided it will not result in an unacceptable adverse impact on five criteria. Criterion (b) relates to visual amenity and landscape character. In

respect of wind energy, policy requires applications to demonstrate compliance with seven further criteria, including criterion (i) which states that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines. This wording suggests that some degree of adverse impact may be acceptable. Policy also states that the wider environmental, economic and social benefits of all proposals for renewable energy projects will be given significant weight in determining whether planning permission should be granted. Paragraph 4.1 makes clear that the Department will support renewable energy proposals unless they would have unacceptable adverse effects, which are not outweighed by the local and wider environmental, economic and social benefits. The policy also states that the accompanying Best Practice Guidance to PPS 18 'Renewable Energy' (BPG) will be taken into account in assessing proposals, as well as the supplementary planning guidance published by the Northern Ireland Environment Agency (NIEA) in August 2010 entitled 'Wind Energy Development in Northern Ireland (SPG).

6. The SPG is based on the sensitivity of Northern Ireland's landscapes to wind energy development and contains an assessment of each of the 130 Landscape Character Areas (LCA) in Northern Ireland by referencing the values and characteristics associated with each LCA. Paragraph 1.1 of the SPG states that it shares the aims of PPS 18 to facilitate the siting of renewable energy generating facilities in appropriate locations in order to achieve Northern Ireland's renewable energy targets and realise the benefits of renewable energy. The purpose and scope of the SPG is indicated as being to provide broad, strategic guidance in relation to the landscape and visual impacts of wind energy developments; it is not intended to be prescriptive.
7. The appeal site is located approximately 4.5 kilometres east of Ballygawley in the south western part of LCA 45: Dungannon Drumlins and Hills. The SPG finds that the area as a whole has a high - medium sensitivity to wind energy development. It recognises, however, that while the loughs and areas with shallow landform are especially sensitive, the higher drumlin areas, especially the higher, more open hills in the south west where the appeal site is located, may be able to accommodate some appropriately scaled form of wind energy development as they have an unusually large scale landform.
8. The Appellant prepared a zone of theoretical visibility (ZTV) map and submitted photomontages illustrating how the single, 250 kw wind turbine, with a hub height of 40 metres, blade tip height of 53.5 metres and a rotor diameter of 27 metres, sited just off a drumlin summit would appear from a number of viewpoints. The Department stated that it had no concerns with any of the longer distance views; including those from the A4 Belfast to Enniskillen road, from Goland Road in the vicinity of the A4 overpass or from Dergenagh Road in the vicinity of the Presidential homestead.
9. The Department identified four local views located between 300 metres and 1.3 kilometres away from the appeal site. Its written and oral evidence focused exclusively on views of the appeal site from these viewpoints. The key objection relates to the proposed siting of the turbine near the summit of the drumlin and that in views from the identified locations it would have no backdrop.

10. As set out in Paragraph 4.14 of PPS 18, the impact of turbines on the landscape will vary according to size, the number of turbines and the type of landscape involved. Also significant is whether there is a need for ancillary / infrastructural development. In line with Paragraph 1.3.32 of the BPG, in making my assessment of the visual impact of the appeal proposal, I bear in mind that in comparison with other, well established, forms of development, a wind turbine, which is relatively unfamiliar, prominently vertical and has the significant characteristic of movement, will be a distinctive feature in the landscape.
11. It appears that the Department has interpreted the guidance within the SPG in relation to drumlin landscapes as automatically precluding all turbine development on or near the summit of a drumlin. However, the use of the terms "preferably", and "ideally", as for example in the statements "care should be taken to avoid adverse impacts on drumlin summits" "ideally summits should be avoided" and "mid slopes are preferable" indicates to me that such locations are not excluded as a matter of course but that a judgement must be made on the impact a turbine would have, whether it would be adverse and if so whether it would be unacceptable and not outweighed by wider benefits.
12. I note that the Department stated specifically that it had no concern about the fact that Dergenagh Road provides access to the Presidential Homestead. While it expressed concern that the turbine would create a focal point, there was no indication as to why this would be unacceptable. No account appears to have been taken of the fact that no ancillary or infrastructure development is required, the concrete laneway, serving the reservoir and henhouses adjacent to the appeal site, would provide access to the turbine while the over head power lines would facilitate immediate connection into the grid. The Department was unable to substantiate why the single turbine, which the Appellant demonstrated is on the lower end of the size scale as set out in Figure 1 of the BPG, would have an unacceptable adverse impact on the area. Policy and guidance make no requirement for a turbine to have a backdrop and Paragraph 1.3.18 of the BPG recognises that such development will by its very nature be visible and distinctive. Furthermore, it appears that the Department did not attach any weight to the wider benefits including the fact that the turbine would generate sufficient electricity to supply 63% of the domestic electricity requirements of Ballygawley per annum. In this evidential context, I have not been persuaded that the development would have an unacceptable adverse impact on visual amenity and landscape character. The Department has failed to sustain its first reason for refusal based upon Policy RE 1 of PPS 18.
13. The Department provided a list of suggested conditions and although not specifically cited I note that Paragraph 4.17 of PPS 18 indicates that the duration of the planning permission should be linked to the expected operational life of the turbines, which is normally taken to equate to 25 years. On this basis, I consider that a condition limiting the timescale of this permission to 25 years is necessary. In the interests of visual amenity within 12 months of the cessation of electricity generation from the site, the wind turbine should be removed and land restored in accordance with agreed plans with the Department. The Department considered the visibility splays in place where the access lane, which already serves the hen houses and a reservoir, joins Loughans Road, to be adequate. The provision of obstruction lights is essential in the interests of aviation safety. In relation to noise, Paragraph 1.3.46 of the BPG commends the

methodology used in the report entitled 'The assessment and Rating of Noise from Wind Farms (1997)', prepared by the Energy Technology Support Unit for the Department of Trade and Industry, and often referred to as ETSU-R-97. It recommends a fixed limit of 43 dB(A) for night time while both day and night time lower fixed limits can be increased to 45 dB(A) to increase the permissible margin above background noise where the occupier of the property has some financial interest in the turbine. The Appellant's noise assessment followed the methodology set out in ETSU-R-97 and showed that the predicted turbine noise levels at the residential locations nearest to the site would meet the ETSU noise limits under all conditions. This was not disputed by the Department or by Dungannon and South Tyrone Borough Council. It is reasonable therefore to impose a condition requiring that the ETSU limits be adhered to. In the event that a complaint about noise is received when the turbine is in operation, it will be for the Department to determine whether it would be expedient to take enforcement action.

Conditions

- (1) The wind turbine shall not be erected until upward-facing red obstruction lights have been fitted to the top of the turbine hub to specifications agreed in writing with the Department. These lights shall be displayed through the hours of darkness and maintained in a serviceable condition throughout the life time of the turbine.
- (2) The development shall be constructed and operated in such a manner that noise from the installed wind turbine does not exceed the ETSU-R-97 standard of 40 dB(A) during daytime and 43 dB(A) during night time.
- (3) The permission shall be for a limited period expiring 25 years from the date on which electricity from the turbine is connected to the grid. Within 12 months of the cessation of electricity generation at the site, or upon the expiration of this permission, whichever is sooner, the structure shall be removed and all land affected by the development restored in accordance with a decommissioning scheme submitted to and approved by the Department prior to the commencement of any works, or in accordance with any variation to the scheme to which the Department subsequently agrees in writing.
- (4) The development shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following drawings date stamped refused 15 November 2011:

- Drawing DOE No 01: Site Location Map
- Drawing DOE No 02: Site Location Map Block Plan
- Drawing DOE No 03: Plans and Elevations of Turbine Unit

COMMISSIONER D MCSHANE

ITEM NO	6			
APPLIC NO	LA07/2015/0377/F	Full	DATE VALID	5/26/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Raymond Blackwood 6 Knockowen Road Newtownhamilton BT35 0EG		AGENT	Strategic Planning 1 Pavillions Office Park Kinnegar Drive Holywood BT18 9JQ
				NA

LOCATION Approx 125m SW of 6 Knockowen Road
Newtownhamilton

PROPOSAL Single wind turbine, associated access and 2no electricity cabinets

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	5	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 21: CTY1, Planning Policy Statement 18: Renewable Energy Policy RE1 in that development would if permitted have an unacceptable impact on the visual amenity due to the size, scale and siting of the turbine will appear prominent, the wind turbine will when viewed with two existing wind turbines add to an accumulation which will have a detrimental visual impact on this loaction.
- 2 The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 18: Renewable Energy, Policy RE 1 in that development would if permitted harm the living conditions of residents of 6, 6a and 10 Knockowen Road due to shadow flicker and noise nuisance.
- 3 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a full visual assessment is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0377/F

Date Received: 26.05.15

Proposal: Single wind turbine, associated access and 2no electricity cabinets

Location: Approx 125m SW of 6 Knockowen Road, Newtownhamilton

Site Characteristics & Area Characteristics:

Site is located 2.25 miles W of Newtownhamilton and 0.25m SW of Knockowen/ Cortamlet Road junction within the open countryside. The proposed wind turbine will be located on agricultural land immediately to the SW of an existing farm complex (No. 6 Knockowen Road) and accessed through the existing yard from the Knockowen Road. The surrounding area is characterised by agricultural fields with a number of interspersed farm complexes and dispersed settlement pattern.

Site History:

There is no planning history associated with the application site. However there are 7 applications for wind turbines within a 2 mile radius (3 approvals, 3 refusals and 1 undecided)

Approved:

1. O/2011/0348/F
2. O/2010/0633/F
3. P/2008/0801/F

Refused:

4. P/2012/0845/F
5. P/2012/0138/F
6. O/2012/0102/F

Current Undecided (Current application with opinion to refuse before committee 18.01.17):

7. P/2013/0234/F

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Unzoned within the open countryside

Strategic Planning Policy Statement (SPPS), PPS3, PP18, PPS21, DCAN 15 and Wind Energy Development in NI Landscapes, Best Practice Guidance to PPS18 Renewable Energy, Northern Ireland Environment Agency Publication 'Wind Energy Development in Northern Ireland's Landscapes (Supplementary Planning Guidance to Accompany PPS18)

PPS3: Transport NI comments dated 18.09.15 have no objection

SPPS and PPS18**Public safety, human health, or residential amenity;**

There are a number of properties (namely 6, 6a and 10 Knockowen Road) whose amenity will be adversely affected by proposals due to shadow flicker and noise.

Environmental Health have also expressed concerns with regard to noise impact to No.6 whereby noise will exceed financial limits, whilst the applicant has indicated he has financial involvement no proof of this has been provided with proposals having detrimental noise impact to this property. Information in relation to noise at no. 6a has been omitted from the Noise Impact Assessment. However it is likely that the property being within close proximity will also experience similar problems with regard to noise nuisance. The objector has also raised these concerns within letters of objection. Proposals are unacceptable as they will cause adverse impact to properties within the vicinity due to shadow flicker and noise impact therefore failing to adhere to planning policy and guidance.

Visual amenity and landscape character

In accordance with 'Wind Energy Development in Northern Ireland's Landscapes' the supplementary guidance to accompany PPS18 the site is located within Landscape Character Area (LCA) 68 Carrickatuke Hills. The overall sensitivity of this LCA is medium.

This application proposes a wind turbine with a hub height of 40 metres (47 metres to tip). The proposed location for the wind turbine is set just below the ridge of a low level hill although there is rising land to the W of the site this offers little in terms of backdrop as the wind turbine will break through the skyline appearing prominent in and having an adverse visual impact in the landscape. The proposed wind turbine is will also visually link to two existing turbines located approximately 1.6 miles to the NW which in themselves appear as a coherent grouping however an additional wind turbine at this location will add to a visual accumulation of wind turbines creating a proliferation of this type of development which will have a significant negative visual impact and will thus dominate the landscape character of this area. Critical views are

taken from Cortamlet/ Knockowen junction, lower Tullyneill Road and on approach from SE along Cortamlet Road.

Biodiversity, nature conservation or built heritage interests;

The objector has raised issues with regard to natural heritage interests however NIEA in comments dated 5th December 2016 have raised no concerns in relation to Natural Heritage. The objector has also raised concern that there is a visual link between the site and a listed building known as Tullyvallen Secession Meeting House which is located 0.62m NE having been to the building in question it is considered that the wind turbine would not have direct visual linkage to cause adverse concern.

Local natural resources, such as air quality, water quality or quantity; and,

This proposal will have no impact on natural resources such as air or water quality.

Public access to the countryside.

Public access to the countryside will not be affected by this proposal.

Consultations:

NIEA: Natural Heritage and Conservation Areas (05.12.16) – No concerns with regard to natural heritage

Environmental Health (20.11.15):

- Noise sensitive receptors omitted for Noise Impact Assessment
- Planning should determine whether the building at grid reference 289139, 327190 has the potential to be or is currently a noise receptor
- Error on page 10 of NIA states NRS7 is the closest non-financially involved noise sensitive receptor at 295m. This is incorrect and NSR5 is closer at 290m, see table 6 of NIA
- NIA that the financially involved property (6 Knockowen Rd) is exceeding financially involved limits. Applicant submitted letter to Planning (Appendix V of NIA) to advise that he is aware of the predicted exceedence, that he waives his rights and rights of the occupants of the property to object to the development on noise grounds. EH require clarification from Planning as to their opinion on the applicant's letter

OFCOM (01.10.15) - No links identified

PSNI (22.09.15) - No technical safeguarding objection

Transport NI (18.09.15) - No objections

NATS (07.19.15) - No safeguarding objection

UK Crown: MOD (03.09.15) - No safeguarding objections

Objections & Representations

13 Neighbour notifications issued, 5 objections received (5 written and 1 telephone call) from George Clarke

Advertised 08.06.15

Objection

**George Clarke, 1 Clarkes Road (30.11.15, 28.10.15, 26.10.15, 22.10.15, 10.08.15)
George Clarke - Telephone call of objection 26.10.15 and 10.08.15**

Issues:

- Noise sensitive receptors omitted from NIA (6a Knockowen Rd)
- The claimed financial involvement of Mr Raymond Blackwood (the applicant)/occupants of No. 6 Knockowen Rd to which there is no evidence of financial involvement. The rationale of the ETSU guidance is that the amenity of occupiers must be protected, in the absence of financial involvement it is what may be referred to as the lower limits under ETSU which must be applied not the higher limits
- Impact to amenity
- Mr Blackwood is entitled to a fee simple absolute in every part of the land to which the application relates, that includes a dwelling house at 6 Knockowen and 6a. The registered owner of land is someone else on examination one finds that a caution was registered against the land

Consideration of Issues:

The Planning Authority concerns and issues raised by the objector have been set out in a email to the agent dated 12.01.17 with regard to land ownership, financial involvement, impact to amenity and omission of information. Whilst opportunity has been given to present additional information in relation to these matters it has been pointed out to the agent that this may not be enough to overcome concerns. The agent has sought for determination on the basis of information so far received

Consideration and Assessment:

The proposed wind turbine will result in adverse impact due to noise and shadow flicker which will have detrimental impact in particular to properties 6, 6a and 10 Knockowen Road and thus proposals are contrary to the SPPS (Paragraphs 4.11 and 4.12, Development in the Countryside and Renewable Energy) and PPS18. The proposed turbine will adversely impact on the visual quality of the area creating a proliferation of wind energy development at this locality having a visually dominant and cumulative impact and thus does not fulfil the requirements of the SPPS and PPS18.

The agent has been informed of concerns with regard to impact to amenity, visual and cumulative impact and whilst it has given opportunity for further information to be

provided this has not been provided and thus the application is also contrary to Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Recommendation: Refusal

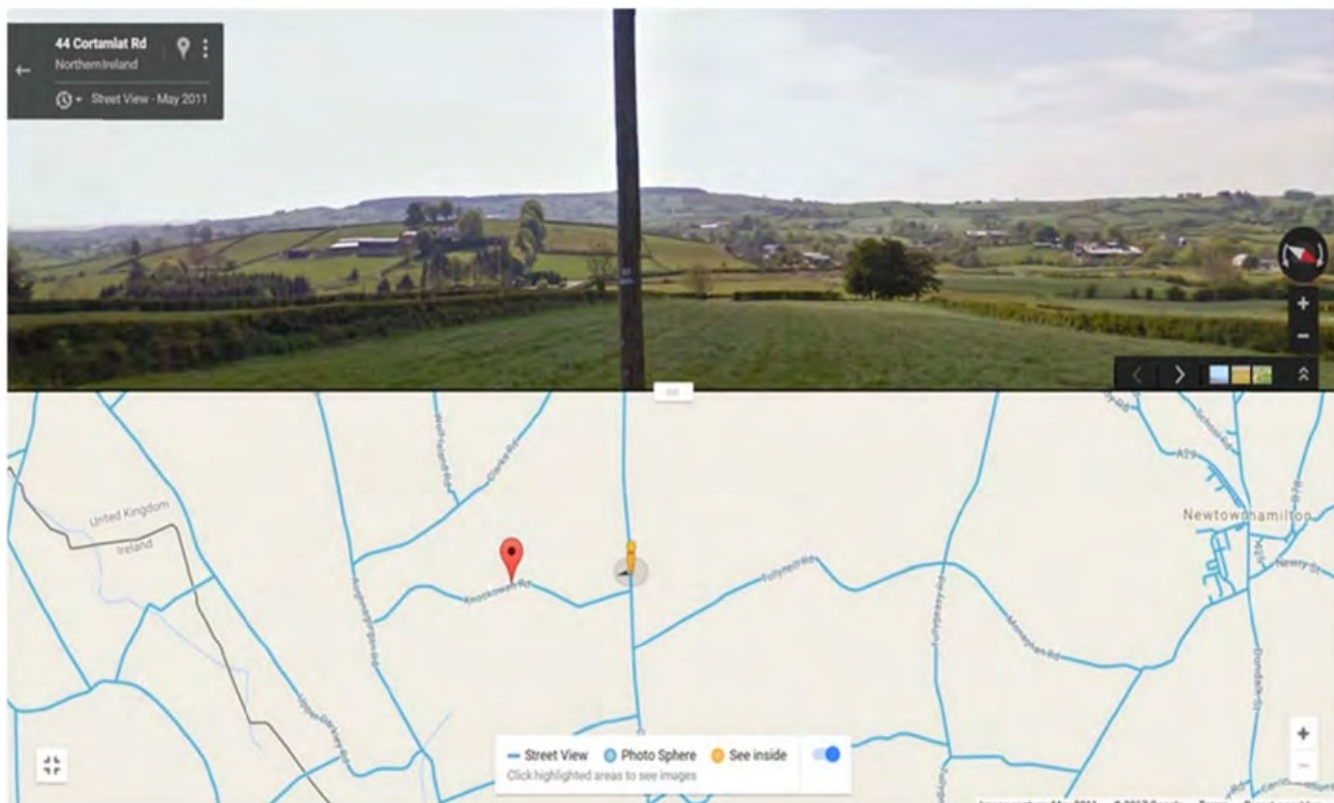
Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 18: Renewable Energy Policy RE1 in that development would if permitted have an unacceptable impact on the visual amenity due to the size, scale and siting of the turbine will appear prominent, the wind turbine will when viewed with two existing wind turbines add to an accumulation which will have a detrimental visual impact on this location.
2. The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 18: Renewable Energy, Policy RE 1 in that development would if permitted harm the living conditions of residents of 6, 6a and 10 Knockowen Road due to shadow flicker and noise nuisance.
3. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a full visual assessment is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Case Officer

Authorised Officer

Photos



View from juncton at Knockowen Road

Planning History

Approved:

8. O/2011/0348/F - Approximately 700m South West of No. 29 Aughnagurgan Road Co. Armagh Installation of a 250kw Wind Turbine, tower height of 30m, blade span of 30m to provide power to existing farm and excess to grid. Approved 19.11.12
9. O/2010/0633/F - Approx 525m south west of 29 Aughnagurgan Road, Keady Erection of wind turbine (250kv max) with a tower height of 40m. Approved 06.04.12
10. P/2008/0801/F 83 Aghnagurgan Road, Altnamackin, Newtownhamilton. Erection of 10 kw wind turbine on 12 metre high free standing mast. Approved 07.11.2008

Refused:

11. P/2012/0845/F - Approximately 150 metres north east of 31 Tullyneill Road Newtownhamilton. Erection of a single wind turbine measuring 30.4m to the hub with a 29.1m blade diameter, associated new section of access and electricity control room (Amended scheme). Refused

Reasons: a) Contrary to Criterion (b) of Policy RE1 of the Department of the Environment's Planning Policy Statement 18; Renewable Energy in that the proposal would, if permitted, have an unacceptable adverse impact on the landscape character of the surrounding area by reason of its height.

b) The proposal is contrary to Policy BH11 of Planning Policy Statement 6, Planning, Archaeology and the Built Heritage, in that the proposal would, if permitted, adversely affect the setting of an adjoining listed building, Tullyvallen Secession Meeting House. Refusal 08.10.2015

12. P/2012/0138/F - 370 metres north west of 44 Blaney Road, Newtownhamilton. Erection of 225 kw wind turbine with 30.4 metre hub height and 29.1 metre blade diameter

Reasons: a) The proposal is contrary to Policy RE1 of Planning Policy Statement 18, Renewable Energy, in that the development will;

- i) have a detrimental impact on the amenity of nearby noise sensitive receptors and
- ii) give rise to electromagnetic interference

- b) The Department has requested additional information for the proposed development under Article 7(4) of the Planning (General Development) Order (NI) 1993, and the additional information has not been submitted to allow for this proposal to be properly determined.

Recommended for refusal but subsequently withdrawn 31.01.14

13. O/2012/102/F – 475m W of 27 Aughnagurgan Road, Armagh. 250kw Wind Turbine and 50m hub height and 15m radius blade. Refused 06.01.14 appeals and dismissed by PAC 14.10.14

Reason:

The proposal is contrary to Planning Policy Statement 18 Renewable Energy Policy RE1 in that it has not been demonstrated that the development will not cause detrimental impact to the visual amenity and landscape character of the area when viewed in conjunction with nearby existing and approved wind energy developments.

Current Undecided (Current application with opinion to refuse before committee 18.01.17):

P/2013/0234/F - Approx. 360 metres north of 6 Island Road Newtownhamilton. Erection of 225 KW wind turbine with 30.4 metre hub height and 29.1 metre blade diameter (amended noise assessment received 24th October 2014)

Reasons for Refusal:

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

Objections:

30.11.15

- Number of sensitive receptors omitted from NIA, is concerning
- Reference to the building at grid reference 289139, 237190 dwelling house of 6a Knockowen Road. Property to be considered a noise receptor
- Concern that the consultation response of Environmental Health appear to consider 6 Knockowen Rd is financially involved. No basis on the papers whereby this property may be considered financially involved.
- Concern that Environmental Health require clarification from Planning as to the opinion on the applicants letter which purports to waive his right and the right of the occupants of 6 Knockowen Road to object

28.10.15

- Supporting info submitted has inaccuracies
- The claimed financial involvement of Mr Raymond Blackwood (the applicant) to which there is no evidence of financial involvement
- 6a has not been included in the noise impact assessment
- Public documentation suggests there is another 5 persons residing at No. 6 – none of these individuals claims to be financially involved
- The rationale of the ETSU guidance is that the amenity of occupiers must be protected, in the absence of financial involvement it is what may be referred to as the lower limits under ETSU which must be applied not the higher limits

26.10.15

- Applicant resides at No. 6 Knockowen Rd does not mean that 6 is financially involved. The occupier of the property must have a financial involvement in the wind turbine.
- No evidence that the applicant Mr Raymond Blackwood will be owner or operator of the turbine or a landowner leasing land for the turbine.
- Mr Blackwood is entitled to a fee simple absolute in every part of the land to which the application relates, that includes a dwelling house at 6 Knockowen

and 6a. The registered owner of land is someone else on examination one finds that a caution was registered against the land

- Blackwood is not intended to be the owner or operator of the proposed wind turbine

Telephone call of objection 26.10.15

- Application contrary to ETSU in that ETSU permits higher noise levels when the applicant says he/ she has financial interest no proof of this provided by applicant
- 6a not considered in Noise Impact Assessment
- Amenity issues to be taken account
- Roads no objection but access not satisfactory to allow significant vehicles to attend the site

22.10.15

- Previously pointed out it could readily be anticipated that the proposal would have adverse noise impact No. 6 Knockowen Rd. The Noise Impact Assessment confirms the ETSU noise limits are exceeded at this property. That is the case whether this property is financially involved or not
- No evidence of financial involvement
- The applicant seems to think that because he supports the proposal (his own application) it should be permitted notwithstanding that it fails to comply with the provisions of ETSU/ PPS18
- The applicant claims that the NIA confirms all properties in the area which do not have a financial interest will not be adversely affected by noise. I do not believe this to be the correct
- No evidence 6 Knockowen Road has a financial interest
- 6a Knockowen Road which is situated a few short metres from 6 Knockowen Rd is not included in the NIA. It can be readily anticipated that this property will not comply with ETSU guidelines
- NIA is flawed and has failed to take this property into consideration

Telephone call of objection 10.08.15

- 2nd dwelling within 200m applicant has failed to mention
- Access inadequate to facilitate a wind turbine
- Listed building visually related to site
- Property identified as having financial interest
- Hasn't demonstrated existing and proposed turbines

10.08.15

- Proposal does not comply with the separation distances set out in Policy RE1
- Unacceptable adverse impact on residential amenity to No. 6 Knockowen Rd and other dwellings in close proximity including 20 Elders road and 10 Knockeven Rd
- Adverse impact on built heritage – Tullyvallen Secession Meeting House
- Hasn't taken into account cumulative impact of existing wind turbines
- Access to the site is unsatisfactory and not in compliance with PPS18 policy and Best practice Guidance

- Applicant claims 6 Knockowen Rd is financially involved but has no evidence. Readily anticipated that the proposal will have adverse noise impact
- Significant harm to safety or amenity of nearby receptors (6 Knockowen Road, 20 Elders Road and 10 knockowen Rd)
- Not demonstrated proposals will result in an unacceptable im[act on bio diversity and nature conservation interest including bats
- Not shown wider environmental, economic and social benefits

ITEM NO	7		
APPLIC NO	LA07/2015/0493/F	Full	DATE VALID 6/19/15
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr Eric Jeans C/O Agent	AGENT	ERES Limited Mourne House 41-43 Downshire Road Newry BT34 1EE 02830250135
LOCATION	80m East of 29 Moneygore Road Rathfriland		
PROPOSAL	Erection of dwelling and garage (change of house type to that approved under application P/2007/0611/RM)		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions SUP Petitions
	0	0	0 0
			Addresses Signatures Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to 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 as the previous approval has expired.
- 2 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that the Planning authority require verifiable proof that the development previously approved under reference P/2007/0611/RM had commenced within the statutory time period, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



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

263

Application Reference: LA07/2015/0493/F

Date Received: 19th June 2015

Proposal: Erection of dwelling and garage

Location: 80m East of 29 Moneygore Road, Rathfriland

Site Characteristics & Area Characteristics:

The application site is an agricultural field that is located approximately 0.2km north-west of the settlement development limits of Rostrevor. The site has been stripped of topsoil and levelled. There are spoil heaps to the eastern side of the site and foundation trenches for the garage have been dug on the north-east corner. This application is for a change in house type of that previously approved under reference P/2014/0377/F. For a full description of the site and area please refer to the previous approval.



Figure 1 - Application Site

Site History:

P/2003/2282/O – Site for dwelling house and garage – Approved on 13.05.2004

P/2007/0611/RM – Erection of dwelling and garage. – Approved 15.11.2007

Planning Policies & Material Considerations:

- The Regional Development Strategy 2035 (RDS)
- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 – Natural Heritage.
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 21 – Sustainable Development in the Countryside;
- DCAN 15 – Vehicular Access Standards.

Consultations:

Transport NI –	No objections subject to conditions.
Environmental Health –	No objections in principal.
NIEA WMU –	Content with proposal.

Objections & Representations

2 neighbour notification letters were issued and the application was advertised in the local press the week beginning the 6th July 2015. No objections or representations were received.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015 and does not fall within any settlement development limits as defined in the Plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS 3 and PPS 21. Whilst planning permission in this area is restrictive, significant weight will be given to the planning history of the site and also the status of work already carried out.

Principle of Development

The principle of a dwelling and garage on this site was initially established by Outline application reference P/2003/2282/O which was approved on 8th May 2004 and the subsequent Reserved Matters application reference number P/2007/0611/RM which was approved on 9th November 2007. The effect of Condition 1 of the outline approval required the development to be begun by 9th November 2009 at the latest. The applicant has claimed the previous planning permission had been implemented by the provision of the approved access and the digging of foundation trenches for the approved garage.

A condition of the Reserved Matters approval required the provision of the access in accordance with the approved plans prior to the commencement of any other works on the site. A supporting statement from Smyth Surveying Ltd states work commenced on the formation of the access on 26th October 2009, and that the

access onto the Moneygore Road did not require the removal of any vegetation to facilitate the visibility splays which were already in place and have remained intact in accordance with the approved plans. TransportNI were consulted as part of the decision making process and offered no objections to the current proposal subject to conditions. I contacted Mr Shane Grant of Transport NI and asked him to check if the access was in place in accordance with the previous approval. Mr Grant responded to say that Transport NI were satisfied the access meets current standards and is in accordance with the relevant condition.

The supporting statement from Smyth Surveying Ltd also claims the foundation trenches for the exterior walls of the garage were dug on site in accordance with the siting details of the approved drawings. Having carried out an inspection of the site I am satisfied the foundation trenches are in general conformity with the planning approval in regards to siting. The main issue is in regards to commencement prior to the expiration date of the previous permission.

The supporting statement includes two satellite images and a number of photographic images with dates on the bottom right corners. In regards to the satellite images, the first one appears to be from Google and contains an imagery date of 05/06/2008. The foundation trenches and access are not visible in this image. On the second satellite image you can clearly see the foundation trenches and access into the site, however there is no date on this image. In regards to the photographic images, the dates on the bottom corner range from 26/10/2009 to 02/11/2009.



The satellite image showing the foundation trenches and access is not officially dated, and the photographic images are not considered to be verifiable proof that the development had commenced prior to the expiration date of the previous permission. The reason being it would not be difficult to include a date in the corner of an image.

A letter was issued to the agent on 4th April 2016 requesting verifiable proof that the development approved under reference P/2007/0611/RM had commenced within the statutory time period. The following examples of what would be considered verifiable proof were provided in the letter:

- A copy of Building Control records in relation to the digging of the foundation trenches;
- Receipts in relation to the work carried out along with signed affidavits from the person(s) that carried out the work.

No information was provided by the agent. A reminder letter was issued to the agent on 5th July 2016. The agent logged a telephone call requesting a call back in relation to the letter received. I tried to return the call on two separate occasions but got no answer. A final reminder letter was then issued to the agent on 7th September 2016 advising the application would be presented to the Planning Committee as a refusal if the information was not received. To date no information has been received. Furthermore, having checked with Building Control on 15/12/2016 they do not appear to have any record of an inspection being carried out at the above site.

Recommendation:

The applicant/agent has failed to adequately demonstrate the development previously approved had commenced within the statutory time period in order to secure planning permission on this site. As a result the application fails to meet Policy CTY 1 of Planning Policy Statement 21 in that there are no overriding reasons for this development in the countryside given the previous permission appears to have lapsed.

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 as the previous approval has expired.
2. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that the Planning Authority require verifiable proof that the development previously approved under reference P/2007/0611/RM had commenced within the statutory time period, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Case Officer Signature: _____ **Date:** _____

Authorised Officer Signature: _____ **Date:** _____

ITEM NO 29

APPLIC NO P/2014/0977/F

Full **DATE VALID** 11/26/14

COUNCIL OPINION REFUSAL

APPLICANT Mrs Belinda McArdle & Mr Ross
McArdle C/O Agent

AGENT ERES Limited
Mourne House
41-43 Downshire
Road
Newry

NA

LOCATION Approximately 60 metres North of No 53 Upper Fathom Road
Killeen
Newry

PROPOSAL Erection of farm dwelling

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 the Strategic Planning Policy Statement for Northern Ireland and policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active and has been established for at least six years and that other dwellings/development opportunities have not been sold off from the farm holding since 28 November 2008. It also has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2014/0977/F

Date Received: 26.11.2014

Proposal: The application seeks Full permission for a farm dwelling.

Location: Approximately 60 metres North of No 53 Upper Fathom Road, Killeen, Newry. The site is located approximately 3.2 miles South of Newry City in the South Armagh part of the district.

Site Characteristics & Area Characteristics:

The site as outlined in red on the site location plan takes in a broadly triangular section of land which contains rough grazing and rocky outcrops. A dilapidated and overgrown building is also located to the front of the site, adjacent to the roadside. The site is located along the roadside and features on an elevated section where the land continues to rise to the rear. Ferns and whin bushes are characteristic in the area with agriculture being the most dominant land use activity. A number of residential properties can be found in the immediate area.

Site History:

P/2003/0857/F

To extraction rock to 1m above road level which is to be used only for reclaiming lands and making roadway to sites on opposite side of site by ripping and rockhammer.

Lands Between 57-59 Upper Fathom Road, Newry, Co Down

Permission Refused

17.10.2003

P/1975/0731

FATHOM UPPER TOWNLAND, COUNTY ARMAGH

Approval

08.03.1976

P/2006/0029CA

Lands between 57 - 59 Upper Fathom Road, Newry, BT35 8NY

Operation development

Case Closed

P/2002/0079CA

Land between 57-59 Upper Fathom Road, Newry.
Alleged unauthorised extraction of rock.
Case closed

P/2004/0115CA

Land between 57-59 Upper Fathom Road, Newry
Operational Development
Case closed.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3 / DCAN 15
Planning Policy Statement 2
Building on Tradition

Consultations:

NI Water – Generic Response
Transport NI – No objections subject to standard conditions
DARDNI – DARD number has not been in existence for at least 6 years and has not claimed a subsidy in this period.
Environmental Health – No objections

Objections & Representations

4 Neighbours notified on 30.12.2014 and the application was advertised on 17.12.2014. No objections or representations received.

Consideration and Assessment:

Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015
The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for farm dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS Strategic Planning Policy Statement. The site lies within the Rural Area / AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no specific objections to the proposal with regard to the Area Plan.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access

Transport NI was consulted with regard to these policy criteria. It has responded confirming it has no objection to the proposal subject to the standard conditions.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for farm dwellings which are acceptable if in accordance with policy CTY10. DARD NI has confirmed the Business ID submitted with the application has been effective from 2013 and does not claim single farm payment. The statement of case provided maintains this Business has been a continuation of a previous Business of the applicant's now deceased father, Mr Gerard King. However, DARDNI has confirmed Mr King's Business ID ceased in 2008 and the farm maps showing his holding does not include the application site and in fact the land ownership of the applicant does not appear to extend to land adjacent to the site that is shown on Mr King's farm maps. Mr King's farm maps only have been made available for 2005. In addition to this, information has been made available on the applicant Ross McArdle. This information includes a farm map in 2012 and herd lists from 2013 from the Department of Agriculture Food and the Marine from the Republic of Ireland. There is no link between this Business and the Business of Blinnia McArdle under the DARD Number submitted on the P1C form. Regardless, PPS21 in its opening page confirms the policies in the document only apply to the Northern Ireland countryside. Any farming activity that may be carried out in another jurisdiction cannot be considered as a material consideration for an active farm business in the Northern Ireland countryside under PPS21.

In conclusion the Business ID of the deceased Mr King ended in 2008 and a new Business ID has been created in 2013. This does not show continuous use of a farm business notwithstanding that the application site does not appear as part of Mr King's previous holding. Consequently only the new Business ID can be assessed against this policy. Therefore at the time of writing this Business ID has only been in operation for 4 years with no evidence of the activeness of this particular Business ID on record as there is no Single Farm Payment Claimed. The application fails the policy criteria of CTY10 (a).

Without any sort of farm business map showing the extent of the holding it is not possible to independently verify the potential for development opportunities sold off and therefore the applicant has not demonstrated how they meet this policy criteria. The proposal is contrary to CTY (b).

With regard to (c) of CTY10 there is one building on the application site. However the policy makes reference to an established group of buildings on the farm, ie more than one and in this instance the proposed dwelling has not been sited to cluster with more than one building on the farm holding and therefore does not meet the policy criteria.

The Strategic Planning Policy Statement also re-emphasises the need for dwellings on farms to comply with the other policies regarding integration and rural character. These will be explored in further detail below.

In terms of CTY13, given the existing natural screening, typography and rock outcrops surrounding the site integration and prominence are not an issue. The design is simplistic in form and typical of what you would expect to find the surrounding area. The dwelling consists of a traditional bungalow with upstairs living accommodation at a ridge height of 5.8m finished in smooth light render and natural stonework to the porch. (g) of policy CTY13 also requires the building to visually link

or cluster with an established group of buildings on the farm. As discussed under policy CTY10 above this has not been demonstrated within this application. With regard to policy CTY14 the proposal is not considered to be unduly prominent in the landscape, contribute to ribbon development or the ancillary works to cause a significant adverse visual impact on the surrounding area. However when viewed with existing development particularly south and west of the site it is considered that a new dwelling would result in a suburban style build up. Environmental Health was consulted in relation to the sewage arrangements and has responded with no objections. However any approval would be subject to a negative condition to ensure consent to discharge is obtained prior to the commencement of development.

Policy NH6 of Planning Policy Statement 2: Natural Heritage is applicable due to the proposed siting within the Ring of Gullion AONB. Whilst the scale of the proposal is considered acceptable the siting is considered unsympathetic to the character of the AONB due to its contribution to build up in the area. There are no adverse impacts on existing heritage in the area and the design of the dwelling is in keeping with local architectural styles and design.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active and has been established for at least six years and that other dwellings/development opportunities have not been sold off from the farm holding since 28 November 2008. It also has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked

or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer:

Authorised Officer:

ITEM NO 30

APPLIC NO P/2014/1032/F

Full **DATE VALID** 12/19/14

COUNCIL OPINION REFUSAL

APPLICANT Mr Gabriel McEvoy C/O Agent

AGENT ERES Limited
 Mourne House
 41-43 Downshire
 Road
 Newry
 BT34 1EE
 NA

LOCATION Adjacent and north of 50 Newtown Road
 Killeen
 Newry

PROPOSAL Proposed erection of 2 dwelling houses in infill site

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site as defined in this policy and would, if permitted, result in the extension of ribbon development along the Newtown Road.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. The proposed buildings also rely primarily on the use of new landscaping for integration and as a result the buildings would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Ring of Gullion Area of Outstanding Natural Beauty in general and of the particular locality.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which and would therefore result in a detrimental change to further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2014/1032/F

Date Received: 16.12.2014

Proposal: The proposal seeks Full permission for the erection of 2 dwelling houses in infill site.

Location: Adjacent and north of 50 Newtown Road Killeen, Newry. The site is located approximately 2.8 miles South West of Newry City in the Ring of Gullion AONB – South Armagh.

Site Characteristics & Area Characteristics:

The site as defined in red on the site location plan takes in a rectangular portion nearest the Newtown Road of an agricultural field. Mature trees and hedging is found along the boundary at the Newtown Road and the southern boundary with the rear boundary undefined and fencing located to the northern boundary. The land form of the field is relatively flat however there is a slight undulation with the land rising slightly to the East and then falling down towards the main Dublin Road. The area is rural in character however there is substantial development pressure in the immediate area, particularly on the opposite side of the road. A single storey dwelling is located immediately south of the site with outbuildings, container and mobile home located immediately north of the site. The site lies within the Ring of Gullion AONB.

Site History:

P/2015/0147/LDP

Erection of agricultural building and associated hardstanding area, including removal of existing stone wall to provide access from existing agricultural yard.

14m South West of No 255 Dublin Road, Killeen, Newry, Co Down
Under consideration.

P/2014/0460/O

Site for infill dwelling and garage

100 metres north of No. 50 Newtown Road, Cloughoge, Newry

Application Withdrawn: 06.11.2014

P/2009/0503/O
 Site for dwelling
 Opposite No 45 Newtown Road Killeavey Newry
 Refusal: 01.04.2011

P/2009/0501/O
 Site for dwelling
 60m north east of No 45 Newtown Road Killeavey Newry
 Refusal: 28.03.2011

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.
 Strategic Planning Policy Statement for Northern Ireland
 Planning Policy Statement 21
 Planning Policy Statement 3 / DCAN 15.
 Planning Policy Statement 2
 Building on Tradition

Consultations:

Transport NI – No objection
 Environmental Health – No objection

Objections & Representations

5 Neighbours Notified on 22.01.2015 and the application was advertised on 04.02.2015. No objections or representations were received.

Consideration and Assessment:

Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015
 The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS Strategic Planning Policy Statement. The site lies within the Rural Area/AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections to the proposal with regard to the Area Plan.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8.

With regard to policy CTY 8 an exception can be facilitated for the development of a small gap site to accommodate up to 2 dwellings in an otherwise substantial and continuously built up frontage. The policy requires a line of 3 or more buildings along a road frontage without accompanying development to the rear and a respect of the existing development pattern. For the purposes of this application I consider the dwelling at No. 50 immediately south of the application site to contribute 1 building and 2 buildings are also identified in the site immediately north of the site. As the site

is located between 2 buildings to the north and 1 building to the south, all sharing a common frontage, this is accepted as an otherwise and substantial built up frontage. The proposal must also respect the size, scale, siting and plot size of the existing settlement pattern along the frontage. The size and scale of the proposed dwellings are acceptable in that they are simplistic in design with some basic regard to rural form and similar to the existing dwelling house-type in the immediate area. The siting of both dwellings are acceptable in that they are incognisance with the settlement pattern of the locality. However with regard to plot size the proposed site measures 110.7m (frontage, however the gap which is taken from building to building is actually 116. The site to the north measures 42.7m and the site to the south measures 42.5m. This leaves an average plot size for the development pattern at this location to be 42.6m. When the plot size is divided by 2 to facilitate both dwellings this leaves a plot size for both dwellings to be 58 which is 15.4m larger than the average plot size. In addition to this the length of the gap at this location is considered big enough to accommodate 3 dwellings comfortably which is better defined as a visual break. With this in mind the proposal cannot be considered to respect the plot size of the existing settlement pattern along the frontage or large enough to only accommodate up to 2 dwellings and therefore fails this policy criterion. The proposal would instead extend the ribbon of development along the Newtown Road.

In terms of CTY13 the design of the dwellings are considered acceptable. Both single storey bungalows are simplistic in nature exhibiting some basic, traditional rural features such as the linear form, internal chimneys and the correct vertical emphasis on the windows. With regards to integration it is considered that the dwellings will be critically viewed from the Newtown Road and the Dublin Road. It is also considered that due to the lack of established boundaries that the proposal will rely heavily on the use of new landscaping to achieve integration at this site. The proposal therefore fails parts (b) and (c) of policy CTY 13. As mentioned above the proposal is considered to extend the ribbon of development along when it is considered with existing development that is visually linked and has a common frontage with the site. Both dwellings would, if approved, also contribute to build up when read with the existing development in the immediate area. For these reasons the proposal fails parts (b) and (d) of policy CTY 14. A condition can be added to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

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

Transport NI was consulted with regard to this policy criteria and has responded with no objections subject to the standard conditions. The proposal is therefore considered to be in compliance with PPS3.

Planning Policy Statement 2, Natural Heritage

Policy NH6 is applicable as the proposal is located within a designated AONB, namely the Ring of Gullion Area of Outstanding Natural Beauty. The scale of the proposals are considered acceptable when taken in context with the surrounding area. However the siting of the proposal which as discussed above has issues with integration, ribbon development and build up which cumulatively is unsympathetic to the character of the AONB. The proposal is not considered to impact on any features of importance to the AONB and on balance the design features of the scheme are acceptable. In conclusion the proposal fails part (a) of policy NH6 of PPS2.

Recommendation: Refusal

Refusal Reasons:

- 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
- 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site as defined in this policy and would, if permitted, result in the extension of ribbon development along the Newtown Road.**
- 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. The proposed buildings also rely primarily on the use of new landscaping for integration and as a result the buildings would not visually integrate into the surrounding landscape.**
- 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Ring of Gullion Area of Outstanding Natural Beauty in general and of the particular locality.**
- 5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which and would therefore result in a detrimental change to further erode the rural character of the countryside.**

Case Officer:

Authorised Officer:

Application Ref: P/2014/1032/F
Applicant Name: Mr Gabriel McEvoy
Proposal: Proposed erection of 2 dwelling houses in infill site
Site Location: Adjacent and north of 50 Newtown Road, Killeen, Newry

Dear Councillor Hearty,

There is a live planning application adjacent to this site which is yet to be determined by the Planning Authority for the erection of an agricultural building and associated hardstanding area, including removal of existing stone wall to provide access from existing agricultural yard, Planning Reference P/2015/0147/LDP. This application was submitted as a Certificate of Lawfulness on 23rd February 2015 and is a material consideration in this case.

Setting aside the length of time these applications have been within the planning system, both applications should be assessed at the same time.

The Planning Authority in the proposed refusal of this application are failing to assess the application with regards to all material considerations. If application P/2015/0147/LDP had been assessed within the correct timeframe the Applicant's farm shed would already have been constructed on the site. The Planning Authority have therefore failed to provide a suitable level of service the applicant in both cases.

Policy CTY 8 from PPS21- Sustainable Development in the Countryside entitled 'Ribbon Development' states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. While it is not defined in policy, Paragraph 5.33 sets out what ribbon development can consist of. Notwithstanding that this form of development has been consistently opposed, policy goes on to state that an exception will be permitted for the development of a gap site. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character, providing four specific elements are met. Namely, the gap

site must be within an otherwise substantial and continuously built up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.

The Case officer has already confirmed that there is a substantial and continuously built up frontage present with at least 3 buildings sharing a common frontage to the Newtown Road. The issue at hand related to the size of the existing gap and adjacent plots sizes.

I have attached images of the existing plot sizes relating to this application site.

- Proposed infill sites = 110
- Buildings Adjacent and north = 46m
- Dwelling immediately south = 42.9m
- Therefore existing average plot size = 44.45m
- Infill site $\div 2 = 55\text{m}$ for each site

The site is therefore only able to accommodate a maximum of 2 dwellings based on the existing plot size analysis. For the site to be capable of accommodating 3 dwellings the plot size would need to be 133.35m. The proposal therefore respects the development pattern along the Newtown Road.

Policy CTY13

Policy CTY 13 of PPS 21 requires that buildings visually integrate into the surrounding landscape. To this end, proposals must comply with seven criteria, namely:

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or

- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

The site represents an opportunity to erect 2 dwellings which will easily integrate into this sensitive landscape.

There is substantial mature vegetation on two of the site boundaries. The roadside boundary which is defined by a timber railed fence and large mature trees will not require the removal of any substantial level of vegetation to facilitate visibility splays.

These attributes will ensure that this site is readily assimilated into the area and will blend unobtrusively into the landscape. There are limited critical views of the site, with any view of the site essentially restricted to along the gap site frontage. It would be contended that these views are not actually "critical" as the site is wedged between an existing substantial and built up frontage which dominates this part of the road.

This proposal therefore meets the policy criteria of CTY13.

Policy CTY14

Policy CTY 14 of PPS 21 is entitled 'Rural Character' and states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to rural character. It goes on to state that a new building will be unacceptable in instances where, inter alia, it would be unduly prominent in the landscape or it would create a ribbon of development.

As the development meets the exception under Policy CTY8 it cannot offend criterion (d) of CTY14 and the proposal therefore meets this policy test.

It is therefore contended that this proposal meets all of the relevant criteria for infill dwellings in the rural area and the committee is therefore requested to overturn this decision.

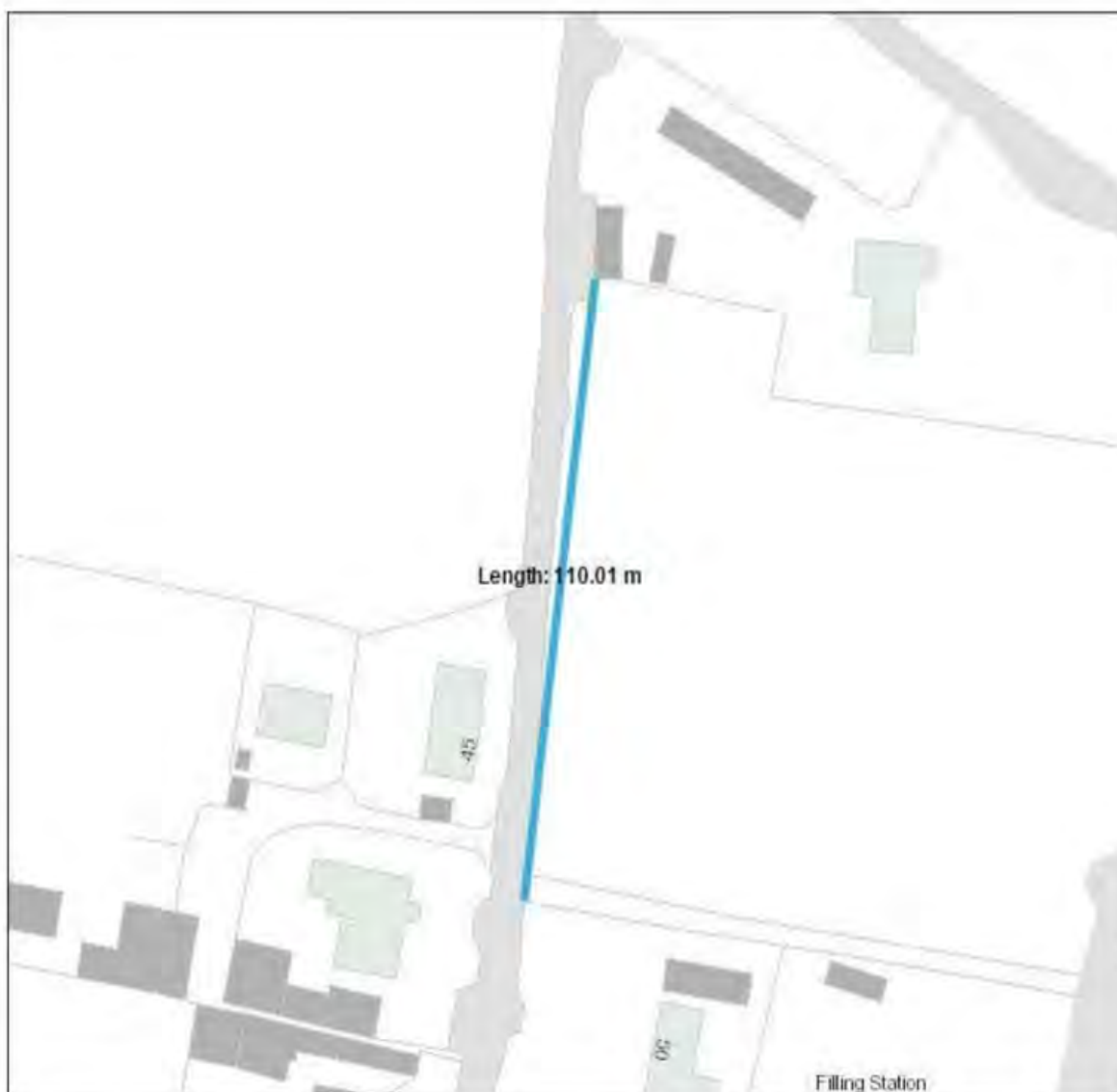


Figure 1 Existing Plot Size



Figure 2 Plot Adjacent and North of Application Site



Figure 3 Plot Adjacent and North of Application Site