



June 6th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 8th June 2016** at **10:00 am** in the **Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor W Clarke

Vice Chair: Councillor J Macauley

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 Consideration and Adoption

3. **Minutes of the Planning Committee Meeting held on Thursday 26 May 2016. (Attached).**

Minutes Planning Mtg 26 May 2016.pdf

Page 1

Development Management - Planning Applications for determination

4. **LA07/2015/0481/0 - Mr V Quinn - site for dwelling on a farm - 40m east of 101 Moor Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

LA07 2015 0481 O Mr V Quinn.pdf

Page 11

5. **LA07/2015/0504/0 - Fiona McGivern - proposed infill dwelling - lands between 18 & 20 Derryleckagh Road, Newry. (Case Officer report attached). (Representations from Councillor Ennis attached).**

Rec: REFUSAL

- Additional information has been submitted by the agent, Gray Design Limited. (Attached).
- A request for speaking rights has been received from a representative of Gray Design Limited.

LA07 2015 0504 O Fiona McGivern.pdf

Page 19

Additional information - LA07-2015-0504-0 - Fiona McGivern.pdf

Page 34

6. **LA07/2015/0526/0 - David Campbell - site for dwelling and detached garage - 49m south west of 71 Moor Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

[LA07 2015 0526 O David Campbell.pdf](#)

Page 42

7. **LA07/2015/0542/F - Mr R L Annett - agricultural building, yard and access from Council Road - 150m southwest of 20 Council Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

- Additional information has been submitted by the agent, Michael Burroughs Associates. (Attached).
- A request for speaking rights has been received from a representative of Michael Burroughs Associates.
- A request for speaking rights has been received from DEA Councillor Henry Reilly, in support of this application.

[LA07 2015 0542 F R L Annett.pdf](#)

Page 51

[Additional information - LA07-2015-0542-F \(R L Annett\).pdf](#)

Page 60

8. **LA07/2015/0552/F - Trevor Perry - 2 No. single storey extensions to front of dwelling which project forward of existing dwelling - 13 Slieveshannagh Park, Newcastle. (Case Officer report attached). (Representations on behalf of objectors from Councillor Doran attached).**

Rec: APPROVAL

[LA07 2015 0552 F Trevor Perry.pdf](#)

Page 72

9. **LA07/2015/0625/0 - Mrs M J Burgess - dwelling and garage on lands between 211 and 213 Derryboy Road, Crossgar. (Case Officer report attached). (Representation of support from Councillor Taylor attached).**

Rec: REFUSAL

[LA07 2015 0625 O M J Burgess.pdf](#)

Page 77

10. **LA07/2015/0868/0 - Mr & Mrs Ward - single dwelling and garage - lands between 20 & 20B Station Road, Killough. (Case Officer report attached).**

Rec: REFUSAL

- Additional information has been submitted by the agent, Hawthorne Associates. (Attached).

[LA07_2015_0868_O Mr and Mrs Ward.pdf](#)

Page 83

[Additional information - LA07-2015-0868-O \(Mr & Mrs Ward\).pdf](#)

Page 89

11. **LA07/2015/1055/0 - Mr J Convery - proposed site for infill dwelling and domestic garage - 20m north east of 15 Chancellors Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

[LA07_2015_1055_O J Convery.pdf](#)

Page 95

12. **LA07/2015/1229/0 - P J O'Hare - infill site for dwelling and garage between Nos. 2 and 4 Bog Road, Kilcoo. (Case Officer report attached). (Submissions from agent attached).**

Rec: REFUSAL

- Additional information has been submitted by the agent, Martin J Bailie. (Attached).
- A request for speaking rights has been received from the agent.

[LA07_2015_1229_O PJ O'Hare.pdf](#)

Page 102

13. **P/2014/0850/F - Gareth Nugent - erection of 4 semi detached dwellings on lands adjacent to and east of 1-7 Drumleacht and north of Whitecross Bar Tullyah Road, Whitecross. (Case Officer report attached).**

Rec: REFUSAL

[P_2014_0850_F Gareth Nugent.pdf](#)

Page 108

14. **R/2013/0375/F - Mrs Mary O'Prey - proposed house and garage on the farm for a family member - lands 40m nw of 9 Wateresk Road, Dundrum. (Case Officer report attached).**

Rec: REFUSAL

- Additional information has been submitted by the agent, Hillen Architects Limited. (Attached).
- A request for speaking rights has been received from a representative of Hillen Architects Limited.

R 2013 0375 F Mary O'Prey.pdf

Page 113

Additional information - R-2013-0375-F (Mary O'Prey).pdf

Page 119

15. R/2015/0093/F - Kennedys Direct Catch Ltd - proposed fitness facility and associated parking at 21 Enterprise Avenue, Down Business Park, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- Additional information has been submitted by the agent, Hillen Architects Limited. (Attached).
- A request for speaking rights has been received from a representative of the Agent.

R 2015 0093 F Kennedys Direct Catch Ltd.pdf

Page 124

Additional Information - R-2015-0093-F (Kennedys Direct Catch).pdf

Page 130

16. P/2013/0938/F - John Morgan - 225kw wind turbine with 30m mast and 29m rotor for electricity production - 220 m west of 6 Tamary Road, Mayobridge. (Case Officer report attached).

Rec: REFUSAL

P-2013-0938-F.pdf

Page 134

For Noting

17. Planning Department Performance Indicators. (Copy enclosed).

Planning Committee Performance report -May 2016.pdf

Page 142

18. Report - contact from Public Representatives - May 2016. (Copy enclosed)

Record of meetings 2016 - Contact from Public Reps.pdf

Page 146

19. **Current Planning Appeals. (Copy enclosed).**

Current Appeals May 2016.pdf

Page 147

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Thursday 26 May 2016 at 10am in the Boardroom, District Council Offices, Monaghan Row, Newry

In the Chair: Councillor J Tinnelly

Vice Chair Councillor W Clarke

In attendance: (Committee Members)

Cllr M Larkin	Cllr M Ruane
Cllr D McAteer	Cllr P Brown
Cllr K Loughran	Cllr L Devlin
Cllr M Murnin	Cllr G Craig

(Non Committee Members)

Cllr P Clarke

(Officials)

Mr C O'Rourke	Director of RTS
Mr P Rooney	Principal Planning Officer
Mr A Davidson	Planning Officer
Ms N Largey	Legal Advisor
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/50/2016: APOLOGIES / CHAIRMAN'S REMARKS

Noted: Apologies were received from
Councillor V Harte
Mr A Hay Development Plan Manager

The Chairperson, Councillor Tinnelly said this was his last meeting as both Chairperson and a member of the Planning Committee. He said the past year had been historic in that a new Council came into operation and with it a Planning Committee with new powers. He said the Planning Committee generated the most scrutiny and comment and he believed that the continued negative coverage by the press was unfair and unwarranted. He said to deliver an efficient planning service with limited resources had been difficult and stressful over the past year but he hoped the new Planning Committee would continue to defend the work of the Council's Planning Department going forward.

Councillor Tinnelly extended thanks to Eileen McParland Democratic Services Manager and to Colette McAteer and Louis Dillon Democratic Services Officers for their help and efficient processing of agenda and minutes. He also extended thanks to Mr Patrick Green and Nora Largy Legal Services and to all the Planning Officers as led by Anthony McKay Head of

Planning and Pat Rooney Principal Planning Officer, for their guidance, friendship and tolerance.

Councillor Tinnelly thanked the Vice Chairperson of the Planning Committee and fellow Committee Member, Councillor W Clarke for his effort and hard work throughout the year on what was a challenging Committee.

Finally Councillor Tinnelly said it was an honour and privilege to server the constituents of the District as Chairperson of the Planning Committee during the inaugural year of the Committee and he extended his best wishes to the incoming Planning Committee and to the Planning Department going forward.

P/51/2016: DECLARATIONS OF INTEREST

Noted: Councillor Devlin declared an interest in Planning Application No. LA07/2013/0217/F (Applicant: Mr Tony Steel) and stated she would not be taking part in discussion regarding this application.

Noted: Councillor Devlin said the Agent for Planning Application No. LA07/2013/0217/F had submitted information to the Planning Department in respect of this application but it appeared this information had not been circulated to the Planning Committee members and she said this needed to be examined.

P/52/2016: MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY 11 MAY 2016

Read: Minutes of Planning Committee Meeting held on Wednesday 11 May 2016. (Copy circulated).

AGREED: **On the proposal of Councillor Craig seconded by Councillor Devlin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 11 May 2016 as a true and accurate record.**

Noted: Councillor W Clarke referred to a previous request he made for the Planning Committee to be presented with a paper showing the outcomes of Planning Appeal decisions, in particular infill appeals and appeals relating to single dwellings in the countryside, and he asked why this information was not included on todays' Agenda.

AGREED: **It was agreed the Planning Department arrange to have a paper prepared detailing Planning Appeal decisions together with a brief on the type of planning application to give Members an understanding of how Planning Policy is being interpreted with particular reference to appeal decisions for infill dwellings and single dwellings in the countryside.**

Noted: Members briefly discussed the possibility of devising a new way to efficiently deal with those applications where there are no issues and that this was something the new incoming Planning Committee could table for future discussion.

P/53/2016: APPLICATIONS FOR DETERMINATION

(1) LA07/2015/0012/F – Jacqueline Savage

Noted:

A representation of support for the application was received from Councillor Hearty.

Location:

37m south-east of 39 Billy's Road, Ballyholland Upper, Newry

Proposal:

Erection of farm dwelling and garage.

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to issue a Refusal in respect of Planning Application No. LA07/2015/0021/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(2) LA07/2015/0061/F – Stephen and Aaron Connolly

Location:

Land approximately 180m south east of 7 Liberty Road, Saintfield

Proposal:

2 No. boiler poultry sheds with 4 No. feed bins, 2 No. gas tanks, a biomass boiler shed with fuel bin and an office, changing and standby generator building (to contain a total of 74,000 boilers)

Conclusion and recommendation from Planning Official

Approval

AGREED: On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to issue an Approval in respect of Planning Application No. LA07/2015/0061/F, subject to a time condition of commencement within 5 years shall be placed on any approval along with specific conditions from Transport NI, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(3) LA07/2015/0161/F – Mr E Lennon

Location:

35 Central Promenade, Newcastle

Proposal:

Apartment building with 14 units, 3.5 storey with retail spaces and car parking.

Conclusion and recommendation from Planning Official

Approval

Noted: Concerns were raised by Members regarding the negative impact of this development on local amenity and loss of light for residents living in Post Office Lane Newcastle, and regarding the close proximity of the development to the Methodist Church which is a listed building.

AGREED: On the proposal of Councillor W Clarke seconded by Councillor Craig it was agreed to defer Planning Application No. LA07/2015/0161/F and that the Planning Department give further consideration to this Application with reference to concerns regarding loss of light and amenity and the close proximity of the proposed scheme to a listed building.

It was also agreed Planning Department Officials arrange a site visit to allow the Members of the Planning Committee an opportunity to view the proposed site in respect of Planning Application LA07/2015/0161/F.

NOTED: Abstentions: 0

(4) LA07/2015/0251/F – Mr & Mrs P Mulhall

Location:

21 Tullykin Road, Killyleagh

Proposal:

Replacement dwelling and garage.

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor Ruane seconded by Councillor Larkin it was agreed to issue a Refusal in respect of Planning Application No. LA07/2015/0251/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(5) LA07/2015/0278/O – T & F Magoran

Location:

Land 30m east and opposite 14 Market Road, Moneyscalp, Kilcoo

Proposal:

Proposed dwelling and garage on a farm.

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/0278/O, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(6) LA07/2015/0431/O – Mr and Mrs R McConnell

Location:

75m south west of 177 Head Road, Annalong

Proposal:

Farm dwelling and garage

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor Loughran seconded by Councillor Ruane it was agreed to issue a Refusal in respect of Planning Application No. LA07/2015/0431/O, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(7) LA07/2015/0455/F – Fergal O’Hanlon

Location:

15 Kearney Crescent, Whitecross, Armagh

Proposal:

Retention of part boundary walls, piers and railings.

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Murnin seconded by Councillor Craig it was agreed to issue a Refusal in respect of Planning Application No. LA07/2015/0455/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(8) LA07/2015/0548/O – Martin Fitzpatrick

Location:

Immediately south and west of 18 & 20 Pats Road, Ballymartin, Kilkeel

Proposal:

New dwelling and garage on a farm

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to issue a Refusal in respect of Planning Application No. LA07/2015/0548/O, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(9) LA07/2015/0714/F – Mr & Mrs Byrne

Location:

180m north west of existing farm buildings adjoining 28 Ballyclander Road, Downpatrick

Proposal:

Proposed farm dwelling and garage

Conclusion and recommendation from Planning Official:

Refusal

Noted: It was noted additional information had been received from the Applicant/Agent in respect of this application.

Noted: Members discussed issues regarding integration and health and safety in relation to the proposed site and reference was made to a recent Planning Appeals decision to overturn a decision on a Planning Application on health and safety grounds.

AGREED: On the proposal of Councillor W Clarke seconded by Councillor Devlin it was agreed to defer Planning Application No. LA07/2015/0714/F for a period of one month to allow the applicant to submit a Health and Safety Report for consideration by the Planning Department and to allow Officers to look at a recent Planning Appeals decision whereby a Planning Department determination was overturned on health and safety grounds.

NOTED: Abstentions: 0

(10) LA07/2015/0832/F – Desmond Patterson

Noted:

Representations in support of the application had been received from Councillor P Clarke and Councillor G Hanna.

Location:

70 Trassey Road, Bryansford, Newcastle

Proposal:

Extension to dwelling.

Conclusion and recommendation from Planning Official:

Refusal

AGREED: Following communication with the Planning Department by the Applicant, it was agreed to withdraw Planning Application No. LA07/2015/0832/F.

NOTED: Abstentions: 0

(11) LA07/2015/0882/O – Cathal McCormac

Location:

50m sw of 8 New Line, Drumintee, Newry

Proposal:

Proposed site for dwelling and garage at an existing cluster.

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Craig seconded by Councillor Brown it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/0882/O, as per the Development Management Officer Report.

NOTED: Abstentions:

(12) LA07/2015/0921/O – Noel McLoughlin

Location:

Adjacent and immediately south of 5 Greenan Road and fronting Mullavat Road, Newry

Proposal:

Dwelling and domestic garage on gap site.

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Ruane seconded by Councillor Brown it was agreed to issue a refusal in respect of Planning Application No. LA07/2015/0921/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(13) LA07/2015/0929/A – Edge Hairdressers

Location:

1 John Mitchell Place, Newry

Proposal:

Proposed LED digital bill board to side elevation and aluminium projecting sign to front elevation.

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Murnin seconded by Councillor Craig it was agreed to issue a Refusal in respect of Planning Application No. LA07/2015/0929/A, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(14) LA07/2015/1168/F – Mr Patrick Small

Location:

43 Upper Burren Road, Warrenpoint

Proposal:

Proposed replacement dwelling and garage 58m se

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Devlin seconded by Councillor W Clarke it was agreed to issue a Refusal in respect of Planning Application No. LA07/2015/1168/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(15) LA07/2016/0259/O – Mr M Fearon

Location:

25m south of No. 10 Lisgarvagh, Lislea, Newry

Proposal:

Proposed dwelling and detached garage (CTY 2A)

Conclusion and recommendation from Planning Official:

Refusal

Noted: Members discussed issues regarding clustering in the context of policy PPS21.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Murnin it was agreed to defer Planning Application No. LA07/2016/0259/O to give Planning Department an opportunity to consider comments made by Members in the context of Planning Policy PPS21, with regard to clustering.

NOTED: Abstentions: 0

(16) R/2013/0217/F – Mr Tony Steel

Location:

120m east of 18 Moneyslane Road, Castlewellan

Proposal:

Erection of agricultural shed.

Conclusion and recommendation from Plannign Official:

Refusal

AGREED: It was agreed to note that Planning Application No. R/2013/0217/F would be withdrawn as this application had been wrongly advertised and the Planning Department would arrange to have the application re-advertised.

(17) R/2014/0143/F – Mr Shane Brennan and Lindsay Agnew

Location:

50m sw of 37 Magheralone Road, Ballynahinch

Proposal:

Dwelling, garage and associated site works.

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Larkin seconded by Councillor W Clarke it was agreed to issue a Refusal in respect of Planning Application No. R/2014/0143/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

Councillor Brown thanked Councillor Tinnelly for his words of support at the outset of the Meeting. He expressed his gratitude to Councillor Tinnelly for the excellent job he did as Chairperson of the Planning Committee. He said the Planning Committee was a very challenging committee and Councillor Tinnelly met those challenges very well.

Councillor McAteer concurred with the sentiments expressed by Councillor Brown regarding Councillor Tinnelly and he said Councillor Tinnelly carried out the job as Chairperson of the Planning Committee to exemplary standards and that he was sorry to see him leave the Planning Committee.

Councillor Murnin concurred with the sentiments expressed by the previous speakers regarding Councillor Tinnelly.

Councillor W Clarke also concurred with the sentiments expressed by the previous speakers and said Councillor Tinnelly did an excellent job as Chairperson of the Planning Committee which he said was a new beginning for everyone.

P/54/2016 – DATE OF NEXT MEETING

Noted: It was noted the date of the next Planning Committee Meeting was scheduled for Wednesday 8 June 2016.

There being no further business the meeting ended at 12.40pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 8 June 2016.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

11

Council Newry, Mourne and Down

Date 6/8/16

ITEM NO	1			
APPLIC NO	LA07/2015/0481/O	Outline	DATE VALID	6/17/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr V Quinn 101 Moor Road Kilkeel BT34 4NQ		AGENT	Cole Partnership 12a Duke Street Warrenpoint BT34 3JY 02841753679

LOCATION 40m East 101 Moor Road
Kilkeel

PROPOSAL Site for dwelling on a farm

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

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm.
- 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 existing laneway.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape the proposed site 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, and 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 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, would result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area, would add to a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.
- The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and its siting and scale is out of keeping with the special character of the Mournes AONB and it fails to conserve features of importance to the character, appearance and heritage of the landscape.
- The proposal is contrary to paragraphs 6.37, 6.38 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the development does not require a coastal location, it is not of national or regional importance and there are alternative sites available, and this area of the coast is known to be at risk from coastal erosion.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0481/O

Date Received: 17th June 2015

Proposal: Site for dwelling on a farm

Location: 40 metres east of 101 Moor Road, Kilkeel.
The site is located on the County Down coast about 500m east of Kilkeel Harbour.

Site Characteristics & Area Characteristics:

The proposed site comprises an access lane and part of two larger agricultural fields. The laneway runs along a cliff top adjacent to the County Down coast with spectacular views over the Irish Sea. The site is adjacent to a large brick-built dwelling owned by the applicant, and set in a landscaped curtilage. It is a prominent feature on Moor Road. There is a group of farm sheds further along the laneway to the east which appear to be associated with the holding. A modest dwelling here would group with farm buildings and would be more screened from public views. The chosen site is not clustered with a group of buildings and would be unduly prominent.



The site is located in a rural coastal area just to the east of Kilkeel. It is in an unzoned area outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. It is also within the Mournes and Slieve Croob Area of Outstanding Natural Beauty and adjacent to the South Down Coast Site of Local Conservation Importance. Moor Road is a cul-de-sac which ends where the laneway to the site begins, though it provides access to the coast and a number of other dwellings. The dominant land use is agriculture.

Site History:

The applicant's dwelling to the west was approved as an off-site replacement for a house in the yard to the east under application P/1987/1492. There have been no other recent applications on the site or on other land owned within the holding.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

Consultations:

TransportNI – No objections.

NI Water – Standard informatives.

NIEA – Standard advice on sewerage & drainage, site vulnerable to coastal erosion. Informatives on protected species provided.

Environmental Health – No objections in principle. Consent to Discharge will be required.

DARD – The farm business has been in existence for more than 6 years and claims single farm payment.

Objections & Representations

The application was advertised in the *Mourne Observer* on 8th July 2015. No third party objections or representations were received. As the only adjoining property is the applicant's dwelling, there were no neighbouring properties that required notification under Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Consideration and Assessment:

The main issues to be considered are the principle of a dwelling on the farm holding, siting, integration, design and impacts on amenity of existing dwellings and the Mournes AONB.

AREA PLAN

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 in a rural area and within the Mourne and Slieve Croob Area of Outstanding Natural Beauty and the South Down Coast SLNCI. 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 PPS21.

PRINCIPLE OF DEVELOPMENT

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

PPS21 Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes farm dwellings if they are in accordance with Policy CTY10. There are three criteria to be met:

Criteria (a) requires that the farm business is currently active and has been established for at least 6 years. DARD advised that the farm business was established for more than 6 years and claims single farm payment, the main means used to determine that the farm is active. Therefore criteria (a) is met.

Criteria (b) requires that no dwellings or development opportunities have been sold off the farm holding since the introduction of draft PPS21 in November 2008. There have been no other development opportunities approved on the land owned during this period. Therefore criteria (b) is met.

Criteria (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm. The proposed site is grouped with only one building, the applicant's existing dwelling. This does not constitute a group of buildings on the farm and the site fails to meet criteria (c). This is in line with the approach taken in recent appeals including 2015/A0144. There is an established group of farm sheds along the laneway to the east of the site, at the other end of the next field. These are not included in the land owned as indicated by the blue line boundary on the submitted site location map. However, on inspection, it appears unlikely that they could be owned by anyone else given their location in the middle of the holding, that there is direct access to the applicant's fields from the yard, and that the coast cuts them off from any other nearby farm holding. It is also noted that the applicant's dwelling to the west of the site was an off-site replacement for a house in the yard under application P/1987/1492. A modest dwelling here would group with farm buildings and would be more screened from public views.

The proposal fails to meet criteria (c) of policy CTY10 and is therefore unacceptable in principle as development in the countryside under policy CTY1. It is contrary to the equivalent policy in the SPPS (paragraph 6.73).

INTEGRATION AND DESIGN

Paragraph 6.73 of the SPPS confirms that *"Dwellings on farms must also comply with LDP policies regarding integration and rural character."* In the absence of an

adopted LDP these considerations must be assessed under policies CTY8, CTY13 and CTY14 of PPS21.

With regard to integration, a new dwelling on the site would be viewed from Moor Road to the west. The road provides access to a number of dwellings and also to the coast for tourists and recreational users. A dwelling on the site would be extremely prominent from both Moor Road and the beach/coastal area and would harm the landscape character of the area. The site lacks mature natural boundaries and there is no adequate form of enclosure that could ameliorate the adverse impact on local and coastal views. It would rely on new landscaping for integration. The proposal fails to blend with the landform and existing slopes in the area and will instead appear on the skyline with no suitable backdrop. As previously stated, it is not visually linked or sited to cluster with an established group of buildings on the farm. There is no detailed design for consideration at outline stage, however, the proposal fails on criteria (a), (b), (c), (f) and (g) of policy CTY13.

Turning then to rural character, the proposed building would be unduly prominent in the landscape as discussed above. It would create an impression of suburban-style build-up in the area when viewed with the applicant's existing dwelling. It is not in keeping with the desired settlement pattern for the area of clustered farm groups, but instead represents another one-off development in the countryside. It would also create a ribbon of development along the coastal laneway. As no ancillary works are proposed under this outline application, it is difficult to assess the application under criteria (e), but the application is contrary to the other four criteria of policy CTY14, and also policy CTY8.



Existing dwelling and site from the end of Moor Road

ACCESS

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. As the laneway joins the public road at the end of a cul-de-sac, there will be no potential conflicting traffic movements and no prejudice

to road safety. TransportNI has no road safety objection to the access proposal and no roads conditions are required.

SEWERAGE

Policy CTY16 states that Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. None of the supporting evidence referred to under policy CTY16 has been submitted. Therefore it would be necessary to impose a negative condition in the event of approval that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development. As the matter could be dealt with by condition, the failure to submit information on sewage treatment would not warrant refusal under CTY16. Standard consultation responses were received from NIEA Water Management Unit, Environmental Health and NI Water.

AREA OF OUTSTANDING NATURAL BEAUTY

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. The site marks the interface between the Mourne, their coastal plain and the Irish Sea (see photo below). It is important in visual and locational terms and in its natural state it contributes to the special character of the locality. The erection of a new house on the site would severely harm the amenity value of the area. The development proposal is unacceptable in that it would suburbanise the site and would not respect or conserve this locally important landscape. A dwelling here would be contrary to criteria (a) and (b). There is no detailed design for consideration under criteria (c).



COASTAL DEVELOPMENT

The site is adjacent to the South Down Coast SLNCI / ASI. The scientific interest of this area is geomorphological – the erosion by maritime and stream action of the near vertical boulder clay cliffs. Developing so close to the coast has potential to harm these soft cliffs and interrupt the natural cycle of erosion through the need to maintain access to new developments. The SPPS aims to protect the undeveloped coast from inappropriate or obtrusive development. This proposal would be both. Paragraph 6.37 states, “There are few types of development which require a coastal location and the undeveloped coast will rarely be an appropriate location for new development”. Paragraph 6.38 states, “Development should only be permitted on the undeveloped coast where the proposal is of such national or regional importance as to outweigh any potential detrimental impact on the coastal environment and where there is no feasible alternative site within an existing urban area in the locality.” This development is clearly not of national or regional importance and alternative sites have not been ruled out. Finally, paragraph 6.42 states that “Development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability”. This part of the coast is known to be at risk of coastal erosion (confirmed by NIEA Marine Environment Division in their consultation response) and there is evidence of this in the soft cliff face that forms the southern edge of the site. Marine Division states that the future viability of the access road and potentially the development could be at risk and that coastal erosion caused during storm events is predicted to increase due to climate change. It is not sustainable to permit residential development in areas such as this. The application is contrary to the coastal policies of the SPPS.

AMENITY

There is sufficient separation distance from the neighbouring dwelling that a new dwelling would not adversely affect existing residential amenity at No. 101.

In summary, the proposal is contrary to policies CTY1, CTY8, CTY10, CTY13 and CTY14 of PPS21 and paragraph 6.73 of the SPPS. It is also contrary to policy NH6 of PPS2 and paragraph 6.187 of the SPPS with regard to its impact on the AONB, and it is contrary to the coastal development policies of the SPPS.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the creation of ribbon development along the existing laneway.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape the proposed site 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, and 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.
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, be unduly prominent in the landscape, would result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area, would add to a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.
5. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and its siting and scale is out of keeping with the special character of the Mourne AONB and it fails to conserve features of importance to the character, appearance and heritage of the landscape.
6. The proposal is contrary to paragraphs 6.37, 6.38 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the development does not require a coastal location, it is not of national or regional importance and there are alternative sites available, and this area of the coast is known to be at risk from coastal erosion.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

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

19

ITEM NO	2		Outline		DATE VALID	6/19/15	
APPLIC NO	LA07/2015/0504/O						
COUNCIL OPINION	REFUSAL						
APPLICANT	Fiona McGivern C/O Agent				AGENT	Gray Design Ltd 5 Edward Street Newry BT35 6AN 028 30251885	
LOCATION	Lands between 18 & 20 Derryleckagh Road						
PROPOSAL	Newry BT34 2NL Proposed infill dwelling						
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 and could not be located within a settlement.						
2	The proposal is contrary to the 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.						
3	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Derryleckagh Road.						
4	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 building 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.						



Newry, Mourne and Down District Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL

Delegated Application

Development Management Officer Report		
Case Officer: Paul Smyth		
Application ID: LA07/2015/0504/O	Target Date:	
Proposal: Proposed infill dwelling	Location: Lands between 18 & 20 Derryleckagh Road Newry BT34 2NL	
Applicant Name and Address: Fiona McGivern C/O Agent	Agent Name and Address: Gray Design Ltd 5 Edward Street Newry BT35 6AN	
Date of last Neighbour Notification:	7 th March 2016	
Date of Press Advertisement:	8 th July 2015	
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	Transport NI	No Objection
Statutory	NI Water	Standard
Statutory	NIEA	See report
Advice and Guidance	Env. Health	No Objection
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues:		
Outline planning permission is sought for a proposed infill dwelling.		

Site Visit Report

Site Location Plan:



Date of Site Visit: 23rd March 2016

Characteristics of the Site and Area

The proposed site is an agricultural field that is located between numbers 18 and 20 Derryleckagh Road, approximately 1.6 mile south east of Newry City. It is outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. The field slopes from the roadside in an easterly direction toward Derryleckagh Lough. The boundary of the site is defined by a post and wire fence to the front, mature hedgerow to the sides and a timber fence to the rear.

Number 18 Derryleckagh Road is a single storey detached dwelling. Access to the dwelling is located towards the left hand side of the dwelling. There is an access at the south side of number 18 that leads to a large portal frame building. This building is located immediately to the rear of the application site.

Number 20 Derryleckagh Road is a detached dwelling that is bounded on all sides by large mature trees/vegetation. Number 20 is screened from public view points along the Derryleckagh Road. There is a long access laneway adjacent to number 20 that leads to Numbers 24 and 26 Derryleckagh Road. There is an agricultural field adjacent to the laneway where it meets the Derryleckagh Road. A new dwelling has been constructed in the rear portion of the agricultural field (P/2012/0763/F). For a satellite image of the site see Image 1.

Planning Assessment of Policy and Other Material Considerations

The application will be assessed under:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS) - This policy provides overall context under which the Council will determine planning applications.
- The Banbridge, Newry and Mourne Area Plan 2015;
- Planning Policy Statement 21 – Sustainable Development in the Countryside; &
- Planning Policy Statement 3 – Access, Movement and Parking.

ZONING: The site is in the countryside, approximately 1.6 miles south east of Newry City. The site is outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015.

HISTORY: A previous outline application (P/2003/1984/O) for a dwelling and garage in this field was refused on 26/11/2004 on grounds of Greenbelt; integration; build-up and ribbon development.

The Banbridge, Newry and Mourne Area Plan 2015.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. 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, PPS21, and PPS3.

Principle of Development

As there is no significant change to the policy requirements for an infill dwelling following the publication of the SPPS, the retained policies of PPS 21 and PPS 3 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

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

TransportNI have indicated that a standard of 2.0m x 80m would be acceptable at this location and requested that a detailed plan of the access should be submitted at reserved matters stage - see consultation response dated 9th March 2016.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that “an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements”.

A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The satellite image below shows the proposed site and surrounding area:



1

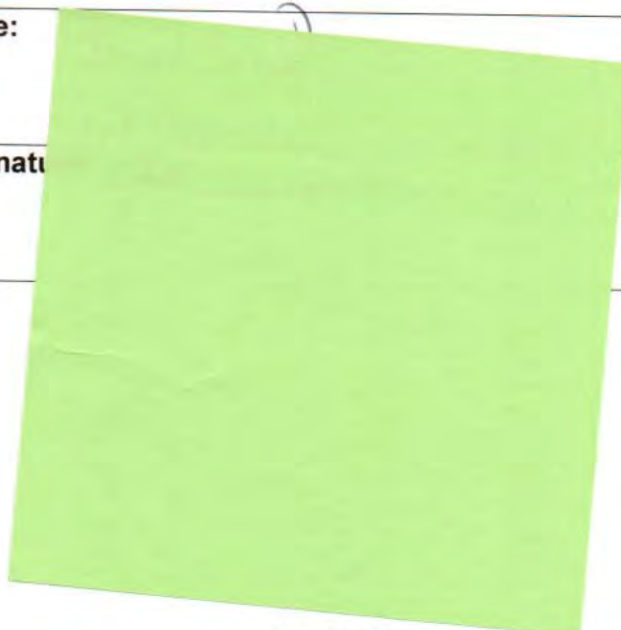
Having assessed this application I am of the opinion that it fails to satisfy the criteria of policy CTY 8. The application site does not read as part of a substantial and continuously built-up frontage of three or more buildings for the following reasons:

- While number 18 fronts onto the Derryleckagh Road, number 20 is not visually linked to the application site due to its mature boundary.
- Numbers 24 and 26 Derryleckagh Road are back-land development and are not visually linked to the application site. Only the access to these two dwellings is located along the common road frontage.
- The new dwelling constructed under reference P/2012/0763/F is also considered to be back-land development as it is to the rear of an existing agricultural field.

The existing portal frame building highlighted above is considered to be accompanying development to the rear of the application site. Approval of the proposed dwelling would result in a suburban style build-up of development when viewed with number 18 Derryleckagh Road and the existing building to the rear of the application site, and would therefore result in a detrimental change to the rural character of the countryside. The proposal is therefore contrary to Policy CTY14. There is no detailed design for consideration under this outline application.

The P1 Form states that a septic tank is to be used for sewage disposal. The Environmental Health consultation response dated 21st August 2015 states no objection to the proposal provided a 'Consent to Discharge of Effluent' is obtained prior to the commencement of development. NI Water issued a standard consultation response. The proposal does not conflict with the policy requirements of CTY 16 in principal.

¹ <https://www.spatialni.gov.uk/geoportal/viewer/index.jsp> 07/04/2016

<p>The Northern Ireland Environment Agency: Historic Monuments Unit and Water Management Unit are content with the proposal while the Natural Environment Division refer to standing advice.</p> <p>No third party objections or representations were received.</p> <p>Case Officer Recommendation: Refusal</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p> <p>The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 21 as the site is not located on a substantial and continuously built up frontage of three or more buildings without accompanying development to the rear. Refusal recommended.</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the 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. 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 would, if permitted, result in the addition of ribbon development along Derryleckagh Road. 3. 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 building 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. 	
<p>Case Officer Signature:</p>	
<p>Date:</p>	
<p>Appointed Officer Signature:</p>	
<p>Date:</p>	

Application Number: LA07/2015/0504/O

Councillor's Name: Sinéad Ennis

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

- To consider additional information submitted by the agent (attached).

Briefing Panel Decision:



GRAY DESIGN LIMITED

Architecture Interior Design Project Management

26

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

Proposed infill Dwelling Derryleckagh Road,

11th April 2016

Ref. GD2860

Your Ref. LA07/2015/0504/O

Dear Sir / Madam,

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

1 The proposal is contrary to the 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.

2 The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland (SPPS) Policy CYT8 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 Derryleckagh Road

3 The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland (SPPS) Policy CYT8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside

NEWRY

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

BELFAST

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

WARRENPOINT

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

www.graydesignltd.co.uk

Company Reg. NI059908 VAT No 898955134

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

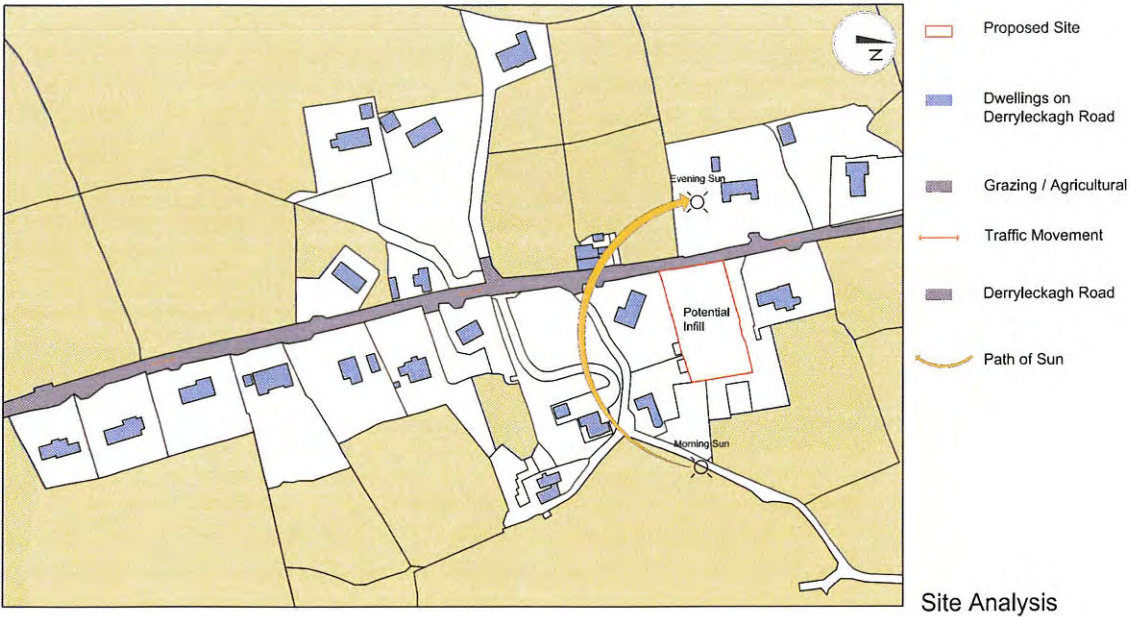
The case officer noted that number 20 is not visually linked to the application due to its mature boundary – number 20 is only 11 Metres from the site and while it does currently have a mature boundary there would be nothing to stop the owner removing this hedge or cutting it back and also depending on the time of year this hedge can be seen through. We don't feel that because a dwelling is screened from the road with landscaping that this dwelling should therefore not be considered in the "built up frontage"



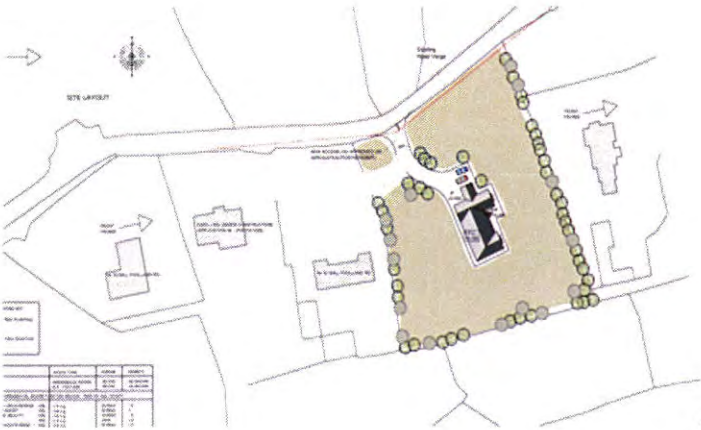
The case officer also noted that the new dwelling recently built under P/2012/0763/F is considered as back-land development as it is to the rear of an existing agricultural field – as can be seen from the photograph below the access to this dwelling is from the Derryleckagh Road, and the field forms part of this new dwellings curtilage. I have also enclosed a copy of the location map from P/2012/0763/F which clearly shows the red line of the site including this area to the front of the dwelling. Policy CTY 8 under 5.33 states *“A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development”*. In our opinion this paragraph describes this section of the Derryleckagh Road and therefore would fall within the Exception for an infill site.



It is our opinion that this site is surrounded by development which can be seen from the Site Analysis below



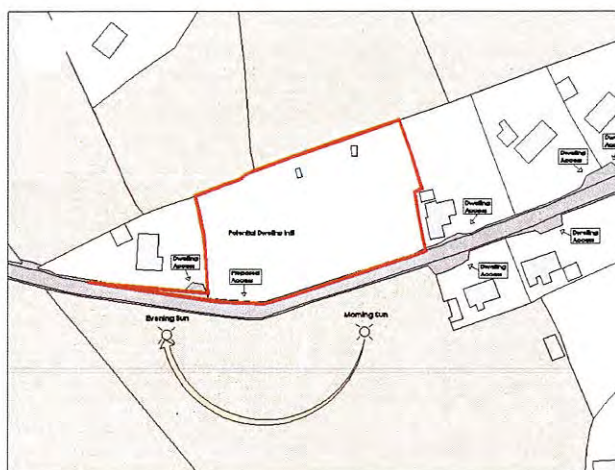
With regards to “Infill opportunity” we would like to point out that we have been successfully in many other very similar application and have highlighted this below:



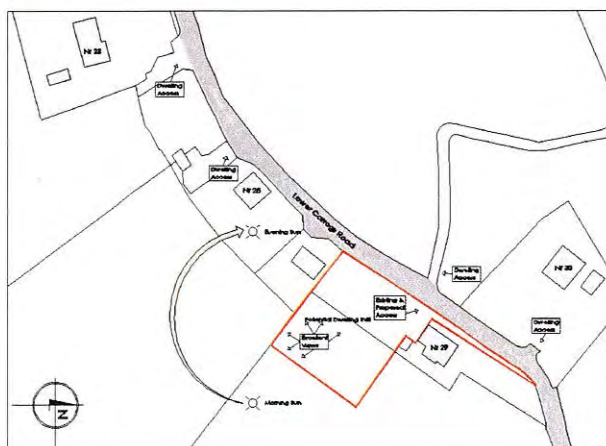
APPROVED P/2011/0289



APPROVED : P/2010/1026/F



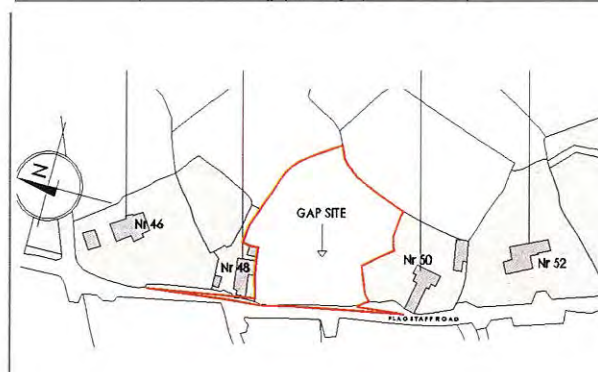
APPROVED : P/2010/0999/O



APPROVED : P/2009/0351/O



APPROVED : P/2009/0231/F



APPROVED : P/2009/1206/F

The department has published “Building on Tradition” to help applicants and agents in identifying an infill opportunity and I note the following diagrams in this booklet that refer to “Proposed sites likely to comply with CTY2a”



- Proposed site not likely to comply with CTY 2a
- Proposed site likely to comply with CTY 2a

- it is not acceptable to extend the extremities of a ribbon by creating new sites at each end.
- Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.
- When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots
- Sometimes ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 3 if this extends the extremities of the ribbon
- A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.

The above map and legend noted 5 points on which we satisfy all.

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

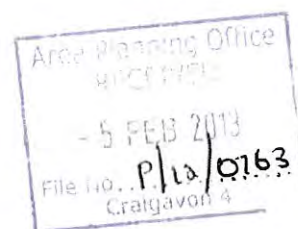
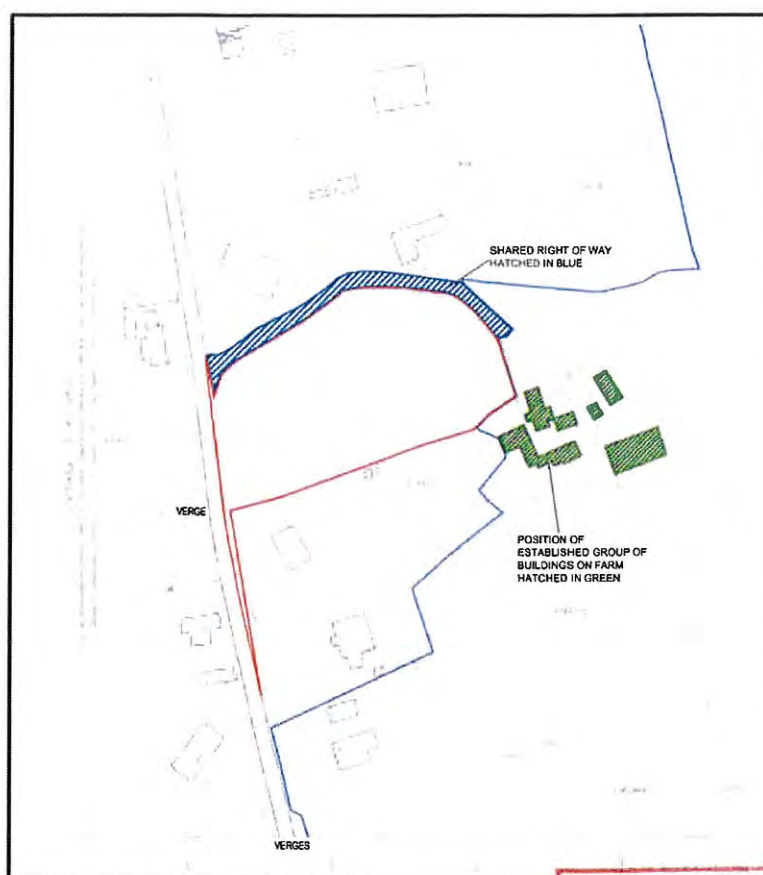
Yours Faithfully

A handwritten signature in black ink, appearing to be 'Colin Dalton', written over a horizontal line.

Colin Dalton

For and on behalf of GRAY DESIGN LTD

Cc Sinead Ennis




SCALE 1:2500

Drawing



Number.....01REV1.....

Rev	Date	Details
 <p>DAVID MAXWELL ARCHITECT</p> <p>David Maxwell Chartered Architect Ltd 12 Ballylaugh Road Newry BT34 1RR T: 028 3082 1908 M: 07769 708 850 E: info@dma-nl.com www.dma-nl.com</p>		
Project / Client New dwelling & garage on a farm approx. 30m north west of 26 Derryleckagh Rd Newry		
Drawing Title Location plan @ 1:2500		
Scale 1:2500	Date Jan 2013	Drawing No. 110
Project No. 114	Drn. by DM	Rev. -



GRAY DESIGN LIMITED

Architecture Interior Design Project Management

34

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

Proposed infill Dwelling Derryleckagh Road,

1st June 2016

Ref. GD2860

Your Ref. LA07/2015/0504/O

Dear Sir / Madam,

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

1 The proposal is contrary to the 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.

2 The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland (SPPS) Policy CYT8 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 Derryleckagh Road

3 The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland (SPPS) Policy CYT8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside

NEWRY

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

BELFAST

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

WARRENPOINT

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

www.graydesignltd.co.uk

Company Reg. NI059908

VAT No 898955134

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

The case officer noted that number 20 is not visually linked to the application due to its mature boundary – number 20 is only 11 Metres from the site and while it does currently have a mature boundary there would be nothing to stop the owner removing this hedge or cutting it back and also depending on the time of year this hedge can be seen through. We don't feel that because a dwelling is screened from the road with landscaping that this dwelling should therefore not be considered in the “built up frontage”



The case officer also noted that the new dwelling recently built under P/2012/0763/F is considered as back-land development as it is to the rear of an existing agricultural field – as can be seen from the photograph below the access to this dwelling is from the Derryleckagh Road, and the field forms part of this new dwellings curtilage. I have also enclosed a copy of the location map from P/2012/0763/F which clearly shows the red line of the site including this area to the front of the dwelling. Policy CTY 8 under 5.33 states ***“A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development”.*** In our opinion this paragraph describes this section of the Derryleckagh Road and therefore would fall within the Exception for an infill site.



It is our opinion that this site is surrounded by development which can be seen from the Site Analysis below



With regards to “Infill opportunity” we would like to point out that we have been successfully in many other very similar application and have highlighted this below:



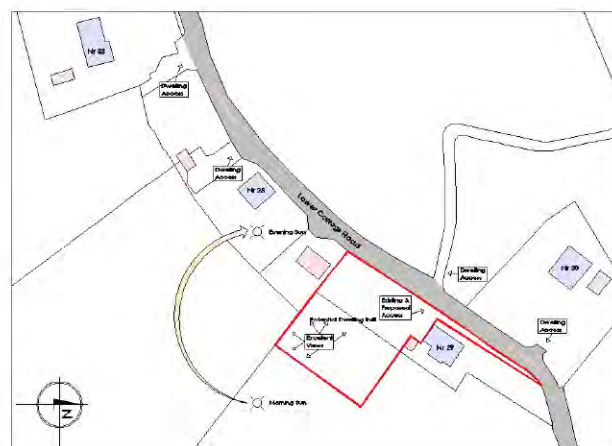
APPROVED P/2011/0289



APPROVED : P/2010/1026/F



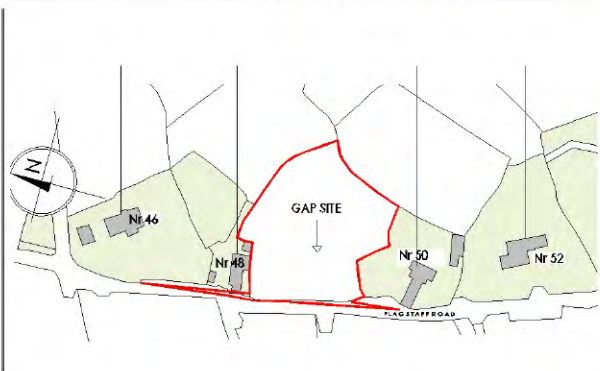
APPROVED : P/2010/0999/O



APPROVED : P/2009/0351/O



APPROVED : P/2009/0231/F



APPROVED : P/2009/1206/F

The department has published “Building on Tradition” to help applicants and agents in identifying an infill opportunity and I note the following diagrams in this booklet that refer to “Proposed sites likely to comply with CTY2a”



- Proposed site not likely to comply with CTY 2a
- Proposed site likely to comply with CTY 2a

- It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.
- Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.
- When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots
- Sometimes ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon.
- A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.

The above map and legend noted 5 points on which we satisfy all.

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

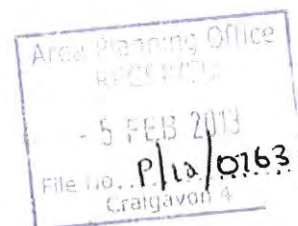
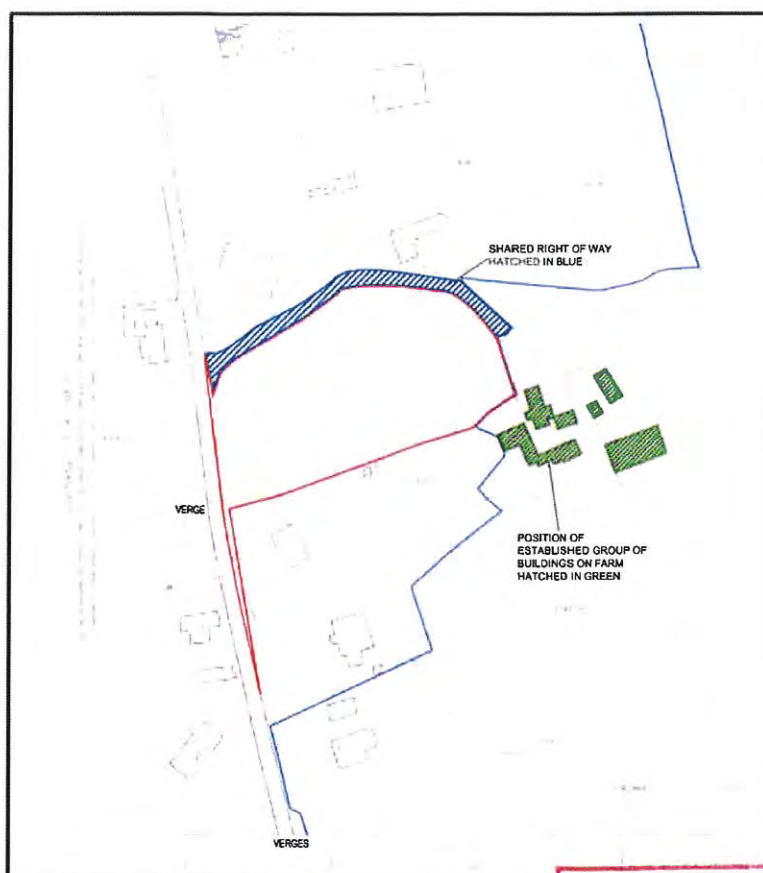
Yours Faithfully



Colin Dalton

For and on behalf of GRAY DESIGN LTD

Cc Sinead Ennis




SCALE 1:2500

Drawing



Number.....01REV1.....

Rev	Date	Details
 <p>DAVID MAXWELL ARCHITECT</p> <p>David Maxwell Chartered Architect Ltd 12 Ballylaugh Road Newry BT34 1RR T: 028 3082 1908 M: 07769 708 850 E: info@dma-nl.com www.dma-nl.com</p>		
<p>Project / Client New dwelling & garage on a farm approx. 30m north west of 26 Derryleckagh Rd Newry</p>		
<p>Drawing Title Location plan @ 1:2500</p>		
<p>Scale 1:2500</p>	<p>Date Jan 2013</p>	<p>Drawing No. 110</p> <p>Rev. -</p>
<p>Project No. 114</p>	<p>Drn. by DM</p>	

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	3			
APPLIC NO	LA07/2015/0526/O	Outline	DATE VALID	6/25/15
COUNCIL OPINION	REFUSAL			
APPLICANT	David Campbell 9 Leestone Road Kilkeel	AGENT		Quinn Design & Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY 028 41772377
LOCATION	49m SW of No 71 Moor Road Kilkeel			
PROPOSAL	Site for dwelling and detached garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
1	The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.			
2	The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a small gap in a substantial and continuously built up rural frontage and the gap would accommodate more than 2 houses based on the current development pattern. The proposal is therefore not a valid infill opportunity and would instead result in the creation of ribbon development along Moor Road in combination with other approved development.			
3	The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be 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 would rely primarily on the use of new landscaping for integration, the required ancillary works would not integrate with their surroundings, the design of the proposed building is inappropriate for the site and its locality, and 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 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, would result in a suburban style build-up of development when viewed with existing and approved buildings, would not respect the traditional pattern of settlement exhibited in the area, would create a ribbon of development, 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.			

- 5 The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Kilkeel and the surrounding countryside.
- 6 The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and its siting and scale is out of keeping with the special character of the Mourne AONB and the proposal does not respect local architectural styles.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0526/O

Date Received: 25th June 2015

Proposal: Site for dwelling and detached garage

Location: 49 metres south west of No. 71 Moor Road, Kilkeel.
The site is located just to the south east of Kilkeel.

Site Characteristics & Area Characteristics:

The site is undeveloped agricultural land. It sits at two levels, each relatively flat, but with a sharp change in levels between them halfway across the site. The larger piece of land to the rear was a former sand extraction pit and its ground level has been lowered by about four metres. It has now been reinstated for agricultural use. The north west section of the site sits at original ground level about 4 metres higher and is grassed. To the south is an approved site for a dwelling, but development had not commenced when the site was inspected. To the north is another agricultural field and access lane and then a line of dwellings within the development limit.



Upper section of site in foreground; Lower section is brown grass beyond

The site is located in a rural coastal area approximately just to the south east of Kilkeel. It is in an unzoned area outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. It is also within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Moor Road is a cul-de-sac leading to the coast which serves a number of dwellings, most of which are within the Kilkeel development limit. The dominant land uses are residential and agriculture.

Site History:

A previous similar application (P/2014/0669/O) on this site was refused on 7th November 2014. It was not considered a valid infill opportunity and would mar the defined settlement limit of Kilkeel, contrary to policies CTY1, CTY8 and CTY15 of PPS21. This decision was appealed, but the appeal was subsequently withdrawn.

The approved site to the south (P/2013/0686/F) was granted in March 2014 as a replacement for No. 79 which previously stood in the middle of the sand pit before it was excavated. The sand and gravel extraction was undertaken under applications P/2005/1248/F and P/2010/1115/F.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

Consultations:

TransportNI – No objections in principle subject to the provision of visibility splays of 2.0m x 60m and re-location of electricity poles.

NI Water – Standard informatives.

NIEA – Standard advice on sewerage & drainage.

Environmental Health – No objections in principle. Consent to Discharge required for use of a septic tank, though it is noted that there is a mains sewer available.

Objections & Representations

A neighbour notification letter was issued to 1 neighbouring property (opposite) on 8th September 2015 and the application was advertised in the *Mourne Observer* on 15th July 2015. No third party objections or representations were received.

Consideration and Assessment:

The main issues to be considered are the principle of an infill dwelling on the site, integration and rural character, impact on the setting of the settlement of Kilkeel, road safety and impacts on amenity of existing dwellings and the Mournes AONB.

AREA PLAN

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 PPS21.

PRINCIPLE OF DEVELOPMENT

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. Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8 which will be considered below. The design and integration policies (CTY13 and CTY14) will also be considered.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that *“an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements”*. A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The Planning Authority considers that this application does not meet the above criteria and is not therefore a valid infill opportunity. There is not a substantial and built up frontage of three or more buildings. Although there is an existing ribbon of development to the north of the site, these dwellings are within the Kilkeel development limit. While CTY8 does not specifically rule out consideration of dwellings within development limits, the thrust of PPS21 generally is that they should not be considered when assessing development proposals in the countryside. For instance, policy CTY10 refers to development opportunities out-with settlement limits. And the Preamble to the whole document on page 1 makes clear that PPS21 sets out planning policies for development in the *countryside* (my emphasis). It defines the countryside as land lying outside of settlement limits as identified in development plans. It has no jurisdiction within settlement limits and neither can existing development that is within settlement limits be used to justify new development in the countryside. Therefore we cannot agree with the agent's assertion in his supporting statement that the buildings within the settlement limit on Moor Road can be used as a built-up frontage to justify a new house in the countryside.

Furthermore, even if the dwellings within the settlement limit were considered part of a built up frontage for the purpose of CTY8, the application would still require another dwelling to the south of the site to create a gap site. No such dwelling exists

and there is no gap to infill. It is acknowledged that there is approval for a roadside replacement dwelling, but the dwelling has not been built. Appeal decisions have established that approved sites which remain undeveloped cannot be part of a substantial and continuously built up frontage. In appeal 2014/A0002 (where an approved development had been commenced but not completed), the Commissioner stated that the word 'building' in policy CTY8 should be given its natural, everyday meaning. She went on to state that *"foundations and footings do not constitute a building and a possible future building cannot be taken into account as it does not exist at this time."* There are not even footings in this case, so the approved dwelling to the south is not part of a built up frontage, there is no infill opportunity and the application must be refused.

Finally, there is no consistent support for the proposal in the other development pattern criteria referred to. With regard to plot width, the gap between No. 71 Moor Road and the approved dwelling is 145 metres. The average existing plot width in this ribbon of development (even if the wider approved site is included) is 28 metres. Therefore the overall gap could accommodate more than 5 dwellings, and is not a valid infill opportunity for a maximum of two dwellings.

Having considered the evidence presented, it has not been established that there is a substantial and continuously built up frontage and that there is a gap that would accommodate a maximum of two houses. Therefore there is no valid infill opportunity.

INTEGRATION AND RURAL CHARACTER

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that *"All development in the countryside must integrate into its setting, respect rural character and be appropriately designed."* These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

The agent has indicated that the proposed dwelling would have a ridge height of around 6.8 metres, similar to the approved replacement dwelling to the south. It is considered that a dwelling of this size would be out of keeping with the character and built form of the area (which is predominantly single storey bungalows) and that the site does not have the capacity to integrate the dwelling as the roadside boundary would have to be removed to provide visibility splays and the northern hedge boundary is of limited height. The visual impact of the proposal would be exacerbated by the change in levels across the site. The conceptual layout shows the dwelling straddling the sharp change in levels across the site. This means over four metres of underbuilding would be required at the southern gable end to bring it up to ground floor level. The total gable visible when approaching from the south on Moor Road would be around 11 metres in height. This would have an unacceptable impact on visual amenity in the countryside. The site would not suitably enclose this unduly prominent structure. It would rely on new landscaping for integration. Other retaining structures and ancillary works would likely be required given the difference in levels and the suggested location of the house. The siting and design has not taken account of the landform and is clearly inappropriate in view of the foregoing points. The proposal is contrary to criteria a–f of CTY13.

Turning then to rural character, the proposed building would be unduly prominent in the landscape as discussed above. There is a loose grouping of existing and

approved dwellings to the south of the site which a new dwelling would read with, adding to the impression of suburban style build-up. As a one-off development, not in an established group of farm buildings or a substantial and continuously built up frontage, it does not respect the traditional settlement pattern of the area. Together with the approved dwelling to the south, it would create a new ribbon of development. Ancillary works required to deal with the change in levels are likely to harm rural character. The application is contrary to all the criteria of policy CTY14, and also policy CTY8. While CTY13 and CTY14 were not quoted in the previous decision to refuse planning permission, they are material considerations as confirmed by the recently published SPPS and the fact that a specific size of dwelling has been indicated in this outline application enables a more detailed assessment to be made.

IMPACT ON THE SETTING OF KILKEEL

Policy CTY15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. This site is just 35 metres outside the development limit of Kilkeel as defined on the Banbridge, Newry and Mourne Area Plan 2015. It would clearly read with a line of single dwellings that is within the development limit, would result in urban sprawl, and would mar the visible boundary of the settlement on Moor Road. There is presently a 120 metre gap between the edge of the settlement and the approved replacement dwelling to the south. It is important to preserve this gap to maintain the integrity of the development limit adopted under the Area Plan. The agent argues in his supporting statement that the approval for the replacement dwelling already marred the distinction between town and country, however, it replaced an existing dwelling which was a similar distance from the development limit, so it did not result in a net increase in the number of dwellings beyond the limit, or a significant change in the setting of the settlement. Also, the principal policy test under CTY3 was whether the new dwelling would have a significantly greater visual impact than the existing building. It was considered to meet this test by the planning authority at that time as the site was better integrated than the original location of the dwelling. This application is clearly distinguishable from the application for replacement when assessed under policies CTY8, CTY13, CTY14 and CTY15, because of the slightly different policy tests and its location much closer to the settlement limit. The development would harm the setting of Kilkeel when viewed from Moor Road and must be refused.

AREA OF OUTSTANDING NATURAL BEAUTY

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. The site is located on the coastal plain to the south of the Mourne Mountains. The character of this particular area is that most dwellings are located within the defined settlement limit of Kilkeel and the rural areas beyond it (leading to the coast) are generally in agricultural use. There has been some mineral extraction, but the sites are re-instated to agricultural land upon completion (as in the case of this site). The erection of a new house on the site would harm the amenity value of the area and is not sympathetic to the character described above as it is not sited within the settlement limit. The scale of the proposal with an 11 metre high gable required to the southern end is not sympathetic to the AONB or local architectural styles. There are no locally important features to be preserved on the site. A dwelling here would be contrary to criteria (a) and (c).

ACCESS

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. In this case TransportNI has recommended visibility splays of 2.0m x 60m and re-location of electricity poles. This is achievable within the land owned and would ensure no prejudice to road safety.

SEWERAGE

Environmental Health has indicated that there is a mains sewer available to use (which would be preferable), though as the application states that a septic tank is to be used, it must be assessed against CTY16. Policy CTY16 states that Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. None of the supporting evidence referred to under policy CTY16 has been submitted. Therefore it would be necessary to impose a negative condition in the event of approval that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development. As the matter could be dealt with by condition, the failure to submit information on sewage treatment would not warrant refusal under CTY16. Standard consultation responses were received from NIEA Water Management Unit, Environmental Health and NI Water.

AMENITY

The proposed dwelling is in an isolated site and could be sited and designed so that it would not adversely affect the amenity of any nearby dwellings. This would be assessed in further detail at reserved matters stage if the application was approved.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a small gap in a substantial and continuously built up rural frontage and the gap would accommodate more than 2 houses based on the current development pattern. The proposal is therefore not a valid infill opportunity and would instead result in the creation of ribbon development along Moor Road in combination with other approved development.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be 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 would rely primarily on the use of new landscaping for integration, the required ancillary works would not integrate with their surroundings, the design of the proposed building is inappropriate for the site and its locality, and 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 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, would result in a suburban style build-up of development when viewed with existing and approved buildings, would not respect the traditional pattern of settlement exhibited in the area, would create a ribbon of development, 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.
5. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Kilkeel and the surrounding countryside.
6. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and its siting and scale is out of keeping with the special character of the Mourne AONB and the proposal does not respect local architectural styles.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

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

ITEM NO	4	DATE VALID	6/30/15
APPLIC NO	LA07/2015/0542/F	Full	
COUNCIL OPINION	REFUSAL	AGENT	Michael Burroughs
APPLICANT	Mr R L Annett 60 Corcreaghan Road Kilkeel BT34 4SL		Associates 33 Shore Road Holywood BT18 9HX 02890421011

LOCATION 150 metres southwest of No 20 Council Road
 Kilkeel
 BT34 4NP

PROPOSAL Agricultural Building, yard and access from Council Road

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy CTY 1 and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated farm business has been active for 6 years, that this building is necessary for the efficient use of the established agricultural holding and it has not been sited to cluster with the existing buildings on the farm holding, nor has sufficient justification been submitted to demonstrate why this is required at this location.



Newry, Mourne and Down District Council
 Planning Office
 O'Hagan House
 Monaghan Row
 Newry
 BT35 8DL

Delegated Application

Development Management Officer Report		
Case Officer: Paul Smyth		
Application ID: LA07/2015/0542/F		Target Date:
Proposal: Agricultural Building, yard and access from Council Road		Location: 150 metres southwest of No 20 Council Road Kilkeel BT34 4NP
Applicant Name and Address: Mr R L Annett 60 Corcreaghan Road Kilkeel BT34 4SL		Agent Name and Address: Michael Burroughs Associates 33 Shore Road Holywood BT18 9HX
Date of last Neighbour Notification:		N/A
Date of Press Advertisement:		15 th July 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	Rivers Agency	No Objection
Statutory	Transport NI	No Objection
Statutory	DARD	See main body of report
Advice and Guidance	Env Health	No Objection
Representations:		
Letters of Support	3	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues:

Full planning permission is sought for an agricultural building, yard and access.

The agricultural building has been constructed and is substantially complete. The building is single storey with a mono pitched roof. The submitted floor plans indicate the building measures 10.6m long and 5m wide (53m²). The roof of the building is covered in tin while the windows in the rear elevation are uPVC. The front elevation drawings illustrate a gate in the large opening and a timber door in the small opening. However as you can see from the site photographs (23/03/2016) there is a wooden pallet and a large round bail of silage covering the large opening. A metal roller shutter is in place on the internal side of the large opening. There is a temporary metal site security type fence and wooden board covering the smaller opening. The internal walls of the building have been rendered and the external walls finished with wet dash. The building has a concrete floor and is subdivided internally by temporary metal site security type fencing and wooden pallet. There were a small number of sheep housed in one side and some building materials in the other side.

The building and proposed farm yard are to cover an area of 672m² and are to be accessed via a laneway that is to be approximately 7m wide and 147m long from the Council Road.

Site Visit Report

Site Location Plan:



Date of Site Visit: 23rd March 2016

Characteristics of the Site and Area

The site consists of a large, flat, low lying field of limited agricultural value that is set back approximately 147m west of Council Road. The boundaries are defined by a combination of hedging and ditches. Substantial ground works have been carried out to the roadside portion of the agricultural field. There are two agricultural gates at the access from the Council Road. An access laneway has been partially formed in the front half of the field that leads from the Council Road to the west towards the existing agricultural building.

The site is in the open countryside approximately 215m north-west of the settlement development limits of Kilkeel. Aside from the town of Kilkeel, the surrounding area has a dispersed settlement pattern. The site falls within the Mourne Area of Outstanding Natural Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015.

Planning Assessment of Policy and Other Material Considerations

The application will be assessed under:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS) - This policy provides overall context under which the Council will determine planning applications.
- The Banbridge, Newry and Mourne 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.

ZONING:

The existing agricultural building is located approximately 215m north-west of the settlement development limits of Kilkeel. It is in the open countryside and within the Mourne Area of Outstanding Natural Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015.

HISTORY

- P/2013/0334/F -** Proposed site for a Farm Dwelling and Domestic Garage on land 220m NW of No.5 Maghereagh Heights, Council Road, Kilkeel – Refused 26/03/2015.
- The proposal was considered contrary to Policies CTY1, 10, 13, 14 & 15 of Planning Policy Statement 21 – Sustainable Development in the Countryside.
- P/2013/0913/F -** Retention of existing farm building and creation of new access on land 220m NW of No 5 Maghereagh Heights, Council Road, Kilkeel – refused 26/03/2015.
- The proposal was considered contrary to Policies CTY1 and CTY 12 of Planning Policy Statement 21.
- P/2013/0170/CA –** This is a current enforcement case that was opened in response to the existing building on this site having been constructed without the benefit of planning approval.
- LA07/2016/0510/O -** Dwelling on a farm on land adjacent and West of 60 Corcreaghan Road, Kilkeel, BT34 4SL
- This is a new outline application submitted by the applicant on 19th April 2016 for a farm dwelling on the same farm holding subject of this application. The proposed farm dwelling is to be sited to cluster with existing buildings on the farm holding.

The Banbridge, Newry and Mourne Area Plan 2015.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. 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, PPS2, PPS3 and PPS21.

Principle of Development

Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) states provision should be made for development on an active and established agricultural holding where the proposal is necessary for the efficient operation of the holding. It also states new buildings must be sited beside existing farm buildings on the holding and that an alternative site away from existing buildings will only be accepted in exceptional circumstances.

As there is no significant change to the policy requirements for an agricultural building, yard and access following the publication of the SPPS, the retained policies of Planning Policy Statements 2, 3 & 21 will also be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Planning Policy Statement 2 – Natural Heritage

Given the siting and design of the agricultural building and yard, there will be no significant change to views within the AONB and the proposal is not considered contrary to the requirements of policy NH6 of PPS2.

PPS3 – Access, Movement and Parking; & DCAN15 – Vehicular Access Standards

TransportNI have no objections to this proposal subject to conditions - see consultation response dated 9th September 2015. The proposal is not considered contrary to the policy requirements of PPS 3.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes agricultural development on an active and established agricultural holding if it is in accordance with Policy CTY12. For the purposes of this policy the determining criteria for an active and established business in that set out under Policy CTY10.

CTY10 requires a farm business to be currently active and established for at least 6 years. Claiming Single Farm Payment is the main means used to determine if the farm is active. DARD were consulted and confirmed that the farm business ID has been established for more than 6 years, but the business has not claimed Single Farm Payment (SFP), LFACA, or Agri Environment schemes in the last 6 years.

In an email dated 26/11/2015, Mr Richard O'Toole (Michael Burroughs Associates) stated the applicant had claimed SFP up until "this year", and that DARD had confirmed this via their consultation response in January 2014 for a previous application (P/2013/0913/F). The DARD response in that application confirmed the farm business ID had claimed SFP within the previous 6 years, however does not specifically mention until what year. In their consultation response for this application, DARD have indicated SFP has not been claimed in the last 6 years. Mr O'Toole states the applicant has also provided details of his flock number as proof of his active farm. The applicant submitted details of 7 sheep which were purchased on 18/08/2014 (Flock Number 782950) of as part of application P/2013/0913/F. The same flock number has been included on the P1C application form for this application. As the sheep were purchased in 2014, this information is not considered sufficient proof that the business has been active for at least 6 years. The application therefore fails to meet the criteria of an active and established farm business.

In terms of character and scale, the building is appropriate to the location; it visually integrates into the local landscape; does not have an adverse impact on the natural or built heritage and will not result in detrimental impact of residential dwelling outside the holding. The proposal therefore meets criteria (b), (c), (d) & (e) of CTY 12.

Criteria (a) of CTY 12 requires the applicant to demonstrate the development is necessary for the efficient use of the agricultural holding.

It has been claimed that as the applicant's sheep are to be kept on the Council Road site, the applicant requires the farm building to be located there rather than having to transport the sheep during adverse weather conditions. Winter housing of sheep may improve welfare, however it is not a necessity. Guidance contained on the National Sheep Association website states:

*"During winter months, or extreme weather conditions, certain breeds of sheep may be housed in barns with open fronted pens or in-by fields provided there is good natural shelter such as hedges."*¹

There is sufficient natural shelter in the form of hedges, trees and mature vegetation on the land at Council Road to negate the need for a building on that site. I do not agree that a building on this site is necessary for the efficient use of the agricultural building. The proposal therefore fails to meet criteria (a).

Furthermore, information contained within the planning statement submitted as part of the application states the applicant has no other buildings on his farm to store feed, equipment, produce or house his animals. In cases where a new building is proposed, Policy CTY 12 requires applicants to provide sufficient information to confirm there are no suitable existing buildings on the holdings that can be used; and that the proposal is sited beside existing farm buildings. The Policy goes on to state that exceptional consideration may be given to an alternative site away from existing farm buildings provided there are no other sites available at another group of buildings on the holding, and where it is essential for the efficient functioning of the business; or there are demonstrable health and safety reasons.

The applicant resides at number 60 Corcreaghan Road, Kilkeel, approximately 5.4 miles from the application site at Council Road. The farm maps submitted with this application under the Business ID highlight 3 separate parcels of farm land, 2 of which are located at Council Road and the third of which is located adjacent to the applicant's dwelling house at 60 Corcreaghan Road. There is a large garage located approximately 20m south of the applicant's domestic dwelling and garage. This garage was granted approval under reference P/2003/1606/F for the "erection of a garage to house lorry".

The applicant states this garage is unsuitable as it is in use for non-agricultural purposes and is remote from the applicant's fields. I accept that there are no other suitable existing buildings on the farm holding; however the agricultural field to the west of the applicants dwelling would provide a more suitable location for an agricultural building as it would be clustered with an existing group of buildings on the holding. The applicant states this field would not be suitable as it is the only field on the holding suitable for cultivating hay. In my opinion the field could easily accommodate an agricultural building similar in size to the existing one at the Council Road site, and still allow for the cultivation of hay. Furthermore, the applicant has recently submitted an application for a farm dwelling in the field to the west of the buildings on the farm holding (LA07/2016/0510/O). The proposed dwelling would be sited to cluster with existing buildings on the farm holding. Should the application be approved, the field is large enough to also

¹ <http://www.nationalsheep.org.uk/next-generation/starting-your-own-flock/>

accommodate an agricultural building.

An agricultural building sited in this field would be less than 6 miles from the Council Road site. The existing building at the Council Road site may be more convenient for the applicant, however it has not been demonstrated that is necessary for the efficient operation of the holding and no health and safety reasons have been put forward to justify the alternative location.

Third Party Representations

Two emails were received from Cllr Sean Rodgers in support of the application. The points raised in the emails have been summarised below:

- The applicant's farming operation is carried out on the other side of Kilkeel;
- He doesn't have sufficient land at his home to build a shed and conduct his farming business;
- Another farmer is housing the applicant's sheep over winter;
- The applicants land is too wet to have sheep grazing outside;
- Sheep are prone to developing foot problems in constantly on wet land.

One email was received from Cllr Glyn Hanna in support of the application. The points have been summarised below:

- There was always a shed on the land;
- During lambing season the applicant needs facilities for sheep and equipment; &
- The proposed building meets all relevant policies.

One email was received from Cllr Henry Reilly in support of the application. The points have been summarised below:

- All farmers must ensure that they meet all relevant animal welfare requirements;
- Key requirements of animal husbandry include thoroughly inspecting ones livestock which can only be done by ensuring adequate housing is available;
- The applicant has sufficient number of sheep to justify the construction of an agricultural building at the site;
- The climate is changing with wetter and milder temperatures accompanied by periods of extreme weather types;
- The application will contribute to a reduction in CO2 emissions in reduced vehicle travel; &
- The applicant's growing agricultural business requires general use and storage facility.

Consideration of Representations

- Planning policy states new buildings on a farm holding should be sited to cluster with an existing group of buildings on the farm holding. The site at Council Road is not considered to be an exceptional case that would justify a relaxation in the strict policy controls for development in the countryside.

- Although the winter housing of sheep may improve their welfare, it is not considered to be a necessity. It is acknowledged that some of the land on the Council Road site is in poor agricultural condition; however the large field immediately north of the application site is suitable for grazing sheep.
- There may have been a shed on the land previously; however the building and proposed yard and access are required to comply with prevailing planning policy.
- It is good practice to house sheep during lambing season. In my opinion an agricultural building adjacent to the main farm dwelling on the holding would be a more suitable location to house sheep during lambing season as the applicant would not have to travel 5.4 miles to check on the sheep. This would also reduce CO2 emissions.
- The proposed building fails to comply with Policy CTY1 of Planning Policy Statement 21; and criteria (a) and bullet points 3, 4 and 5 of Policy CTY12

Case Officer Recommendation: Refusal

Neighbour Notification Checked Yes

Summary of Recommendation

The proposal fails to comply with Policy CTY1 of Planning Policy Statement 21; and criteria (a) and bullet points 3, 4 and 5 of Policy CTY12. Refusal recommended.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland, Policy CTY 1 and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated farm business has been active for 6 years, that this building is necessary for the efficient use of the established agricultural holding and it has not been sited to cluster with the existing buildings on the farm holding, nor has sufficient justification been submitted to demonstrate why this is required at this location.

Case Officer Signature:

Date:

Appointed Officer Signature

Date: 21/4/16

PLANNING STATEMENT

Agricultural Building, Yard and Access from Council Road

150m Southwest of No.20 Council Road
Kilkeel

JUNE 2015

michael **burroughs** associates

33 SHORE ROAD | HOLYWOOD | BT18 9HX

EMAIL: INFO@MBAPLANNING.COM | TEL: 028 90421 011 | FAX: 028 90421 011

1.0 INTRODUCTION

1. This statement is submitted on behalf of the applicant, in support of a full application for an agricultural building and associated yard and access from Council Road, Kilkeel.
2. The agricultural building is partly constructed – foundation, floor, walls, and roof are completed. Windows have been installed in the rear elevation. All fenestration is yet to be completed. The yard and access have not yet been formed.
3. The development is sought to serve the applicant's farm, the majority of his holding is located in the area around the application site.
4. The applicant has 7 pedigree sheep that he keeps in the fields in this area. Like many farm buildings, the farmer intends to use the building for general agricultural use: He presently uses the building to store feed for his sheep and for housing the sheep in harsh weather conditions. He may also use it for storing farm equipment and stock as required at various times of the year. He has no other buildings on his holding that are either suitable or available for these purposes.

2.0 SITE AND SURROUNDINGS

5. The application site is located in the countryside, approximately 170m north of the settlement limit of Kilkeel on the western side of Council Road (**Appendix 1**). The proposed building is sited to the rear of a larger agricultural field, approximately 170m from Council Road (**Appendix 2**). The field is low-lying and flat and contains groups and bands of mature vegetation, which screen views of the proposed building on approach from the south (**Appendix 3, Photo 1**). The proposed building is visible from Council Road, on approach from the north, but viewed against a backdrop provided by vegetation along the site's western boundary and rising land to the southwest (**Appendix 3, Photo 2**). To the north, east, west and south of the site are undeveloped agricultural fields.

3.0 RELEVANT PLANNING HISTORY

6. The proposed agricultural building was subject of a previous application, P/2013/0913/F, which was refused by the Department of the Environment for the following reason:

"1. The proposal is contrary [to] Policy CTY1 and to Policy CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that this shed is necessary for the efficient use of the active and established agricultural holding and it has not been sited to cluster with the existing farm buildings nor has sufficient justification been submitted to demonstrate why this is required at this location".

7. These issues are addressed in this submission.

4.0 RELEVANT PLANNING POLICY

8. The following policy and guidance are relevant to the proposal:
 - Banbridge, Newry and Mourne Area Plan (BNMAP);
 - PPS3: Access, Movement and Parking; and
 - PPS21: Sustainable Development in the Countryside.
9. **BNMAP** designates the application site in the countryside and within the Mourne Area of Outstanding Natural Beauty (AONB), outside any designated Special Countryside Area. No other BNMAP designations or policies apply. PPS21 therefore takes precedence for this application.
10. **PPS21 Policy CTY1 – Development in the Countryside** states that planning permission will be granted for agricultural and forestry development in accordance with Policy CTY12.
11. **PPS21 Policy CTY12 – Agricultural and Forestry Development** states planning permission will be granted for development on an agricultural holding where the following criteria are met:

The holding is active and established

- Para. 5.56 of CTY12's Justification and Amplification states: *"for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY10"*.
- Policy CTY10 requires a farm business to be active for 6 years and Para. 5.39 of its Justification and Amplification states: *"For the purposes of this policy 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition"*.
- The applicant has provided a completed P1C Form and states his farm business ID was first registered in 1995, which is more than the 6 years required. DARD will confirm this. He has also provided flock holding numbers, which confirm he keeps animals for farming purposes, demonstrating an active holding. In addition, it is evident that he cultivates hay from his Corcreaghan Road field. This criterion is therefore satisfied.

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

- The proposal satisfies this criterion, as the applicant has no other buildings on his farm to store feed, equipment, produce or house his animals. He requires the proposed farm building for this. The only

other buildings owned by the applicant are his dwelling and a lorry garage (approved under P/1993/1381 and P/2003/1606/F respectively), but these are remote from the applicant's Council Road fields, being 7miles away at Corcreaghan Road, and are in use for other non-agricultural purposes – they are neither suitably located nor otherwise suitable or available to meet the needs of the agricultural enterprise.

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

- The building appears as a traditional, simple and modest form on the landscape, not unlike many other agricultural buildings that can be found throughout the Northern Ireland countryside. It is unquestionably more appropriate to this location than the much more prominent industrial sheds that have been approved along the roadside at 31 and 33 Council Road under applications P/2000/0541/F and P/2004/2973/F and various other large-scale agri-industrial sheds that have been approved under this policy in the wider Newry and Mourne area, including P/2013/0197/F at 26 Sandbank Road and P/2013/0319/F at 75m northwest of No. 6 Billys Road, Newry.

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

- As discussed above, the proposed building is a considerable distance (170m) from Council Road. It is not visible on approach from the south (**Appendix 3 Photo 1**) and is viewed against a backdrop of mature vegetation and rising land on approach from the north (**Appendix 3 Photo 2**). There are no other public views of the building. The building thus visually integrates into the local landscape.
- Additional planting is also proposed along the site's northern boundary, as shown on the submitted site layout drawing. This will improve integration further.

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

- There are no natural or built heritage features on the site or in the surrounding area that the proposal could have an adverse impact upon.

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

- The closest dwelling to the proposed building is 145m away, which is far enough to ensure no harm to residential amenity will occur.

12. PPS21 Policy CTY12 goes on to state that, where a new building is proposed, the following additional criteria should be satisfied:

There are no suitable existing buildings on the holding or enterprise that can be used.

- There are no other farm buildings on the holding. The applicant's dwelling and lorry garage are unavailable and unsuitable for agricultural use.

The design and materials to be used are sympathetic to the locality and adjacent buildings.

- There are no adjacent buildings. The roof is tin and the walls are grey render, which are common finishing materials for a building of this type in the countryside. They are sympathetic to the locality.

The proposal is sited beside existing farm or forestry buildings.

- There are no other farm buildings on the holding. The policy goes on to say that consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons.
- The applicant does presently own a field adjacent to his dwelling and lorry garage, along the Corcreaghan Road frontage. This field is unsuitable for a farm building because:
 - (i) An application for a farm building on the Corcreaghan Road field is unlikely to be granted planning approval, as it would result in a ribbon of development, contrary to PPS21 Policy CTY8.
 - (ii) The Corcreaghan Road field is the only field on the holding that is suitable for cultivating hay, the fields on Council Road are not suitable for this due to their relatively poor ground conditions. The applicant must therefore keep his sheep on the Council Road fields to ensure they do not conflict with the hay cultivation and this will ensure the efficient functioning of the business.
 - (iii) As the applicant's sheep are to be kept on the Council Road lands, the applicant requires the farm building to be located there, rather than having to transport his sheep the 7 miles from Council Road during adverse weather conditions.
 - (iv) A farm building on Council Road would allow the sheep to be sheltered quickly and easily, when necessary. Again, this would ensure the efficient functioning of the farm business.
 - (v) The majority of the applicant's farm land is at Council Road, 7 miles from the applicant's Corcreaghan Road lands. It would be inefficient to have the farm building on Corcreaghan Road, as this would serve only one small field on the holding, therefore an agricultural building on Council Road is required to ensure the efficient functioning of the business.

13. The proposal thus satisfies PPS21 Policy CTY12 criteria.

14. **PPS3 Policy AMP2 – Access to Public Roads** states permission will only be granted for a development proposal involving direct access onto a public road where:

(a) such access will not prejudice road safety or significantly inconvenience the flow of traffic

- 2.4m x 60m visibility splays are achievable and shown on the submitted access drawing. Transport NI should confirm that this is acceptable and will not prejudice road safety or significantly inconvenience the flow of traffic.

(b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes

- Council Road is not a protected route. This criterion is not applicable.

15. The proposal thus satisfies PPS3 Policy AMP2.

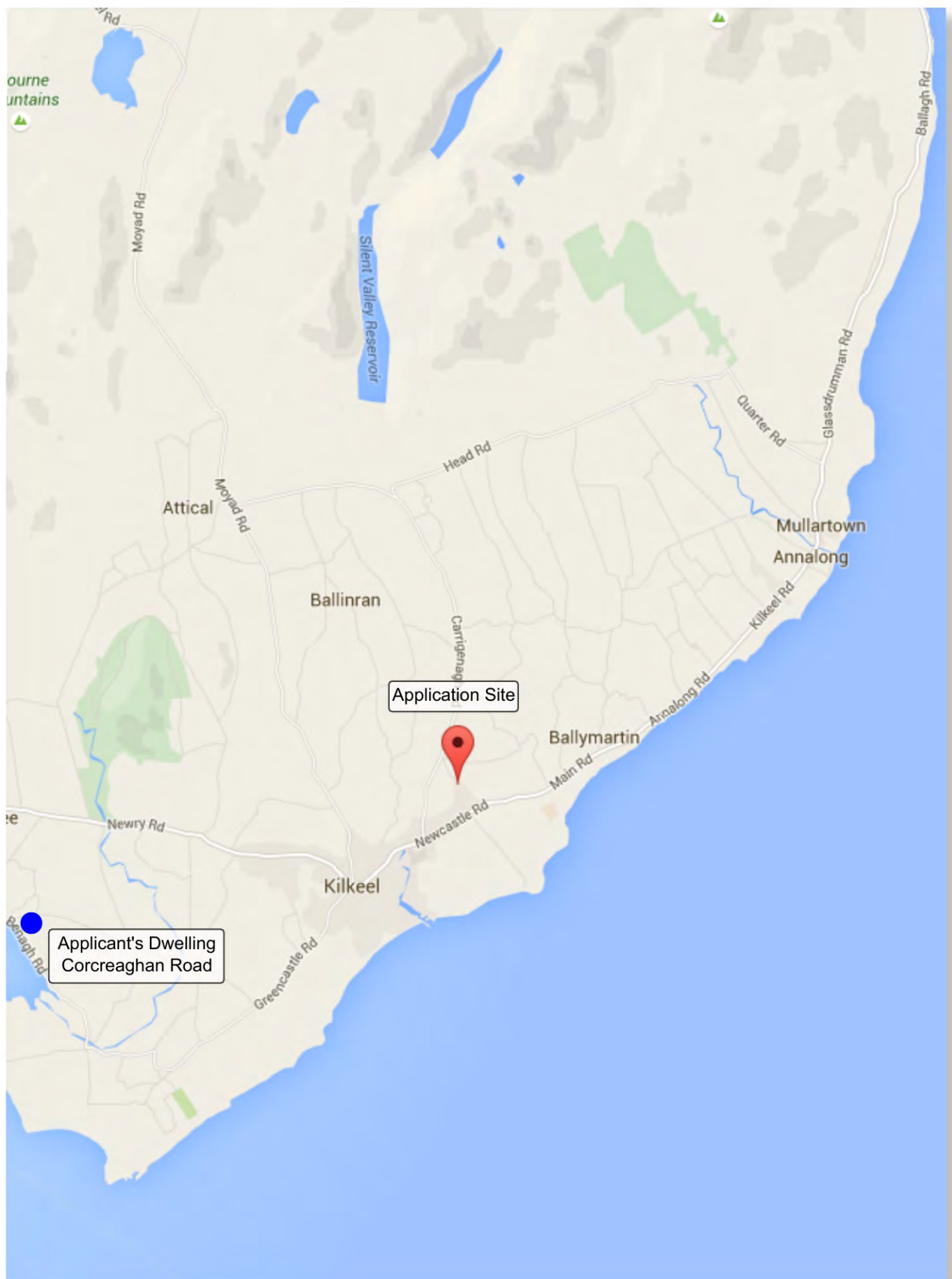
5.0 CONCLUSION

16. The proposal satisfies all relevant planning policy. The council are respectfully requested to allow planning permission.

Appendix 1

Site Location

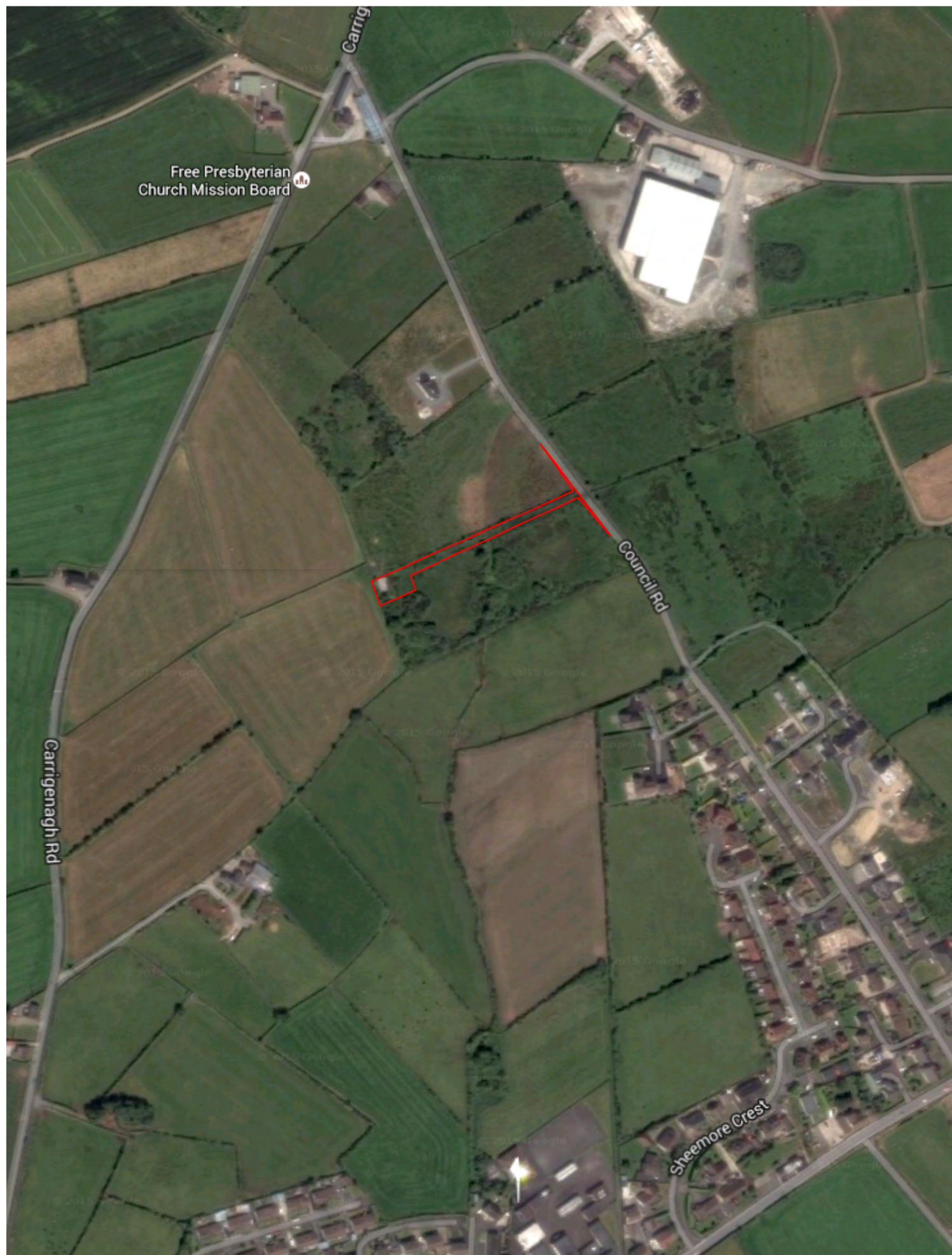
67



Appendix 2

Site and Surroundings

69



Appendix 3

Photo 1 – Approaching Site from South on Council Road



Photo 2 – Approaching Site from North on Council Road





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0552/F

Date Received: 03/07/2015

Proposal: 2no single storey extensions to front of dwelling which project forward of existing dwelling.

Location: 13 Slievehannagh Park, Newcastle

Site Characteristics & Area Characteristics:

The site in question is located in Slieve Shannagh Road, Newcastle the site in question is a detached dwelling that is single storey in appearance however has 1st floor gable windows. The roof is finished in brown concrete roof tiles and the dwelling is finished in a rough cast render, painted. The dwelling also has a detached garage. The area is a residential area located within the settlement development limits of Newcastle as defined in the Ards and Down Area Plan 2015, the area is within the Mourne AONB. The dwelling is located in an established housing development, the majority of which are similar style dwellings however at the top and bottom of the road there are differing styles and designs of buildings.

Site History:

R/2004/0654/F – 13 Slieve Shannagh Park – single storey rear extension to create sun lounge – 05-08-2004 – granted
R/1980/0322 – 13 Slieve Shannagh Park – garage and utility room – granted – 11-06-1980

Planning Policies & Material Considerations:

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

Consultations:

No external consultations were required in order to determine the application.

Objections & Representations

8 neighbour notifications have been sent with 6 objections received from 2 separate addresses. The application was advertised on 29-07-2015 and this expired on 05-08-2015.

Consideration and Assessment:

The application is considered against addendum to PPS 7 Residential Extensions and Alterations EXT 1.

The proposal is for 2 front extensions to the existing dwelling, one being 3.3m from the front building line and the other 2.1m from the existing front building line. The extensions are 4.2m in height, sitting lower than the existing ridge of 5m.

Consideration is firstly given to the design of the proposed extension, the design would not be considered to impact negatively on the design of the existing dwelling, the same large window formation has been retained with the introduction of a corner window, the front return has been used on other dwellings in the area albeit on a smaller scale. Extensions to the dwelling need to be treated with care and can very often not be considered acceptable. In this instance it is considered to be acceptable, the front extensions do not dominate the host dwelling nor will they change the character in a negative manner. The existing building line is staggered with differing house types in the area at both ends. Due to the variations of dwellings, staggered building lines and nature of the overall site it is not considered that this extension will negatively alter the existing character of the surrounding area. Due to design, materials, proportions and existing conditions of the site and surrounds it is not considered that there will be any demonstrable harm resulting from this proposal. It is not thought there is a specific and very identifiable building line identified within this park to restrict the development to the front of dwellings, especially given the dwelling types at the bottom of the Park and given that there have already been front extensions to dwellings.

Attention is given also to the likelihood of any negative impacts on residential amenity, notably there have been 6 letters of objection received in relation to the application, the objections were from two different addresses, no 11 Slieve Shannagh Park and no 15 Slieve Shannagh Park and were on the following grounds:

- No 11 feels that the extension will restrict views of the Mourne and also affect the light to the front of the property.
- Development is out of character with the rest of the street and area which being one of the oldest streets in Newcastle has unique character.
- The extension will be intrusive onto property no 15 and distorts the existing property line.
- Property no 15 will be devalued as it will shade early morning sun into the property.
- Second objections were received based on amended plans submitted by the agent in the early stages of the application.
- The extension will be overbearing.

Objections have been raised in relation to the application being over bearing however given that the dwelling is set down from no 15 it is not considered there will