



February 10th, 2017

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 15th February 2017** at **10:00 am** in the **Boardroom Monaghan Row Newry**.

The Members of the Planning Committee are:-

**Chair: Councillor W Clarke**

**Vice Chair: Councillor J Macauley**

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

# Agenda

1. Apologies.
2. Declarations of interest.

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## *Minutes for Adoption*

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3. **Minutes of Planning Development Committee Meeting held on Thursday 2 February 2017. (Attached).**

📎 *Planning Minutes - 02-02-2017.pdf*

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## *For Discussion/Decision*

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

📎 *Addendum list - 15-02-2017.pdf*

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## *Development Management - Planning Applications for determination*

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5. **LA07/2015/0620/0 - Robert Burgess - dwelling house and garage - between 62 and 64 Ballynahinch Road, Saintfield. (Case Officer report attached).**

Rec: REFUSAL

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

📎 *LA07-2015-062-O Robert Burgess.pdf*

Page 17

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

Page 24

6. **LA07/2015/0951/F - Adrienne Stewart - two new detached dwellings each with a garage - I Orchard Lane, Strangford Road, Downpatrick. (Case Officer report attached)**

Rec: REFUSAL

- Addendum list

📎 *LA07-2015-0951-F Adrienne Stewart.pdf*

Page 27

**7. LA07/2015/1000/F - Mr N Small - change of house type from previous approval R/2010/0515/F - 190 Dundrum Road, Newcastle. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

 [LA07-2015-1000-F Mr N Small.pdf](#)

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**8. LA07/2015/1081/F - Christopher Kelly - proposed 2 No. agricultural farm sheds - land 185m SW of 112 Drumnaquoile Road, Ballynahinch. (Withdrawn).**

Rec: REFUSAL

- The agent has confirmed that they are withdrawing this application from the planning process.

**9. LA07/2015/1159/F - Mr D Savage - change of house type to that previously approved under R/2009/0697/F - 20m NE of 8 Cloughley Road, Loughinisland.**

Rec: REFUSAL

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

**10. LA07/2016/0758/0 - Mr and Mrs Hickland - new dwelling and garage - lands approximately 50m south of 56 Crawfordstown Road, Drumaness.**

Rec: REFUSAL

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

**11. LA07/2016/1084/F - Mr Broome - proposed off site replacement dwelling and garage - 130m south of No. 172 Dundrum Road, Dromara.**

Rec: REFUSAL

- This application is being removed from the schedule to consider further amendments submitted by the agent.

**12. LA07/2016/1354/F - Valarie Hunt - proposed conversion and extension of existing barn - 200m SE of 11 Cuttyshane Road, Killleagh, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

📄 *LA07-2016-1354-F Valerie Hunt.pdf*

Page 43

**13. R/2015/0153/0 - Mr T Sloan - housing development with improvements to Drumnaconagher Road (amended description) - Adjacent to Holy Family School Drumnaconagher Road Annacloy Downpatrick. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

📄 *R-2015-0153-O T Sloan.pdf*

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**14. LA07/2015/0492/F - Mr B Ward - adjacent to and south of No. 40 Lower Newtown Road, Meigh - Proposed change of house type with alternative access to the Public road brought about by the construction of a new fly over to dual carriageway to original replacement Dwelling Approval on now commenced site. (Amended Ownership certificate). (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Arthur McKeivitt who is objecting to this planning application. **(Submission attached).**
- A request for speaking rights has been received from Joe Lynam, Agent, in support of the application. **(Mr Lynam will be speaking on photographs showing site works which will be on display at the Meeting).**

📄 *LA07-2015-0492-F Mr B Ward.pdf*

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📄 *Item 14 - submission of objection (B Ward).pdf*

Page 67

📄 *Item 14 - J Lynam photographs in support of application.pdf*

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**15. LA07/2015/0706/0 - Frank Clerkin - proposed dwelling on a farm - 40m south of 134 Kilbroney Road, Rostrevor. (Case Officer**



**report attached).**

Rec: REFUSAL

- Addendum list

📎 *LA07-2015-0706-O Frank Clerkin.pdf*

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**16. LA07/2015/0912/F - Mr & Mrs P McGivern - proposed extension to & conversion of existing barn to provide a granny flat accommodation - 131 Killowen Road, Rostrevor. (Case Officer report attached)**

Rec: REFUSAL

- Addendum list

📎 *LA07-2015-0912-F Mr & Mrs P McGivern.pdf*

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📎 *CO 2016-0912 Killowen Road Conversion.pdf*

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**17. LA07/2015/1283/F - Pat McSherry - proposed installation of a wind turbine on a lattice type tower - with blade tip height up to 24.8 mts - 318mts SW of 16 Lurgana Road, Whitecross. (Case Officer report attached).**

Rec: REFUSAL

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

📎 *LA07-2015-1283-F Pat Sherry.pdf*

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📎 *Item 17 - submission of support (Pat McSherry).pdf*

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**18. LA07/2016/0501/F - Newry, Mourne and Down District Council - Pedestrian crossing the Fathom Line public road to connect Newry Canal "Greenway" and Victoria Docks to Fathom Forest - Road crossing approximately 185m north west of entrance to Victoria Locks Fathom Line, Newry. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

**19. LA07/2016/0574/0 - Colin Rodgers - proposed farm dwelling and garage - to the rear of 4 Ballynagappoge Road, Rathfriland. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

**20. LA07/2016/1099/F - Mr & Mrs Fletcher - proposed replacement dwelling - lands 20m south of 176 Concession Road, Clonalig, Crossmaglen. (Case Officer report attached).**

Rec: REFUSAL

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

**21. LA07/2016/1134/F - Geraldine Barry - proposed change of house type to that previously approved under Ref. No. P/2008/0457/RM - 90 m NW of 75 Carran Road, Crossmaglen, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Councillor Terry Hearty and the applicant, in support of the application. **(Submission attached)**.

**22. LA07/2016/1137/F - Michael Woods - alter layout of house under construction - 39 Captains Road, Forkhill, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Michael Toale, Agent, together with the applicant and the builder, in support of the application. **(Submission attached).**

📎 *LA07-2016-1137-F Michael Woods.pdf*

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📎 *Item 22 - submission of support (M Woods).pdf*

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**23. LA07/2016/1192/F - Burren Community Development Project to include: 4 court sports hall, Fitness & Well-being areas, Crèche area, youth club, changing facilities, meeting rooms, gym, stores and associated siteworks - St. Mary's Youth Club, Burren.**

Rec: APPROVAL

- Addendum list

📎 *LA07-2016-1192-F Burren Vision St Marys Youth Club.pdf*

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**24. P/2013/0016/F - Patrick Gerald Savage - 225kw wind turbine on 30m mast with 29m rotor diameter - 340 m south of 78 Maytown Road, Newry.**

Rec: REFUSAL

- Addendum list

📎 *P-2013-0016-F Patrick Savage.pdf*

Page 136

**25. P/2013/0469/F - T J Annett - retention of structure for use as a temporary dwelling and retention of store, boiler room and pellet store - 14 Ballyveaghmore Road, Ballymartin, Kilkeel.**

Rec: REFUSAL

- Addendum list

📎 *P-2013-0469-F TJ Annett.pdf*

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**26. P/2013/0758/F - P J Burns James Alexander Engineering Ltd - variation of condition 02 of planning approval P/2012/0101/F (seeking to extend opening hours until 20.00 hours on**

**weekdays and 17.00 Saturdays) - 48 Kitty's Road, Kilkeel.**

Rec: REFUSAL

- Addendum list

[P-2013-0758-F PJ Burns.pdf](#)

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[CO P-2013-0758-F.pdf](#)

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**27. P/2015/0056/F - Colin McManus - Change of House Type to include increased ridge height, garage incorporated into main dwelling and associated works. (amended description) - 360m north-east of No 37 Shaughan Road Belleeks Newry.**

Rec: REFUSAL

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

[P-2013-0056-F - Colin MCManus.pdf](#)

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**28. P/2015/0191/0 - D O'Hare - site for dwelling and detached garage with new access onto public road - 20 m NE of 61 Tullyframe Road, Attical, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

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

[P-2015-0191-O D O'Hare.pdf](#)

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[co P-15-0191 PDF.pdf](#)

Page 158

[Item 28 - submission of support \(D O'Hare\).pdf](#)

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**29. P/2015/0224/0 - Malachy O'Hare - site for dwelling and garage and engineering works required to facilitate access - 40m S of No. 120 Tully frame Road, Attical, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, Agent, in

support of the application. **(Submission attached).**

📎 *P-2015-0224-O Malachy O'Hare.pdf*

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📎 *CO p-15- 0224 PDF.pdf*

*Page 179*

📎 *Item 29 - submission of support (M O'Hare).pdf*

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**30. P/2015/0197/0 - Keith Newell - demolition of existing building and site for infill dwelling and garage - 80m NE of No 19 Ballynahatten Road Kilkeel. (between site approved under P/2014/0652/RM and No 19 Ballynahatten Road Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

📎 *P-2015-0197-O Keith Newell.pdf*

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**31. P/2011/0841/F - Seamus M Gee - proposed installation of wind turbine to provide power to existing farm and excess to grid - approximately 230m SW of 12 Tullywinney Road, Camlough. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

📎 *P-2011-0841-F Seamus M Gee.pdf*

*Page 190*

**32. P/2013/0139/F - Eugene Hanratty - retention of existing buildings for fuel storage and sales - adjacent to 272 Dublin Road, Killeen, Newry. (Withdrawn).**

Rec: REFUSAL

- Stephen Hughes, Agent, has confirmed that this application is being withdrawn from the Planning process.

**33. P/2013/0317/0 - Stephen & Emma Orr - replacement dwelling - No. 18a Major's Hill, Annalong, Newry. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

📄 *P-2013-0317-O Stephen and Emma Orr.pdf*

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*For Noting*

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**34. January 2017 Planning Committee Performance Report. (Attached).**

📄 *JANUARY 2017 Planning Committee Performance Report.pdf*

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**35. Record of meetings between Planning Officers and public representatives. (Attached).**

📄 *15 February 2017 Committee report.pdf*

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**36. January 2017 Appeals and Decisions. (Attached).**

📄 *January 2017 Appeals and Decisions.pdf*

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# Invitees

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

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



**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

Ref: PL/DM

**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Thursday 2 February 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

**Chairperson:** Councillor W Clarke

**Vice Chair:** Councillor J Macauley

**In Attendance:**

**(Committee Members)**

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

**(Officials)**

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer

Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms S Taggart	Democratic Services Manager
Ms C Taylor	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

**P/014/2017: APOLOGIES/CHAIRMAN'S REMARKS**

There were no apologies received.

**P/015/2017: DECLARATIONS OF INTEREST**

Councillors Devlin and Hanna declared an interest in Item 22 – LA07/2015/0248/F.

**P/016/2017: MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY 18 JANUARY 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 18 January 2017. **(Copy circulated)**

**AGREED:** On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee

**Meeting held on Wednesday 18 January 2017 as a true and accurate record.**

**P/017/2016: ADDENDUM LIST**

**Read:** Addendum list of planning applications with no representations received or requests for speaking rights – Thursday 2 February 2017.  
**(Copy circulated)**

**AGREED:** It was unanimously agreed to remove the following planning applications from the Addendum List:-:-

- **Item 28 – LA07/2016/0150/O** – Alan and Ronald Davidson – site for farm managers dwelling and garage – adjacent and immediately south of No 17 Ardaragh Road, Rathfriland.  
**(Remove from the addendum list at the request of Councillor Macauley for full presentation at the next Committee Meeting).**
- **Item 33 – P/2012/0069/F** – Terry O'Hanlon – erection of 225kw wind turbine – approximately 400m SSW of 78 Maytown Road, Enagh, Bessbrook. Newry.  
**(Remove from the addendum list as the applicants have advised they wish to withdraw this application from the planning process).**
- **Item 34 – P/2014/0070/RM** – Patrick and Mairead Green – erection of dwelling and garage – immediately north of 54 Drumreagh Road, Rostrevor.  
**(Remove from the addendum list as the applicants have advised they wish to withdraw this application from the planning process).**

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

- **Item 4 – LA07/2015/0180/F** – Jilian D'Arcy – wind turbine up to a maximum tip height of 87m comprising of 65m tower and 44m rotor diameter, associated access, transformer and electric cabling – 449m SE of 11 Struell Wells Road, Struell, Downpatrick. **REFUSAL**
- **Item 8 – LA07/2016/0621/0** – Mr & Mrs Rooney – new dwelling and garage – between 4 and 8 Magheralone Road, Ballynahinch. **REFUSAL**
- **Item 12 – LA07/2016/0824/F** – Mr S Cochrane – single storey sunroom and porch extension to the front of existing dwelling – No. 28 Church Road, Ballynahinch. **REFUSAL**
- **Item 14 – LA07/2016/1087/F** – Anne & Phil Goodwin – proposed alterations and extension to first floor balcony and cladding of wall behind balcony – apartment 2 Seahaven, Downs Road, Newcastle. **REFUSAL**
- **Item 15 – R/2015/0062/F** – Rice Building Contracts Ltd – private housing development of 41 units (amended plans and drainage

assessment received, on lands off Forde Way, Main Street, and to the rear of 199-207 Newcastle Road, Seaforde. **APPROVAL**

- **Item 17 – LA07/2016/1296/0** – Mr & Mrs John Curran – proposed 1 No. dwelling and garage with associated site works – opposite 2 and 4 Magheralone Road, Drumaness, Ballynahinch. **REFUSAL**
- **Item 19 – LA07/2015/0088/F** – George Tinnelly – proposed stables and store for an existing equestrian centre – Greenpark Road, Rostrevor. **REFUSAL**
- **Item 23 – LA07/2015/0377/F** – Raymond Blackwood – single wind turbine, associated access and 2 no. electricity cabinets – approx 125m SW of Knockowen Road, Newtownhamilton. **REFUSAL**
- **Item 29 – LA07/2016/0557/F** – Mr & Mrs Oliver Reavey – retention of dwelling as constructed previously approved under planning ref: P/2015/0186/RM – 85 Newtown Road, Camlough. **REFUSAL**
- **Item 32 – LA07/2016/1206/0** – Theresa McNulty – erection of replacement dwelling and detached garage for 4 Upper Burren Road to be replaced off site on land – 50m south of 30 Upper Burren Road, Burren, Warrenpoint. **REFUSAL**
- **Item 35 – P/2010/1065/F** – Martina Magill – erection of wind turbine for electricity production – 30m high – 300m from Newtown Road, Belleek accessed by lane adjacent to 3 Newtown Road, Belleek. **REFUSAL**
- **Item 36 – P/2011/0031/F** – Kieran McDonnell – wind turbine 30m hub height 27m rotor diameter – 250m from 31 Tullygeasey Road, Newtownhamilton. **REFUSAL**
- **Item 39 – P/2013/0078/F** – Marvyn Hamilton – erection of 1 no. 250kw wind turbine with a hub height of 30m – 420m NW of 20 Levin Road, Newtownhamilton. **REFUSAL**

#### **P/018/2017: APPLICATIONS FOR DETERMINATION**

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

- **Item 7 – LA07/2016/0143/F** - Meave Chadwick – proposed new stables/fodder storage building for private use – rear of 43 Kirkland Road/adjc to (rear) 43 Kirkland Road, Killyleagh, Downpatrick **REFUSAL**  
**(Remove from the agenda to consider new information submitted by the Agent).**
- **Item 9 – LA07/2016/0660/F** – Mr PJ Morgan – Farm diversification providing 1 no. unit of tourist accommodation – lands approximately 175m SW of 116 Drumnaquolle Road, Ballynahinch **REFUSAL**  
**(Remove from the agenda to consider new information submitted by the Agent)**
- **Item 24 – LA07/2015/0493/F** – Eric Jeans – erection of dwelling and garage (change of house type to that approved under application P/2007/0611/RM) – 80m east of Moneygore Road, Rathfriland – **REFUSAL (Remove from the agenda to consider new information submitted by the Agent)**

- **Item 25 – P/2015/0977/F** – Belinda and Ross McArdle – erection of farm dwelling – approximately 60m north of 53 Upper Fathom Road, Killeen, Newry – **REFUSAL (Remove from the agenda to consider new information submitted by the Agent)**
- **Item 27 – LA07/2015/0545/F** – Mr P Smith – dwelling and garage – 40m SW of No 23a Castlewellan Road, Hilltown – **REFUSAL (Remove from the agenda to consider new information submitted by the Agent)**
- **Item 31 – LA07/2016/0879/F** – Mourné Landscapes Ltd – retention of existing machinery store and yard for existing landscape business – 40a School Road, Ballymartin, Kilkeel – **REFUSAL (Remove from the agenda to consider new information submitted by the Agent)**

The following applications were then determined by the Committee:-

(2) **LA07/2015/0747/0 – Niall Brannigan**

**Location:**

Approximately 88m east of 184 Lackan Road, Kilcoo

**Proposal:**

Proposed dwelling on a farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

John Feehan, Agent, presented in support of the application

**Noted:**

Additional information received from Ulster Farmer's Union in support of the application.

Councillor Murnin proposed and Councillor Casey seconded to issue an approval in respect of Application LA07/2015/0747/O, contrary to Officer recommendation, on the basis that the proposed site is visually linked with existing farm buildings.

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

For	4
Against	4
Abstentions	4

As the Chair had the casting vote, he voted for the proposal.

The proposal was declared carried.

**AGREED: On the proposal of Councillor Murnin seconded by Councillor Casey it was agreed to issue an approval in respect of Application**

**LA07/2015/0747/O, contrary to Officer recommendation, on the basis that the proposed site is visually linked with existing farm buildings.**

**(3) LA07/2015/1221/0 – Mrs W Allen**

**Location:**

35m to rear (north) of 8 Comber Road, Saintfield

**Proposal:**

Dwelling and garage (amended layout)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Ewart Davis, Agent, presented in support of the application

**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor Devlin it was agreed to defer Application LA07/2015/1221/0 to allow further consideration of the highlighted discrepancies within the report.

**(4) LA07/2016/0706/F – Patrick Byrne**

**Location:**

20 Killough Road, Ardglass

**Proposal:**

Retention of pigeon loft

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Gerry Tumelty, Agent, presented in support of the application

Councillor Larkin proposed and Councillor Hanna seconded to refuse the application as per the Development Management Officer Report.

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

For	5
Against	6
Abstentions	1

The proposal was lost.



Councillor Devlin proposed and Councillor Casey seconded to issue an approval in respect of Application LA07/2016/0706/F, contrary to Officer recommendation, with authority being delegated to officers to impose any conditions as the applicant had taken steps to reduce the size of the loft and planted to screen the loft from the road.

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

For	6
Against	5
Abstentions	1

The proposal was carried.

**AGREED:** On the proposal of Councillor Devlin seconded by Councillor Casey it was agreed to issue an approval in respect of Application LA07/2016/0706/F, contrary to Officer recommendation, with authority being delegated to officers to impose any conditions.

**(5) LA07/2016/0762/0 – Mr G Sharvin**

**Location:**

10m west of No. 89 Killard Road, Ballyhornan

**Proposal:**

Proposed one and half storey bungalow and detached garage (amended site location)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Gerard Sharvin, Applicant, presented in support of the application

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed to issue a refusal in respect of Application LA07/2016/0762/0, for the reasons recommended as per the Development Management Officer Report.

The above proposal had been declared carried following a vote taken by way of a show of hands as follows:

For	8
Against	3
Abstentions	1

**(6) LA07/2016/0973/0 – Mrs M Maw & Mr A Russell**

**Location:**

Lands 85m east of 26 Claragh Road, Clough, Downpatrick

**Proposal:**

Proposed dwelling and garage on a farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Sam Hawthorne, Agent, presented in support of the application

**AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin it was agreed to issue a refusal in respect of Application LA07/2016/0973/0, for the reasons recommended as per the Development Management Officer Report.**

The above proposal had been declared carried following a vote taken by way of a show of hands as follows:

For	7
Against	5
Abstentions	0

**(7) LA07/2016/1109/F – Stephen Magee****Location:**

No. 9 Ballywooden Road, Downpatrick

**Proposal:**

Replacement dwelling and detached double garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Stephen Magee, Applicant, presented in support of the application.

**AGREED: On the proposal of Councillor Hanna, seconded by Councillor Craig, it was agreed to defer Application LA07/2016/1109/F for one month to give the applicant an opportunity to submit the additional required information to support the application.**

**(8) LA07/2016/1388/F – Jackie Orr**

**Location:**

Lands approximately 170m NE of 7 Rocks Chapel Road, Crossgar

**Proposal:**

Extension to the existing farm shop to form tea rooms

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

David Burgess, Agent, and Jackie and Richard Orr (Applicants) presented in support of the application

Councillor Hanna proposed to approve the application, contrary to Officer recommendation, as he believed there would not be an excessive increase in the amount of visitors to the proposed tea rooms. He stated a condition should be attached to have a maximum capacity of 30 seats within the tea rooms. This was seconded by Councillor Macauley.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Macauley, it was agreed to issue an approval in respect of Application LA07/2016/1388/F, contrary to Officer recommendation, on the basis that there would be no excessive increase in movements of traffic onto a protected route as a condition would be imposed to limit the maximum seating capacity in the tea rooms to 30. Planning Officers to also be granted authority to impose any other relevant conditions.

(1.00pm – the meeting adjourned)

(1.50pm – the meeting resumed)

Councillor Casey left the meeting – 1.50 pm

(9) LA07/2015/0097/F – John Rafferty

**Location:**

To rear of 34a Ballynalack Road, Camlough

**Proposal:**

Proposed retention and completion of equine shelter and store

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Barney Dinsmore, Agent, presented in support of the application

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Craig, it was agreed to issue a refusal in respect of Application



**LA07/2015/0097/F, for the reasons recommended as per the Development Management Officer Report.**

**Abstentions: 0**

**(10) LA07/2015/0203/F – Martin Bailie**

**Location:**

150m SE of No. 57 Bavan Road, Mayobridge

**Proposal:**

Change of use of house type on approved site with works commenced on site (with reduced site cartilage)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Martin Bailie, Applicant, presented in support of the application

**AGREED: On the proposal of Councillor Murnin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of Application LA07/2015/0203/F, contrary to Officer recommendation, with a condition that work commences within a 12 month period.**

**Abstentions: 0**

**Councillor Casey returned to the meeting – 2.20 pm**

(Councillors Devlin and Hanna, having previously declared an interest in the next item, did not take part in any discussions – 2.20 pm)

**(11) LA07/2015/0248/F – Sean Fitzpatrick**

**Location:**

261m NW of 36a Council Road, Kilkeel

**Proposal:**

Erection of 225kw wind turbine with a 40m high monopole and a 3 blade 13.5 radius rotor, equipment room to service turbine, form hardcore access track

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Brendan Quinn, Agent, and Dr Peter Hill presented in support of the application

**Noted:**

Sarah Davidson from the Environmental Health Department also attended to respond to Members' queries and confirmed that as Consultees they had asked that an additional noise assessment be carried out.

Councillor Murnin proposed to issue an approval contrary to Officer recommendation on the basis of the noise assessment report submitted by Dr. Hill, a Specialist Consultant employed by the Applicant, which confirmed that the noise from both the proposed wind turbine and the existing wind turbine was compliant with noise assessment criteria. This was seconded by Councillor McAteer.

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

For	2
Against	7
Abstentions	1

The proposal was lost

Councillor Larkin proposed to defer Application LA07/2015/0248/F in order that detailed technical advice, including a further noise assessment, could be carried out.. This was seconded by Councillor Casey and all were in agreement.

**AGREED: On the proposal of Councillor Larkin, seconded by Councillor Casey, it was agreed to defer Application LA07/2015/0248/F in order that detailed technical advice, including a further noise assessment, could be carried out.**

**Councillor Hanna and Councillor Devlin returned to the meeting.**

**(12) P/2014/1032/F – Gabriel McEvoy**

**Location:**

Adjacent and north of 50 Newtown Road, Killeen, Newry

**Proposal:**

Proposed erection of 2 dwelling houses in infill site

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Stephen Hughes, Agent, presented in support of the application

**AGREED: On the proposal of Councillor Murnin, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of Application P/2014/1032/F, for the reasons recommended as per the Development Management Officer Report.**

The above proposal had been declared carried following a vote taken by way of a show of hands as follows:

For	10
Against	2
Abstentions	0

**(13) LA07/2016/0408/F – Garvan and Helen Walsh**

**Location:**

99 Windmill Road, Cranfield, Kilkeel

**Proposal:**

Replacement dwelling house and garage as substitute for previously approved planning application P/2013/1764/F

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Emma Speers, Agent, presented in support of the application

**AGREED:** On the proposal of Councillor Devlin, seconded by Councillor McAteer, it was agreed to defer Application LA07/2016/0408/F to allow further discussions and investigation on the application.

**Abstentions:** 0

**(14) P/2011/0728/0 – Mr Oliver Hearty**

**Location:**

Lands to the rear and west of Nos 71-79 Dundalk Street, Newtownhamilton

**Proposal:**

Site for housing development (amended scheme)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Diana Thompson, Agent, presented in support of the application

**AGREED:** On the proposal of Councillor Murnin, seconded by Councillor Larkin, it was agreed to issue an approval in respect of Application P/2011/0728/0, contrary to Officer recommendation, with the condition it was outline approval with no specified numbers for

**dwellings approved****(15) P/2012/0743/F – Brian Cunningham****Location:**

Valley Business Park, 48 Newtown Road, Rostrevor

**Proposal:**

Part change of use to tourism park incorporating 47 No. touring caravan pitches, 2 No. log cabins, tent pitching areas, gate house, pump house, toilets and showers and new micro hydropower system

**Conclusion and Recommendation from Planning Official:**

Refusal

**Noted:**

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

**AGREED:** On the proposal of Councillor Craig, seconded by Councillor Hanna, it was agreed to defer Application P/2012/0743/F for one month to investigate whether the applicant wished to continue with the application. If there was no positive response from the agent/applicant within that time period the application would be determined and issued under Delegated Decisions.

**CONSULTATION DOCUMENTS****P/019/2017: CONSULTATION ON REVIEW OF PERMITTED DEVELOPMENT RIGHTS FOR MINERAL EXPLORATION**

Read: Letter dated 8 December 2016 from the Department of Infrastructure re: Consultation Paper on proposals to amend permitted development rights in respect of mineral exploration. **(Copy circulated)**

**AGREED:** It was agreed on the proposal of Councillor Ruane, seconded by Councillor Hanna to support Option 1 for changes to permitted development rights for petroleum exploration and the changes to height restrictions (introduce a height restriction of 15 metres for any structure provided for mineral exploration) and timescales (extend the timescale for responding to permitted development notifications to 28 days)..

**P/020/2017: CONSULTATION PAPER ON PROPOSALS TO AMEND THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NI) 2015**

Read: Letter dated 15 December 2016 from the Department of Infrastructure re: Consultation Paper on proposals to amend the Planning (Environmental Impact Assessment) Regulations (NI) 2015. **(Copy circulated)**

**AGREED:** It was agreed on the proposal of Councillor Craig, seconded by Councillor Ruane to endorse and support proposals to amend the Planning (Environmental Impact Assessment) Regulations (NI) 2015.

**FOR NOTING**

**P/021/2017: NEWRY, MOURNE AND DOWN DRAFT STATEMENT OF COMMUNITY INVOLVEMENT**

Read: Report dated 2 February 2017 from Mr A Hay, Principal Planning Officer regarding Newry, Mourne and Down Draft Statement of Community Involvement (**copy circulated**)

**NOTED** It was agreed to note the Newry, Mourne and Down Draft Statement of Community Involvement.

**P/022/2017: NEWRY, MOURNE AND DOWN LOCAL DEVELOPMENT PLAN PREPARATORY STUDIES PAPER 7: TOURISM**

Read: Report dated 2 February 2017 from Mr A Hay, Principal Planning Officer regarding Newry, Mourne and Down Draft Local Development Plan: Preparatory Studies Paper 7: Tourism (**copy circulated**)

**NOTED** It was agreed to note the Newry, Mourne and Down Draft Local Development Plan: Preparatory Studies Paper 7: Tourism

**P/023/2017: NEWRY, MOURNE AND DOWN LOCAL DEVELOPMENT PLAN PREPARATORY STUDIES PAPER 9: PUBLIC UTILITIES**

Read: Report dated 2 February 2017 from Mr A Hay, Principal Planning Officer regarding Newry, Mourne and Down Draft Local Development Plan: Preparatory Studies Paper 9: Public Utilities (**copy circulated**)

**NOTED** It was agreed to note the Newry, Mourne and Down Draft Local Development Plan: Preparatory Studies Paper 9: Public Utilities

**P/024/2017: UPDATE ON PROPOSED ARRANGEMENTS FOR SITE MEETINGS**

**NOTED:** Suggested arrangements:

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

**AGREED:** It was unanimously agreed to change the start time of the site meeting on Monday 27 February 2017 from 4.00 pm to 12 noon.

There being no further business the Meeting concluded at 4.35pm

For adoption at the Planning Committee Meeting to be held on 1 March 2017.

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

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



## Item 4 – Addendum List

### Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 15 February 2017

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

- **Item 6** - LA07/2015/0951/F - Adrienne Stewart - two new detached dwellings each with a garage - I Orchard Lane, Strangford Road, Downpatrick. **REFUSAL**
- **Item 7** - LA07/2015/1000/F - Mr N Small - change of house type from previous approval R/2010/0515/F - 190 Dundrum Road, Newcastle. **REFUSAL**
- **Item 12** - LA07/2016/1354/F - Valarie Hunt - proposed conversion and extension of existing barn - 200m SE of 11 Cuttyshane Road, Killeagh, Downpatrick. **REFUSAL**
- **Item 13** - R/2015/0153/0 - Mr T Sloan - housing development with improvements to Drumnaconagher Road (amended description) - Adjacent to Holy Family School Drumnaconagher Road Annacloy Downpatrick. **APPROVAL**
- **Item 15** - LA07/2015/0706/0 - Frank Clerkin - proposed dwelling on a farm - 40m south of 134 Kilbroney Road, Rostrevor. **REFUSAL**
- **Item 16** - LA07/2015/0912/F - Mr & Mrs P McGivern - proposed extension to & conversion of existing barn to provide a granny flat accommodation - 131 Killowen Road, Rostrevor **REFUSAL**
- **Item 18** - LA07/2016/0501/F - Newry, Mourne and Down District Council - Pedestrian crossing the Fathom Line public road to connect Newry Canal "Greenway" and Victoria Docks to Fathom Forest - Road crossing approximately 185m north west of entrance to Victoria Locks Fathom Line, Newry. **APPROVAL**
- **Item 19** - LA07/2016/0574/0 - Colin Rodgers - proposed farm dwelling and garage - to the rear of 4 Ballynagappoge Road, Rathfriland. **REFUSAL**
- **Item 23** - LA07/2016/1192/F - Burren Community Development Project to include: 4 court sports hall, Fitness & Well-being areas, Crèche area, youth club, changing facilities, meeting rooms, gym, stores and associated siteworks - St. Mary's Youth Club, Burren. **APPROVAL**
- **Item 24** - P/2013/0016/F - Patrick Gerald Savage - 225kw wind turbine on 30m mast with 29m rotor diameter - 340 m south of 78 Maytown Road,

Newry. **REFUSAL**

- **Item 25** - P/2013/0469/F - T J Annett - retention of structure for use as a temporary dwelling and retention of store, boiler room and pellet store - 14 Ballyveaghmore Road, Ballymartin, Kilkeel. **REFUSAL**
- **Item 26** - P/2013/0758/F - P J Burns James Alexander Engineering Ltd - variation of condition 02 of planning approval P/2012/0101/F (seeking to extend opening hours until 20.00 hours on weekdays and 17.00 Saturdays) - 48 Kitty's Road, Kilkeel **REFUSAL**
- **Item 30** - P/2015/0197/0 - Keith Newell - demolition of existing building and site for infill dwelling and garage - 80m NE of No 19 Ballynahatten Road Kilkeel. (between site approved under P/2014/0652/RM and No 19 Ballynahatten Road Kilkeel. **REFUSAL**
- **Item 31** - P/2011/0841/F - Seamus M Gee - proposed installation of wind turbine to provide power to existing farm and excess to grid - approximately 230m SW of 12 Tullywinney Road, Camlough. **REFUSAL**
- **Item 33** - P/2013/0317/0 - Stephen & Emma Orr - replacement dwelling - No. 18a Major's Hill, Annalong, Newry. **REFUSAL**

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<b>ITEM NO</b>	<b>2</b>			
<b>APPLIC NO</b>	LA07/2015/0620/O	Outline	<b>DATE VALID</b>	7/21/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Robert Burgess 22 Drumnaconnell Road Saintfield BT24 7NB		<b>AGENT</b>	
				NA
<b>LOCATION</b>	Between 62 and 64 Ballynahinch Road Saintfield BT24 7ND			
<b>PROPOSAL</b>	One dwelling house and garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 120 metres), in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 2 1. The proposal is contrary to SPPS, PPS 21 – Annex 1 and Policy AMP 3 – Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route (A21), thereby prejudicing the free flow of traffic and conditions of general safety.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/0620/O

**Date Received:** 21.07.2015

**Proposal:** The application is for outline planning permission for one dwelling house and garage

**Location:** The application site is located outside the settlements in the open countryside as designated in the Ards & Down Area Plan 2015.



Site location plan





**Site Characteristics & Area Characteristics:**

The site is located along the Ballynahinch Road on the outskirts of Saintfield. The site is a rectangular, roadside plot, with a gradual slope in a southerly direction set between No 62 Ballynahinch Road and No 64 Ballynahinch Road. No 64 is a single storey bungalow with attached double garage, which is slightly set back from the main dwelling. There is a single storey stone building with slate roof situated to the rear of No 64. No 64 is accessed directly onto the Ballynahinch Road. The northern boundary of No 64 consists of a wooden fence interspersed with some vegetation. The site is currently part of an existing field which is being used to grow barley. The western boundary which fronts onto the Ballynahinch Road consists of a scrappy hedge which has gaps inbetween. There is field gate which fronts onto the Ballynahinch Road. The northern boundary of the site bounds with No 62 which consists of very mature vegetation which runs the length of the site. No 62 is a large red brick dwelling with red concrete roof tiles and hipped roof. There is a double detached garage to the north of the site which is single storey and matching materials to the dwelling. There is mature vegetation along the frontage of the site.

The site is close to the outskirts of Saintfield and is rural in character. There is a dispersed pattern of single dwellings in the countryside.

**Site History:**

No history on the site

**Planning Policies & Material Considerations:**

The application site is located outside the settlements in the open countryside as designated in the Down and Ards Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21 - CTY 8, 13, 14.

**Consultations:**

NI water – No objections

NIEA Water management – No objections

TransportNI - have highlighted that the A21 is a protected route, therefore the application must meet the policy requirements of PPS 3 -AMP 3 Access to protected Routes. In addition the required visibility splays of 2.4 x 100m cannot be achieved.

**Objections & Representations**

In line with statutory requirements two neighbours have been notified on 27.08.2015 No letters of objection or support have been received. The application was advertised in the Mourne Observer and the Down Recorder on 05.08.2015



**Consideration and Assessment:**

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

**PPS 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 infill dwellings if they are in accordance with Policy CTY8 which will be considered below. Rural character (CTY 14) will also be considered.

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It continues that an exception to the policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. Paragraph 5.33 of Policy CTY 8 makes specific reference to 'buildings sited back, staggered or at angles and with gaps between them' representing ribbon development, if they have a common frontage or they are visually linked.

When coming from the north east and travelling in a south easterly direction the road gradually declines. To the north of the site is no 62 which also accommodates a large ancillary garage to the north. When approaching the site from the north the road follows a southerly direction. There is a strong boundary along this part of No 62's frontage. When standing at a static point whilst No 62 is heavily screened in the height of summer, there would be intervisibility between No 62 the associated garage and No 64. There are also views of the single storey building which is tucked in behind No 64.

Paragraph 5.33 of Policy CTY 8 reads 'For the purpose of this policy, the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear'. No 62 has a garage to the north, this is detached and whilst it is subordinate to the main dwelling and does not have an independent road frontage for the purposes of this policy, it is considered as one of the 3 buildings to meet the requirements of Policy CTY 8. The proposal therefore represents the development of a small gap site within an

otherwise substantial and continuously built up frontage as per CTY 8. In terms of the plot sizes, the existing dwellings are large/ modest sized detached properties on similar sized plots.

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable. Circumstance (c) is that it does not respect the traditional pattern of settlement exhibited in that area; whilst circumstance (d) is that it creates or adds to a ribbon of development (see CTY 8). Since the proposed development would meet the requirements of Policy CTY 8 in this case it would also meet the tests of CTY 14.

#### CTY 13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. There are seven criteria that are required.

The principle of a dwelling on the site would be acceptable.

#### PPS3 - Access, Movement & Parking

##### DCAN15 - Vehicular Access Standards

The A21 is a protected Route, therefore the application must comply fully with the policy as identified in PPS 3 Policy AMP 3 - Access to protected Routes. Annex 1 of PPS 21 is a consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking – Other Protected Routes – Outside Settlement Limits.

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route. Given the above assessment the application falls under category (d) Other categories of Development - whereby approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

The application would meet the criteria for development in the countryside and access cannot be reasonably be obtained from an adjacent minor road. The policy goes on to state that where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. There is no existing vehicular access within the site only an existing field gate.

In addition Transport NI have also indicated that the applicant is unable to provide the required visibility splays of 2.4 x100m in both directions in accordance with DCAN 15.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 120 metres), in accordance with the standards contained in the Department's Development Control Advice Note 15.

Refusal is recommended.

**Refusal Reasons:**

1. The proposal is contrary to SPPS, PPS 21 – Annex 1 and Policy AMP 3 – Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route (A21), thereby prejudicing the free flow of traffic and conditions of general safety.
2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 120 metres), in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer Signature

Date

Appointed Officer Signature

Date



## Planning Statement

**Development:** One dwelling house and garage

**Location:** Between 62 and 64 Ballynahinch Road, Saintfield  
BT24 7ND

**Applicant:** Robert Burgess

**Planning Ref:** LA07/2015/0620/O

### Proposed refusal reasons

**Refusal reason 1 - 1** The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 120 metres), in accordance with the standards contained in the Department's Development Control Advice Note 15. 2 1.

### New information from applicant

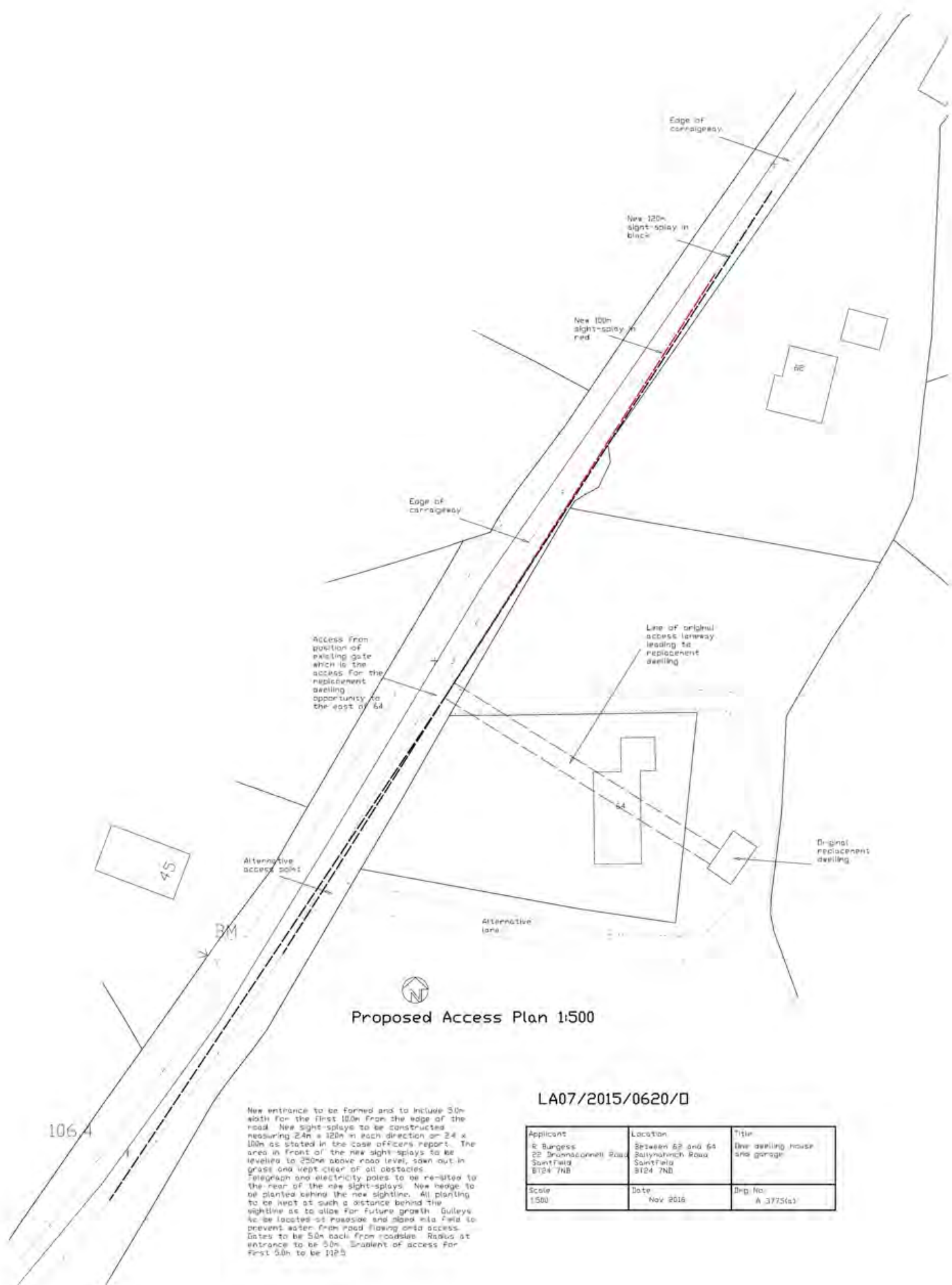
New drawings have been submitted displaying compliance with DCAN 15. Transport NI were re-consulted on 4/2/2017, as yet there has been no reply.

**Refusal Reason 2 -** The proposal is contrary to SPPS, PPS 21 – Annex 1 and Policy AMP 3 – Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route (A21), thereby prejudicing the free flow of traffic and conditions of general safety

### New information from applicant

The ordnance survey map recently submitted shows an old dwelling (still in place) and the driveway from it to the road. The old line of the driveway goes through the site of 64 Ballynahinch Road but the laneway still terminates on to the road at the same position of the proposed access of the new proposed site. The proposed access is actually the existing, original access. I have plotted the old and new laneways on to the site map, which meet the road at the same place. Policy is therefore met as the proposed access is at the original laneway vehicular access. The access is therefore existing, we are not creating a new one.





Proposed Access Plan 1:500

LA07/2015/0620/0

New entrance to be formed and to include 50m width for the first 100m from the edge of the road. New sight-splays to be constructed measuring 24m x 120m in each direction on 24 x 100m as stated in the case officers report. The area in front of the new sight-splays to be levelled to 250mm above road level, sown out in grass and kept clear of all obstacles. Telegraph and electricity poles to be re-sited to the rear of the new sight-splays. New hedge to be planted behind the new sightline. All planting to be kept at such a distance behind the sightline as to allow for future growth. Gulleys to be located at roadside and placed into field to prevent water from road flowing onto access. Gates to be 50m back from roadside. Radius at entrance to be 50m. Gradient of access for first 50m to be 1:25.

Applicant	Location	Title
R Burgess 22 Drumacornell Road Santfield BT24 7NB	Between 62 and 64 Sallymorech Road Santfield BT24 7ND	One dwelling house and garage
Scale 1:500	Date Nov 2016	Dep No: A 3775(6)



<b>ITEM NO</b>	<b>5</b>			
<b>APPLIC NO</b>	LA07/2015/0951/F	<b>Full</b>	<b>DATE VALID</b>	9/21/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Adrienne Stewart 22 Windmill Lane Ballynahinch BT24 8EU	<b>AGENT</b>	Paul O'kane ARB 14 Peggs Wood Lane Crossgar Downpatrick BT30 9GR NA	
<b>LOCATION</b>	1 Orchard Lane Strangford Road Downpatrick BT30 6NY			
<b>PROPOSAL</b>	Two new detached dwellings each with a garage			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	2	2	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0

- 1 The proposal is contrary to SPPS and Policy QD 1 (a) of Planning Policy Statement 7, in that the layout fails to respect the surrounding context resulting in an unacceptable development form which is out of keeping with the local character of an established area.
- 2 The proposed development is contrary to LC1 and 2 of the addendum to PPS 7 in that it would create a density of development significantly higher than that found in the established residential area and the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
- 3 The application is unacceptable as insufficient information has been submitted regarding the access arrangements to enable the Authority to make an informed decision on the proposal.
- 4 The application is unacceptable as insufficient information has been submitted with regard to an archaeological evaluation of the site to enable the Authority to make an informed decision on the proposal.
- 5 The application is unacceptable as insufficient information has been submitted in order to determine whether any surveys are required in relation to Natural Heritage which would enable the Authority to make an informed decision on the proposal.





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/0951/F

**Date Received:** 21.09.2015

**Proposal:** The application is for full planning permission for two new detached dwellings each with a garage.

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





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

The site is located to the west of Orchard Crescent and is known as Orchard Lane. The site is a roughly rectangular plot of land and is directly opposite No 3 Orchard lane. The site is currently very overgrown with trees and shrubs. The land rises gradually from the entrance of the Orchard Crescent development towards the site. There is a significant drop in levels to the south of the site towards the boundary with No 31 Old Belfast Road.

### **Site History:**

R/2009/0501/F Lands To The South Of No 35 Old Belfast Road (Portland House) And To The South And West Of No 3 Orchard Lane, Downpatrick.



Proposed Residential Development Comprising 9 No 2 Storey Detached Dwellings, 8 No 2 Storey Semi-Detached Dwellings And 5 No Garages With Access Of Old Belfast Road And Orchard Lane. Permission Refused 30.03.2010

R/2003/1115/F 25m Northwest Of 19 Orchard Crescent, Strangford Road, Downpatrick. Proposed Dwelling And Detached Garage. Permission Granted 07.11.2003

R/2003/0115/O Adjacent To Orchard Crescent, Strangford Road, Downpatrick Site For 3 No Detached Dwellings. Permission Granted 09.05.2003

R/2002/1208 Adjacent To Orchard Crescent, Strangford Road, Downpatrick Site Development Pre Application Enquiry - Non Committal

R/2001/1144/O Adjacent To Orchard Crescent, Strangford Road, Downpatrick Site For A Detached Dwelling (Amended Scheme) Permission Granted 26.01.2002

R/1992/1069 Orchard Way, Strangford Road, Downpatrick, Extension To Housing Development Permission Granted

R/1992/0838 Orchard Way, Strangford Road, Downpatrick, Housing Development Application Withdrawn

R/1991/0424 Orchard Way Strangford Road Downpatrick Housing Development Permission Granted

R/1989/0588 Portland House Old Belfast Road, Downpatrick, Licensed Restaurant Permission Refused

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

The application site is located within the settlement of Downpatrick as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 7.

### **Consultations:**

NI water – Statutory response

Transport NI – additional information required

NIEA Water management – No objections

NIEA HED - An archaeological evaluation has been requested as per Policy BH 3 of PPS 6, but has not been provided.

NIEA NED – Biodiversity checklist required to be completed to establish if any further studies are required on the site, this has not been provided.

### **Objections & Representations**

In line with statutory requirements eight neighbours have been notified on 27.10.2015. Two letters of objection have been received, along with one letter of support for the proposal and one letter requiring an update on the status of the proposal. The application was advertised in the Mourne Observer and the Down Recorder on 14.10.2015.

Letter of objection received by the occupants of 3 Orchard Lane:

The main issues relate to:

- Traffic access
- Parking provision
- Pedestrian and cycle routes
- Density and house type
- Environmental concerns
- Existing housing stock
- Privacy
- Developers contributions
- Public and private open spaces
- Protection of endangered species

Letter of objection from No 10 Orchard Crescent

- Supports the objections raised by occupants of No 3 Orchard Lane. Is concerned that if approval is given for this first stage of potential development that the whole site could be eventually extended.

Letter of support from 31 Old Belfast Road, Demesne Of Down Acre, Downpatrick, Down, who strongly supports the application.

### **Consideration and Assessment:**

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

### **Planning Policy Statement 7 – Quality Residential Environments**

Policy QD 1 of Planning Policy Statement 7 – Quality Residential Environments (PPS 7) states that Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Criterion (a) of Policy QD 1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaces.

The site is located at 1 Orchard Lane, within the development limits of Downpatrick. Orchard Crescent is a development of detached dwellings. On entering the Orchard Crescent development, there are a number of different house types but generally either single storey bungalows or dwellings which have a long roofs to the frontage with dormer windows with the rear being full two storeys. Moving through the



development, at the hammerhead towards Orchard Crescent the dwelling type, No 1, 3, 5, 7, 9 and 12 are all of this latter house type described above. Moving around the bend northwards and then to the west towards Orchard Lane the dwellings drop to single storey detached bungalows with hipped roofs, attached garages set within modest plots all with open plan front gardens, modest rear gardens, incurtilage car parking with individual driveways which all access directly onto the Orchard Crescent. The character changes again in Orchard Lane as No 3 is two storey dwelling with a round turret to the front and single storey elements to the side. The immediate area is described as being of low density, with the character of the immediate area to be one of individual detached dwellings. As mentioned the dwellings are detached and in the main, the plot frontages range from 21-28m with approx. depth of 30m to the dwellings to the NE.

The site has a frontage of approx. 29m. The layout provides for two detached dwellings which are angled slightly but front onto Orchard Lane. The plot furthest west (Unit 1), has a frontage at its closest which is 4m from Orchard lane and at its furthest due to the angled positioning of the dwelling is 7m. This house type is slightly larger than the adjacent proposed dwelling. The house type is a chalet bungalow arrangement with bay projections to the front and side elevations, living, kitchen/dining and 4 bedrooms. There are two bedrooms accommodated in the roofspace, with one velux window to the rear and two upper floor gable windows in both the east and west gables. This house type has a ridge height of 6.1 to FFL. The gable depth is 10m with a frontage of 10.08m so the dwelling is roughly square in shape. The second dwelling (Unit 2) is smaller in size with only 3 bedrooms and is of a similar design. Both proposed dwellings have finishes which include marble chip dash, in silver and sand render with smooth painted plinth and porch band, brown pvc windows and dark grey concrete tiles to the roof. A proposed 1.8m high close boarded timber fence is proposed to surround the entire perimeter of the site (bar the frontage) and inbetween the two sites. The frontage of the site would have a 1m high timber fence with a privet hedge proposed to the rear of this. The site gradually falls to the rear of the site.

While the sites would be able to accommodate 2 incurtilage car parking spaces, the majority of the dwellings in the immediate established residential area have attached garages.

The proposed dwellings have a separation distance gable to gable of approx. 10m at its closest and 14.8m. Each dwelling has been designed with upper floor gable windows which may create conflict with each other in terms of overlooking. However, in terms of existing properties the dwellings are a sufficient distance away so as not to create an unacceptable adverse effects in terms of overlooking or overshadowing.

## APPS 7

Consideration must also be given to the Policy LC1 of Addendum to PPS 7 which states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7, and all the additional criteria set out below are met:

(A) the proposed density is not significantly higher than that found in the established residential area;

(B) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

(C) all dwellings units and apartments are built to a size not less than those set out in Annex A.

In consideration of the above the proposal does not comply with criteria (a) of Policy LC1 of PPS7 Addendum: Safeguarding the Character of Established Residential Areas. Criteria (a) requires that the proposed density is not significantly higher than that found in the established residential area. The area in the immediate vicinity of the appeal site is low density.

The proposed density of the development is 28.5 dwellings per hectare. The existing density of the established residential area comprising the larger detached units in individual plots is 14.28 units per hectare. This is double the increase. The proposal site does not therefore respect the character of the adjacent housing with which it reads when viewed from the Orchard Crescent development, the main view of the proposal. The dwelling units are to be built not less than those set out in Annex A.

## PPS 6 – Planning, Archaeology and the Built Environment

The application is assessed against PPS 6 policy BH 3. Historic Environment Division (HED) were consulted with regard the proposal. The application site is in close proximity to an excavation that uncovered a number of human burials. These are associated with the former graveyard of Downpatrick workhouse, which also appears to have been used as a Famine burial ground. HED had previously requested an archaeological evaluation for the larger development to the south of Portland House, however, there is no indication that such work has been undertaken. HED therefore requested additional information from the developer to permit an informed and reasonable planning decision to be taken. An archaeological evaluation was therefore requested as per Policy BH 3 of PPS 6. The agent was asked to provide the information, on a number of occasions; however, this information has not been forthcoming.

### PPS 2 – Natural Heritage

NIEA – Natural Environment Division have also been consulted regarding the application who have carried out a preliminary ecological assessment – who deem that there may be natural heritage issues associated with this proposal. The agent was asked to complete the biodiversity checklist in the first instance to establish if a further surveys are required as there may be bats or badgers on the site, however, no completed checklist was submitted.

### PPS 3 – Access, Movement and Planning

Transport NI were also consulted on the application and require a revised plan showing access laneway 4.8 m wide for first 10.0m. Therefore there is insufficient information to make an informed decision.

Based on careful consideration of all the relevant material planning considerations, it is contended that the overall the proposal is contrary to policy.

I would recommend refusal

#### **Recommendation:**

Refusal

#### Refusal reasons:

1. The proposal is contrary to SPPS and Policy QD 1 (a) of Planning Policy Statement 7, in that the layout fails to respect the surrounding context resulting in an unacceptable development form which is out of keeping with the local character of an established area.
2. The proposed development is contrary to LC1 and 2 of the addendum to PPS 7 in that it would create a density of development significantly higher than that found in the established residential area and the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The application is unacceptable as insufficient information has been submitted regarding the access arrangements to enable the Authority to make an informed decision on the proposal.
4. The application is unacceptable as insufficient information has been submitted with regard to an archaeological evaluation of the site to enable the Authority to make an informed decision on the proposal.

- 5. The application is unacceptable as insufficient information has been submitted in order to determine whether any surveys are required in relation to Natural Heritage which would enable the Authority to make an informed decision on the proposal.

Case Officer Signature

Date

Appointed Officer Signature

Date

**ITEM NO** 6  
**APPLIC NO** LA07/2015/1000/F Full **DATE VALID** 10/5/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr N Small 7 Flush Road  
 Newcastle  
 BT33 0QF  
**AGENT** Hawthorne  
 Associates 3 The  
 Beeches  
 Grove Road  
 Spa  
 Ballynahinch  
 BT24 8RA  
 02897561488

**LOCATION** 190 Dundrum Road  
 Newcastle  
**PROPOSAL** Change of house type from previous approval R/2010/0515/F

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

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location as the previous approval has expired.
- 2 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that the Planning authority require verifiable proof that the development previously approved under reference R/2010/0515/F had commenced within the statutory time period, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



**Application Reference:** LA07/2015/1000/F

**Date Received:** 05.10.15

**Date of site visit:** 13.11.15



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**Newry, Mourne  
and Down**  
District Council

**Proposal:**

The Council has received an application seeking permission for a change of house type and garage in substitution of previous approval R/2010/0515/F



**Location:** 190 Dundrum Road, Newcastle

**Characteristics of site:**

This proposal concerns a change of house type on a previously approved replacement dwelling and its associated garage at No.190 Dundrum Road. This site is located on the outskirts of Newcastle and accessed via the Dundrum Road. The site is in an area of urban sprawl with a mix of development surrounding the site consisting of large bungalows, 2 storey dwellings, holiday apartments and caravan parks. The site is currently comprised of an externally completed detached domestic dwelling. This building was at date of first site visit (13.11.15) constructed to first floor level with masonry wall and red brick pillars to front entrance from road. The external fabric of the dwelling is now almost complete. The dwelling is fronting onto the Dundrum Road and sits approximately 0.5m lower than road level. The dwelling currently under construction is set back approximately 30.0m from the roadway.

The boundary treatment to the front of this site (along Dundrum Road Road) is comprised of a 1.5m high un-rendered block work wall with red brick pillars to entrance. The L.H.S boundary between this property and neighbouring property No. 186 Dundrum Road is comprised of a 2.5m high mature 'Castlewellan Gold' hedge. The rear boundary treatment of this property consists of 1.2m high post and barbed wire stock-proof fence. The land beyond the rear boundary consists of agricultural grazing, there is a new holiday cottage development (Murlough View Cottages) to the R.H.S. and a large two storey house to the L.H.S (No.186 Dundrum Road). There is an existing large caravan site in an elevated position along the frontage opposite this site.

**Characteristics of area:**

This site is located 0.5 miles outside of the settlement limit of the town of Newcastle along the Dundrum road which is a protected route and within an Area of Outstanding Natural Beauty as shown on Map No.3/001b – Down District South.

**Site History:**

R/2010/0515/F 190 Dundrum Road, Murlough, Lower, Newcastle, Co Down, BT33 0LW.

Replacement dwelling in substitution for planning approval R/2008/0270/F and R/2004/0817.

Permission Granted - 06.09.2010

R/2010/0214/F 190 Dundrum Road Murlough Lower Newcastle Co Down BT33 0LW.

Proposed substitution of R/2008/0270/F - two storey replacement dwelling & garage.

Application Withdrawn

R/2008/0270/F 190 Dundrum Road, Murlough Lower, Newcastle, Co Down, BT33 0LW.

Two storey replacement dwelling & garage in substitution of R/2004/0817/F.

Permission Granted - 29.09.2008

R/2009/0864/F 194 Dundrum Road, Newcastle, BT33 0LW.

Demolition of existing buildings and development of 2 no. 4 bed, 4 no. 3 bed and 2 no. 2 bed self catering holiday cottages, roadway and shared surface, car parking and associated landscaping.

Permission Granted - 07.07.2011

R/2004/0817/F 190 Dundrum Road, Murlough Lower, Newcastle, Northern Ireland, BT33 0LW

Proposed two storey replacement dwelling with detached garage

Permission Granted - 01.02.2008

**Planning Policies & Material Considerations:**

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland.

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

Planning Policy Statement 2: Natural Heritage

Policy NH 6 – Areas of Outstanding Natural Beauty sets out the main considerations that the Council will take into account in assessing the suitability of this proposal with regard to the conservation, protection and enhancement of our natural heritage.

Planning Policy Statement 3: Access, Movement and Parking

Policies AMP 3 – Access to Protected Routes and AMP 7 – Car Parking & Servicing Arrangements and DCAN 15 - Vehicular Access Standards set out the main considerations that the Council will take into account in assessing the suitability of this proposal with regard to vehicular access, servicing and parking requirements. Building on Tradition - A Sustainable Design Guide

Planning Policy Statement 21: Sustainable Development in the Open Countryside

Policies CTY 1 – Development in the Countryside, CTY 3 – Replacement Dwellings, CTY 13 – Integration and Design of Buildings in the Countryside & CTY 14 – Rural Character set out the main considerations that the Council will take into account in assessing proposals for replacement dwellings of this type and in this location. The provisions of this policy will prevail unless there are any other overriding policies or material considerations that outweigh it and justify a contrary decision.

**Consultations:**

No consultations were sought in relation to this application.

It is noted that within this change of house type application (LA07/2015/1000/F) the proposed vehicular access to the public road is to remain as previously approved under R/2010/0515/F.



**Objections & Representations:**

3 No. neighbouring properties within proximity to this site (No's 186, 194 & 195 Dundrum Road) were notified on 15.10.15. This application was advertised in the local press on 21.10.15 and to date no objections or representations have been received.

**Consideration of the proposal:**

This current proposal (LA07/2015/1000/F) was received by the Council on the 05<sup>th</sup> of October 2015 and seeks to change the house design previously approved under R/2010/0515/F and includes some re-sitting within the site and re-design and enlargement of proposed dwelling.

The principle of development has been established for a replacement dwelling and garage on this site under planning application reference numbers R/2004/0817, R/2008/0270/F and again more recently under planning application reference number R/2010/0515/F. Application reference number R/2010/0515/F) was approved on the 24<sup>th</sup> of August 2010 and granted solely as a substitute for the previous approvals. The effect of Condition 1 of this approval required the development to be begun by 31.01.13. Condition 7 of this approval required the vehicular access, including visibility splays be provided in accordance with the approved plans, prior to the commencement of any works or other development on the site.

It is noted that at time of first site inspection (13.11.15) construction work in relation to the dwelling had commenced. It was evident that the change of house type design that this application seeks approval for is constructed to first floor level with masonry wall to front boundary and red brick pillars to front entrance from road completed. Upon further inspection on 19.10.16 construction work had considerably advanced with all elevations and roof timbers in place. This change of house type application was received Newry, Mourne and Down District Council Planning Department on 05.10.15. Council records show that this site was first inspected by Building Control on 06.08.2015 (post expiry date).

Research of the site using GIS historical ortho-photography data shows that the site has been cleared on 01.09.2010 and remains in a similar state in 2014 with no evidence of any visibility splays or foundations being in place. A letter was sent to the agent on 16.02.16 requesting that any supporting information and/ or evidence that may be in his possession demonstrating that the implementation of application reference number R/2010/0515/F commenced on site before the expiry date (31.01.2013). The agent subsequently submitted a letter dated 08.04.2016 from Savage Associates Engineers stating that on the instructions of Mr N Small they carried out a site inspection of the ground conditions for foundations of a new dwelling at 190 Dundrum Road, Newcastle.



R.H.S Elevation - 13.11.2015



R.H.S Elevation - 19.10.2016



01.07.2014 - <http://nmdc.maps.arcgis.com/home/webmap/viewer.html>

The letter from Savage Associates goes on to state that excavations for foundations were carried out, commencing on 20<sup>th</sup> July 2012 and inspected. The letter mentions a trial hole report and site photographs of the ground conditions. No photographs were received by this Department and the trial hole report relates to one hole with no indication as to where on the site this trial hole was located. This information as submitted by the agent is not considered by this Department as verifiable proof that commencement of planning application reference number R/2010/0515/F occurred before the expiry date of 31.01.2013.

It is considered that the issue of commencement remains unproven. The applicant/agent has failed to adequately demonstrate the development approved under R/2010/0515/F had commenced within the statutory time period in order to secure planning permission on this site. As a result the application fails to meet Policy CTY 1 of Planning Policy Statement 21 in that there are no overriding reasons for this development is essential in this rural location as the previous approval has expired.

Notwithstanding the issue of commencement this change of house type design (as constructed) is quite visible during both directions of travel along the Dundrum Road and is considered be an unduely prominent feature in the landscape and this is ensured by new two storey projection to centre of front elevation, increased height of two storey rear return, the increased overall width of main side/ gable elevations and the boundary treatment to front and R.H.S of site being blockwork wall rather than approved native species hedge. Having considered the site and the surrounding context it is considered the design of the dwelling as discussed above is inappropriate for the site and its locality and will have a greater impact visual impact than that previously approved in this designated Area of Outstanding Natural Beauty and main approach to Newcastle, the District's premier tourist resort.





**Summary:**

Main Dwelling	Approved	Proposed	Increase
Front elevation	12.3 m	13.1 m	0.8 m
Rear elevation	12.3 m	13.1 m	0.8 m
R.H.S elevation	10.7 m	19.0 m	8.3 m
L.H.S elevation	10.7 m	19.0 m	8.3 m
Height of main ridge*	9.2 m	9.2 m	0.0 m
Internal floor area **	215.2 m <sup>2</sup>	307.2 m <sup>2</sup>	92.0 m <sup>2</sup>
External footprint	121.0 m <sup>2</sup>	183.6 m <sup>2</sup>	62.6 m <sup>2</sup>

Garage	Approved	Proposed	Increase
Length	6.8 m	8.8 m	2.0 m
Width	4.3 m	6.9 m	2.6 m
Height of ridge*	4.6 m	5.3 m	0.7 m
External footprint	29.2 m <sup>2</sup>	61.5 m <sup>2</sup>	32.5 m <sup>2</sup>

\* Height of ridge above finished floor level.

\*\* Combined internal area of both ground and first floor level.

**Recommendation:**

After consideration of all relevant planning policies and other material considerations this proposal does not satisfy the requirements of the policy and the issue of commencement remains unproven and therefore it is recommended that it is refused permission.

Should the Planning Committee be minded to approve this application contrary to the officer's recommendation, the Committee should be mindful that the commencement of previous approval is not the sole issue. The Planning Department have concerns in relation to the change of house type proposed and its integration into the landscape and associated impact on the rural character.

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

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

**Refusal Reasons:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location as the previous approval has expired.
2. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that the Planning authority require verifiable proof that the development previously approved under reference R/2010/0515/F had commenced within the statutory time period, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

<b>ITEM NO</b>	<b>18</b>			
<b>APPLIC NO</b>	LA07/2016/1354/F	Full	<b>DATE VALID</b>	10/10/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Valerie Hunt 89 Station Road Hugglescote Leicestershire LE67 2GB		<b>AGENT</b>	2020 Architects 49 Main Street Ballymoney BT53 6AN 02827667999
<b>LOCATION</b>	200m SE of 11 Cuttyshane Road Killyleagh Downpatrick BT30 9SL			
<b>PROPOSAL</b>	Proposed conversion and extension of existing barn			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses Signatures</b>	<b>Addresses Signatures</b>
			0 0	0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that it has not been demonstrated that the building proposed for conversion is a locally important building.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH2 of Planning Policy Statement 2 in that it has not been demonstrated that the proposed development would not have an adverse impact upon priority habitats, bats, and badgers.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/1354/F

**Date Received:** 10<sup>th</sup> October 2016

**Proposal:** Proposed conversion and extension of existing barn

**Location:** The proposed site is located approximately 200m to the south of no11 Cuttyshane Road, Killyleagh. The site is approximately 3km to the southwest of Killyleagh and 7m to the north of Downpatrick.



## Site Characteristics & Area Characteristics:

### Characteristics of Site

The site contains a number of buildings in various states of repair. The building to be converted is a large 2 storey stone barn constructed with stone and red brick surrounding windows and doors. The roof is finished with non-profiles slate and there is some vegetation growing on the building and sections of the roof.

Directly to the north and northwest of the barn are the ruins of 2 stone buildings identified on the submitted plan as existing outhouses. There are also derelict outbuildings located to the southwest, and the south of the site. All of the outbuildings are in a state of disrepair and are overgrown with vegetation.

There are a number of mature trees along the boundary of the site. The area to the southwest of the site is overgrown with long grass. Access is from an existing lane from Cuttyshane Road. The topography of the site is relatively flat with a slight inclination from Cuttyshane Road toward the site.

### Characteristics of the Area

The area is characterised by open countryside outside any defined settlement limit. The land surrounding the site is in agricultural use and there are numerous mature trees through the area. The area is undulating in nature Cuttyshane Road is bound on both sides by mature hedges.

## Relevant Site History:

<u>R/2014/0401/F</u>	Site 4, Opposite 11 Cuttyshane Road Tullykin, Killyleagh BT30 9SL, Proposed change of approved house type to revised smaller vernacular design Permission Refused 04.02.2015
<u>R/2008/1054/O</u>	200m South of 11 Cuttyshane Road, Crossgar, Downpatrick. Replacement dwelling. Application Withdrawn 07.05.2009
<u>R/2007/0864/F</u>	Site two, opposite 11 Cuttyshane Road, Tullykin, Killyleagh BT30 9SL Proposed change of approved house type to vernacular design. PERMISSION GRANTED 14.04.2008
<u>R/2007/0862/F</u>	Site 4, Opposite 11 Cuttyshane Road Tullykin Killyleagh BT30 9SL Proposed change of approved house type to vernacular design Permission Granted 11.02.2008
<u>R/2005/0116/O</u>	180M SW of 11 Cuttyshane Road, Crossgar Site for Dwelling Permission Refused 10.04.2006



<u>R/2005/1371/F</u>	Site 2 almost opposite 11 Cuttyshane Road, Tullykin, Killyleagh, Northern Ireland, BT30 9SL Erection of a dwelling. Permission Granted 19.06.2006
<u>R/2005/1311/RM</u>	Site 4 almost opp 11 Cuttyshane Road, Tullykin, Killyleagh. Proposed new dwelling. Permission Granted 22.03.2006
<u>R/2004/2056/O</u>	175m south of 11 Cuttyshane Road, Crossgar, Downpatrick. Site for 2 storey dwelling. Permission Refused 19.01.2006
<u>2003/A178</u>	Site almost opposite 11 Cuttyshane Road, Tullykin, Killyleagh, Downpatrick. Appeal Dismissed 05.01.2004
<u>R/2002/1210/O</u>	Site almost opposite 11 Cuttyshane Road, Tullykin, Killyleagh, Downpatrick. Proposed private dwelling. Appeal Dismissed
<u>R/2002/1206/O</u>	Site 2 almost opposite 11 Cuttyshane Road, Tullykin, Killyleagh, Northern Ireland, BT30 9SL Private dwelling Permission Granted 04.12.2002
<u>R/2002/1205/O</u>	Site 1 almost opposite 11 Cuttyshane Road, Tullykin, Killyleagh, Northern Ireland, BT30 9SL Proposed private dwelling Permission Refused 03.09.2003
<u>R/2002/1203/O</u>	Site 4 almost opposite 11 Cuttyshane Road, Tullykin, Killyleagh, Northern Ireland, BT30 9SL Private dwelling Permission Granted 04.12.2002
<u>R/1984/0823</u>	Cuttyshane Road, Tullykin, Killyleagh. Dwelling Permission Granted

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

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

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

**Consultations:**

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

**Objections & Representations**

The following neighbouring properties were notified:

- 11 Cuttyshane Road, Tullykin, Crossgar, Down, BT30 9SL
- 15 Cuttyshane Road, Tullykin, Crossgar, Down, BT30 9SL

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

The application was advertised on 26<sup>th</sup> October 2016.

**Consideration and Assessment:**

This application proposes the conversion and extension of an existing stone barn and will be assessed under all relevant policy.

Planning Policy Statement 21 CTY1 states that planning will be granted in the countryside for...the conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY4.

Policy CTY4 states that planning permission will be granted to proposals for a sympathetic conversion, with adaption if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention.

The SPPS provides policy clarification in that it states that 'provision should be made for the sympathetic conversion and re-use, with adaption if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings, as a single dwelling where this would secure its upkeep and retention. Provision should be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality.

Where the SPPS provides clarification or a change in policy direction greater weight is afforded to the SPPS in the assessment of individual planning applications.

Principle

The building to be converted is a 2 storey agricultural barn which, whilst in a dilapidated condition, appears to be structurally sound and is in significantly better condition than the surrounding buildings which are in ruin.

It must be determined whether the building is locally important.

The barn is of solid stone construction with red brick surrounds to the windows and doors. There are remnants of lime mortar on some sections of the external walls

mainly on the northern gable and the eastern elevation. However the majority of the walls are exposed stone. The eastern elevation has 2 upper windows and 1 upper door. There are 2 ground floor doors and one large agricultural door. There is a ground floor opening on the southern gable which has a horizontal emphasis. The area of wall below this window is constructed with block work and the opening lacks the red brick surrounds that all other windows and doors have therefore I am not convinced this window would have been an original feature. The western elevation has at least 2 upper windows (a large area of the upper section is covered with ivy) with red brick surrounds. There are 2 ground floor doorways and a window.

The interior of the building has a timber ceiling and joists with timber agricultural fittings for feeding. There are several areas separated for housing of livestock. There is a historic stone tiled floor in the northern section of the building.

The building is of traditional vernacular design and is characteristic of a traditional agricultural building within a rural farmstead. The layout of the surrounding outbuildings currently in ruin would also indicate that the building was part of a rural farmstead.

The building is located approximately 200m from Cuttyshane Road and is set within a mature site surrounded by tall mature trees. I was unable to obtain any views of the building from the public road due to the surrounding vegetation and topography of the surrounding land.

The SPPS does not define 'locally important buildings' but it does list a number of examples which are former school houses, churches and older traditional barns and outbuildings. In appeal decision 2016/A0059 the commissioner states that *'these examples suggest that such buildings should be of some worth to the local area in terms of their aesthetic, architectural, historical or community value.'*

The building is an older traditional barn however consideration is given as to whether it is locally important.

No information was submitted with the application to demonstrate why the buildings should be considered locally important therefore further information was requested from the agent on 9<sup>th</sup> January 2017. A submission was received by the Council on 17<sup>th</sup> January 2017 which consisted of 4 photographs of the following architectural features:

- A Masonic Stone
- Brick detailing around the windows
- The tiled floor within the barn

The agent states that the SPPS does not state that the building must be visible from the public road to be considered locally important. The agent goes on to state that *'There are many national and local historic buildings which are sited within private land and not visible from the public roadside but this does not remove their historic or local importance. We feel that to say this barn is not locally important is contradictory to the many other buildings deemed important that are not visible from a public road.'*

I agree that a building does not have to be visible from public view in order to be considered locally important. I also agree that the building is an older traditional barn which demonstrates some architectural merit. However the conversion proposal would smooth render the barns walls and does not retain the red brick detailing. The proposal would also alter the fenestration to a degree that it would result in the loss of the existing form and character of the building – considering this and the location of the building up a long lane with no public views or public access, I am not convinced that the building is of worth to the local area or community in terms of aesthetic or architectural value.

No evidence has been submitted to demonstrate any historical or community value associated with the building except for a photograph of a stone which shows the carved initials E.M and 2 symbols, one of which appears to be the masonic symbol. I do not consider that this demonstrates that the building was used as a masonic hall or public gatherings but rather it indicates that a person who built or lived on the farm was a free mason. This is not indicative of any wider public worth or local heritage value.

In consideration of the information provided in relation to this building it is not considered that it has been sufficiently demonstrated that the building is locally important and therefore the principle of the development is not established.

#### CTY4

The application will be considered against all criteria listed in CTY4 of PPS21

(a) The building is of permanent construction

The building to be converted is of stone construction and is a permanent building.

(b) The reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality.

The proposal involves a front and rear extension in a contemporary design to include a kitchen / lounge to the rear with an outdoor covered veranda and supporting exterior wall which in total represents a 9.1m projection from the existing building. The front has a covered area and wall supporting a 1<sup>st</sup> floor box dormer projection to facilitate an office and hot press or hot water supply room.

The proposal would introduce a large window on each gable wall. The front elevation (labelled as side elevation) would introduce 4 upper windows and widen and reposition the existing upper window. The second upper window would be repositioned further below the eave level. The ground floor door would be repositioned and a significant amount of glazing would be introduced in place of the second ground floor door.

The rear elevation (labelled as side elevation) would reposition the existing windows at a lower level than existing and the existing barn door would be converted to 2 large glazed units and built up by 1.3m from the ground. The



first ground floor pedestrian door would be changed to a window – the second ground floor pedestrian door would be retained. The upper doorway would be changed to a window.

The proposal introduces a significant amount of additional windows and a large amount of glazing. The majority of the existing windows and doors are repositioned which would result in a loss of the buildings form and character. Whilst contemporary additions are acceptable in principle, it is considered that the proposal would not retain the original features or original form of the building in terms of its fenestration and overall appearance. The architectural features including the red brick facing would be rendered over and therefore would not remain visible.

The proposal would not have an adverse impact on the appearance of the locality given the remote location and lack of public views.

- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building

The proposed extensions are of a contemporary design finished in a mixture of natural timber or corrugate metal. The extensions are considered subordinate in scale and mass. The proposed finishes are considered acceptable and would integrate suitably with the proposed smooth render of the main buildings walls. The rear flat roof extension is subordinate to the main building and given the lack of public views of the site is acceptable.

- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings.

There are foundations laid on the adjacent site approved under R/2007/0864/F. This building is located approximately 50m from the proposed conversion building with sufficient intervening screening. It is not considered the proposal would affect the amenity of nearby residents.

- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location

The proposal is for residential development.

- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.

The proposal includes a septic tank. NIEA Water Management Unit has been consulted and has raised no objections. The onus is on the developer to obtain the necessary consents to connect to the water network. NI Water has raised no objections.

- (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.



Transport NI has been consulted and has raised no objections with the proposed access which provides visibility splays of 2.4m x 90m onto Cuttyshane Road.

#### CTY13

The proposal would not be prominent given the surrounding natural screening and lack of public views. There is a sufficient degree of natural enclosure for the buildings to integrate. The proposed design is contemporary however given the location and lack of views it is not considered inappropriate for the site and its locality. A sufficient backdrop is provided by surrounding trees and vegetation.

The proposal complies with CTY13

#### CTY14

The proposal would not appear prominent or result in a suburban style build-up of development when viewed from existing and approved buildings and would respect the traditional pattern of settlement development exhibited in the area. The proposal would not create or add to a ribbon of development. The ancillary works are acceptable. The proposal complies with CTY14.

#### CTY16

The proposed septic tank would be located at least 15m from the dwelling and NIEA WMU has raised no objections. It is the developer's responsibility to obtain all necessary consents to discharge.

#### PPS2

NIEA have been consulted in relation to Natural Heritage interests on the site. Their response states that

*'We have records of mature trees and hedgerow habitats occurring within or adjacent to the application site. Hedgerows are classified as NI priority habitat. In addition to that, they are known to provide foraging, resting, and breeding opportunities for a range of species including bats, badgers, and wild birds.'*

Given that the principle of the development has not been established a Biodiversity Checklist has not been requested from the applicant/agent nor has a Bat Roost Potential Survey been requested so as not to put the applicant to unnecessary expense. However upon site inspection it was noted that the existing building has potential for bat roosts and there are a number of mature trees around the existing buildings. While no evidence of badgers was noted upon site inspection further information would be required to determine the potential impact on natural heritage interests, however again this has not been requested as the principle has not been established. It has not been demonstrated that the proposed development would not have an impact on bats, badgers, or wild birds.

#### Access

The proposed access is from the existing access lane which leads to building. Visibility spays have been provided and Transport NI are content with conditions. The proposal complies with PPS3 and DCAN15.

### Summary

The proposed building to be converted to residential use has vernacular qualities however it has not been demonstrated that building is locally important.

The proposed conversion would alter the building to a degree that would result in a loss of existing form, character, and architectural features.

It has not been demonstrated that the proposal would not adversely impact upon bats, badgers, or wild birds.

The proposal is considered contrary to the SPPS and CTY1, CTY4, and PPS2 Policy NH2.

### **Recommendation:**

Refusal

### **Refusal Reasons:**

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that it has not been demonstrated that the building proposed for conversion is a locally important building.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH2 of Planning Policy Statement 2 in that it has not been demonstrated that the proposed development would not have an adverse impact upon priority habitats, bats, and badgers.

<b>ITEM NO</b>	<b>26</b>				
<b>APPLIC NO</b>	R/2015/0153/O	Outline	<b>DATE VALID</b>	3/9/15	
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>				
<b>APPLICANT</b>	Mr T Sloan 90 Annacloy Road Downpatrick BT30 9AJ	<b>AGENT</b>	Ewart Davis 14 Killynure Avenue Carryduff Belfast BT8 8ED 07969919145		
<b>LOCATION</b>	Adjacent to Holy Family School Drumnaconagher Road Annacloy Downpatrick				
<b>PROPOSAL</b>	Housing development with improvements to Drumnaconagher Road.  (Amended description)				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	12	0	0	0	
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>
			0	0	0
			0	0	0



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: R/2015/0153/F**

**Date Received: March 2015.**

Proposal: Outline planning permission is sought for Housing development with improvements to Drumnaconagher Road, on lands adjacent to Holy Family School, Annacloy.

Applicant: Mr T Sloan

**Location:**

The site is located on the inner edge of the settlement development limit of Annacloy as identified in the Ards and Down Area Plan 2015, whereby the northern boundary forms the edge of the development limit. The site is located to the NW edge of this small settlement, whereby this area comprises housing, a school, hall, pre school community group, and church.

As outlined above, the several residential properties which adjoin the site comprise detached dwellings which are generally single storey in form and large plots, while the more recent properties further along the Drumnaconagher Road and to the far side of this road comprise 1 1/2 storey semi-detached dwellings located in much smaller plots.

It is also noted the nearby church is a listed building, while a watercourse also runs along the boundary of the site.

**Site Characteristics & Area Characteristics:**

The site comprises an irregular shaped plot of land off the Drumnaconagher Road. This site is low lying and is currently fenced off and overgrown. It is noted this site extends to adjoin a number of residential properties, hall, pre-school building and primary school, whereby the boundaries are largely defined by mature planting, although the boundary with the school also includes paladin fencing (on the side of the school).

The site is accessed via the Drumnaconagher Road between the school and hall. It is noted the existing plots along this side and stretch of road comprise detached dwellings/buildings with large garden areas/grounds, although the more recent development further along and opposite the site comprises smaller plots and semi-



detached dwellings. These semi-detached dwellings are 1 1/2 storey high while the majority of the remaining buildings are single storey in form.

There is an existing footpath on the side of the application site which ends just passed the site at the grounds of the hall, while a footpath starts at this point to the far side of the road and continuing along to the semi-detached dwellings. It is noted the grounds of the hall adjoining the site includes an area of hard-standing which appears to be used for car parking.

There is a small dip in the road between the site and school whereby it was observed cars park along the frontage of the school for dropping off and picking up school children.

It is also noted there is a church (listed) building further along the Drumnaconagher Road.

### Site history

A history search has been carried out for the site and surrounds, whereby the most relevant history observed includes:

R/09/1065- Lands adjacent and NW of Holy Family School, Proposed housing development, Full, Refusal, 30-06-10, Applicant: Mr and Mrs Sloan.

This application was considered contrary to Policies QD1 of PPS7 and AMP2 of PPS3 (Total of 7 refusal reasons).

It is noted 4 objections were received regarding this application, whereby consultation was carried out with Transport NI, NIW and NIEA.

The red line of this application was similar to the current proposal. This Full application comprised a total of 23 units, which were 1 1/2 storey, including 16 mews style houses, 5 detached and 2 semi-detached units.

R/08/0641- Site to rear of 3a Drumnaconagher Road, Provision of 8 two storey social houses, recreation area and car parking provision, Full, Withdrawn, 02-10-09, Applicant: Sloan Construction.

R/04/1352- Lands adjacent Holy Family Primary School, 8 no. detached dwellings and improvements to vertical alignment of Drumnaconagher Road, Outline, Appeal (Non determination) Dismissed, 02-11-05, Applicant: Mr and Mrs Sloan.

The Dept had recommended Refusal being contrary to the JMS and prematurity and roads/access issues.

While the PAC did not sustain either refusal reason put forward by the Dept it considered the proposal was contrary to the provisions of the PSRNI, thus the appeal was dismissed.

It is noted the red line of this Outline application was similar to the current application under consideration.

In addition it is noted 1 objection and 2 letters of support were received regarding this application, while consultation was carried out with Transport NI, NIW, NIEA, Rivers Agency and Development Plan.

It is also noted there have been previous approvals for alterations and extensions to the school and other housing proposals (single and multiple) in the wider area.

## Representations

Some 10 representations in opposition to this proposal have been received to date (26-01-17) from owner/occupiers of properties along Drumnaconagher Road, Teconnaught Road, Annacloy Road, and also Drumnaconagher Residents Road Safety Committee (DRRSC), and the local MP, whereby the main issues raised include:

- insufficient consultation has taken place with neighbouring dwellings,
- 3a Drumnaconagher Road, retains legal rights to access the site to maintain soakways from its property,
- concerns regarding the volume of traffic that the development will create, particularly so close to the school/pre-school and chapel, in an area which is already congested. The access poses a significant risk to pedestrians. This road cannot support this further development as the current level of traffic renders it almost unusable at peak times and any further intensification is hazardous and not in keeping with a rural setting. There are a number of uses along this stretch of road,
- the river which flows through the site floods frequently, and the development will increase this, and flood adjoining properties,
- the proposal is contrary to policy QD1 (h) of PPS7, overlooking, loss of privacy and overshadowing, and also noise disturbances,
- the proposal is contrary to policy QD1 (c) of PPS7, as the development constitutes over-development of the site which is too small and restricted to permit 20 dwellings with adequate private amenity space,
- the proposal is contrary to policy QD1 (f) of PPS7 in that the development will be dominated by car parking,
- the development is contrary to policy AMP2 of PPS3 in that it would if permitted, prejudice the safety and convenience of road users since visibility from the site access cannot be provided to an adequate standard. Insufficient infrastructure and lack of adequate footpaths are also raised,
- queries regarding the need for this housing as there are unfinished and unsold units in the nearby Chapel View development,
- the site history is referred to,
- based on the information available the Drumnaconagher Residents Road Safety Committee strongly object to any development and/or increase of residents, traffic, pedestrians along this Drumnaconagher Road,
- the proposal is contrary to policy QD1 (a) of PPS7 as the development would be detrimental to the visual impact and rural character of the area, as the development does not respect the local context, while the scale and proportions of the development would significantly alter the fabric of the area, and have a detrimental effect on the local rural character, environmental quality and residential amenity of the area. The density and size of units are out of keeping with this rural area, and will have a very urban effect on this quiet rural settlement, and constitutes over-development/cramming,
- contrary to policy FLD3 of PPS15 as the development would have the potential to cause more flooding, while health and safety issues regarding the river are also raised,
- contrary to policy PPS6 as the access will require works to a Grade B listed wall,
- the Human Rights Act is referred to,
- a request that a copy of representation is forwarded to Rivers Agency prior to decision being taken (Rivers Agency response date Jan 2017 deals with this),
- concerns regarding potential structural damage from rock breaking that will be required,

- potential noise disturbance during construction phase,
- challenges regarding the content of the Drainage Assessment,

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

The issues raised are considered below.

The local MP also enquired above the nature and progress of the application.

Having account the extent of the red line and current practice neighbour notification was undertaken with several properties along Drumnaconagher Road, Teconnaught Road and Chapel Way in April 2015 and Oct 2016, while it was also advertised in the local press in March 2015 and Oct 2016.

(The re-notification and advertisement was as a result of an amended description being received in Oct 2016).

### **Consultations-**

Having account the nature of this proposal, location and constraints of the site and area, consultations have been carried out with Transport NI, NIW, NIEA, Rivers Agency, and Shared Environmental Services as part of this application, whereby it is considered no objections are offered in principle.

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

As stated above, the lands comprising the application site are located on the inner edge of the settlement development limit of Annacloy as identified in the Ards and Down Area Plan 2015, on land regarded as white-land, whereby the northern boundary forms the edge of the development limit. The site is located to the NW edge of this small settlement, whereby this area comprises housing, school, hall, pre school community group, and church.

As outlined above, the several residential properties which adjoin the site comprise detached dwellings which are generally single storey in form, located on large plots, while the more recent properties further along the Drumnaconagher Road and to the far side of this road comprise 1 1/2 storey semi-detached dwellings located in much smaller plots.

It is also noted the nearby church is a listed building while it is also noted a watercourse runs along the eastern boundary of the site.

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



## Assessment

As stated above this is an Outline application, whereby a P1 form, site location plan, site layout plan, detailed plans, concept statement and both a Flood Risk Assessment (FRA) and Drainage Assessment were submitted.

Following initial consideration of the case the Planning Dept advised the agent that having account the location, constraints and zonings of the site there was no objections to the principle of housing development on this site, however there were a number of concerns with the site layout and detailed plans which have been formally submitted, and afford the agent an opportunity to amend the scheme, or alternatively query if they are content to receive a decision based alone on the site location plan. The agent subsequently advised (by email on 25th Nov 2015) they are content to have the application determined using the site location plan only.

As such all other drawings have been discounted and do not form part of this assessment. The FRA, Drainage Assessment and concept statement, however remains an important aspect of the application, although it should be noted the site layout indicated on the concept statement is not acceptable.

As stated above the site comprises a low lying irregular shaped plot of land off the Drumnaconagher Road. This site does not include a frontage to the Drumnaconagher Road, being sited behind a number of properties, whereby the access point is located between the hall and grounds of the existing school.

As outlined above, the several residential properties which adjoin the site comprise detached dwellings which are generally single storey in form, located on large plots, while the more recent properties further along the Drumnaconagher Road and to the far side of this road comprise 1 1/2 storey semi-detached dwellings located in much smaller plots.

As outlined above, having account the location (within the development limits), zoning (white-land) and constraints of the site including various features, it is considered there can be no objection to the principle of residential use on this site. However consideration must be given to the comments from the consultees and interested parties.

It is noted there is local opposition to this proposal on a number of grounds (see summary above), however having account the above including consultee responses, and applicable policy tests, it is considered there are no planning grounds to sustain a refusal, subject to conditions.

Extensive consultation has been undertaken as part of this application, while a determination was also undertaken as to whether an EIA was required to be submitted as part of this application. In addition a Habitats Regulations Assessment screening exercise was also undertaken, while a Bio Diversity Checklist was also requested and submitted to ensure all potential constraints and issues had been identified and considered.

It has been concluded an EIA is not required, while no further information/surveys are required following receipt and consideration of the completed Bio Diversity



Checklist and associated supporting information, to assess or determine this application.

As outlined above only the site location plan which identifies the site outlined in red has been considered as part of this application. This red line indicates the site will use the existing access point (between the hall and school), although with improvements being required to ensure it is up to current standards and suitable for housing.

As stated above this site is vacant and overgrown at present and is relatively flat and low lying.

The character of this area varies, and includes the older lower density detached properties of no.3a and 5a Drumnaconagher Road and also 79 and 81 Teconnaught Road, which adjoin and are immediately adjacent to the site, however the more recently constructed and higher/medium density development of Chapel View/Way which includes semi-detached dwellings on smaller plots is also located in close proximity to the site.

As the site is regarded as white-land, there are no criteria to adhere to, however it is considered any development must respect the character of this area, including general density, plot size, layouts and house types/sizes.

It is considered the house types within this development should be single or 1 1/2 storey in character, and require to be sited to both respect the privacy and amenity of existing properties and also ensure there are no inter-relationship issues, while also ensuring sufficient provision of usable private amenity space, in accordance with current guidance and policy, including PPS7 and Creating Places.

As the site extends to form the edge of the development limit, it is considered a belt of buffer planting is required along the site boundary, adjacent to the watercourse, which shall be a minimum width of 5m.

As stated above a watercourse runs along the boundary of the site whereby comments have been sought from Rivers Agency on several occasions, while a FRA and Drainage Assessment were also provided. Rivers Agency in its final response in Jan 2017, have considered both the content of the Drainage Assessment and FRA, and offer no objections to the principle of development subject to restrictions on the area to be development. Rivers Agency have also considered and responded to the content of the representations received, and have raised no issue with regards to the content of the Drainage Assessment and FRA.

It is also noted there are listed buildings/structures in the vicinity of the site, thus comments have also been sought from NIEA, whereby Archaeology and Built Heritage have advised they are content with the proposal.

It is also noted Transport NI and NI Water have offered no objections to this proposal, whereby Transport NI have also advised they consider representations received for all applications.

As with all planning applications the occupiers of buildings on sites which adjoin the boundary of the application site are notified, whereby it is considered those

properties entitled to be notified as part of this application have indeed been notified. It is also noted the application has been advertised in the local press. Any ROW/easement any person may have over the land, or potential damage caused by the developer, is a private matter between parties outside the remit of planning. As outlined above the detailed plans which have been formally submitted have been discounted for this Outline application, thus several of the specific issues raised will no longer apply, although the general thrust of these concerns can still be considered and conditioned accordingly, and considered further with any subsequent Reserved Matters submission.

While it is acknowledged there is local opposition to this proposal, having account the area plan zoning, applicable policy context and comments from the consultees, it is considered there are no grounds to sustain a refusal, whereby it is considered a quality residential development will not result in any unacceptable impact on any adjoining property or character of the area.

As such approval is recommended subject to conditions.

(Conditions to include: time limit, roads, rivers, levels, planting including buffer, house types, compliance with policy/guidance, restrictions regarding hours of work).

**Recommendation: Approval.**

**Council Newry, Mourne and Down**

**Date 2/15/17**

<b>ITEM NO</b>	<b>1</b>			
<b>APPLIC NO</b>	LA07/2015/0492/F	Full	<b>DATE VALID</b>	6/18/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr B Ward 17 Moygannon Road Warrenpoint BT34 3EA		<b>AGENT</b>	Mr Joseph Lynam Arhcitect 11 Newry Road Mayobridge Newry BT34 2ET 02830851125

**LOCATION** Adjacent to and south of No. 40 Lower Newtown Road  
Meigh BT35 8UT

**PROPOSAL** Proposed change of house type with alternative access to the Public road brought about by the construction of a new fly over to dual carriageway to original replacement Dwelling Approval on now commenced site. (Amended Ownership certificate)

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	12	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland 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 Lower Newtown 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 dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposed dwelling is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/0492/F

**Date Received:** 18.06.2015

**Proposal:** Proposed change of house type with alternative access to the Public road brought about by the construction of a new fly over to dual carriageway to original replacement Dwelling Approval on now commenced site.

**Location:** Adjacent to and south of No. 40 Lower Newtown Road, Meigh, BT35 8UT.

**Site Characteristics & Area Characteristics:**

*The site, as defined in red on the site location plan, takes in a portion of land immediately west and south of No. 40 Lower Newtown Road and connects to the public road. The red line boundary also includes a former dwelling located to the rear and within the curtilage of No.40. The land in question is rough land that doesn't appear to be used for agricultural purposes with a water course running along the boundary with the A1. The site is located at the end of an existing laneway which passes two existing dwellings and 1 further dwelling accessed from the main road. The area is rural in character with development pressure increasing towards the East.*

**Site History:**

P/2009/0433/F - Change of house type and orientation of replacement dwelling and garage - 210m West of Newtown Road on Lower Newtown Road Meigh - Permission Granted 04.08.2009

P/2006/0533/RM - Erection of replacement dwelling and garage - Lands 210 metres west of Newtown Road, on Lower Newtown Road, Meigh, Newry – Permission Granted - 17.04.2008

P/2001/1218/O - Site for replacement dwelling & garage - Lands 210m West of Newtown Road, on Lower Newtown Road, Meigh. – Permission Granted 12.03.2003

**Planning Policies & Material Considerations:**

*Banbridge Newry and Mourne Area Plan 2015*

*Strategic Planning Policy Statement*

*Planning Policy Statement 21*

*Planning Policy Statement 3 / Development Control Advice Note 15*



*Planning Policy Statement 15*  
*Planning Policy Statement 3*

**Consultations:**

Rivers Agency - no objections  
 Environmental Health – no objections  
 Transport NI – no objections

**Objections & Representations**

3 dwellings were notified throughout the process as amendments were received and the application was advertised on 8<sup>th</sup> July 2015.

A number of objections were received from Mr Arthur McKeivitt of 40 Lower Newtown Road. Documented below are the areas of objection,

1. Description states commenced building site.
2. Applicant did not enter ref of previous application on application form
3. Applicant has ticked 'The use of existing unaltered access to the public road'
4. Ownership of building to be replaced and access road is contested.
5. Previous application has lapsed
6. De value Mr McKeivitt's property
7. Neighbour Notification wasn't received.
8. Why was the applicant given so much leeway to respond to ownership?

A number of objections were also received from Mr Kevin McSherry of 42 Lower Newtown Road. Documented below are the areas of objection.

1. Application will change ownership of laneway and effectively leave Mr McSherry landlocked. This will also devalue the property.
2. Environmental impact of flooding on private land due to change of ownership will hinder public bodies accessing this area.
3. Change the established character of the area by hindering walks and runners etc from accessing this area
4. Pre consultation with Transport NI
5. Why the objector was not informed about the change in ownership
6. Consultations do not inform about the change in ownership
7. Has the council informed service providers about the change in ownership?

**Consideration and Assessment:**

The site lies within the Rural Area/AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections with regard to the Area Plan provided the proposal meets prevailing planning policy.

**Principle of Development**

The previous application P/2009/0433/F was approved on 4<sup>th</sup> August 2009 with a 5 year time condition for the commencement of development. Therefore the application should have commenced before the 4<sup>th</sup> August 2014. As this application was received on the 18<sup>th</sup> June 2015 the important aspect to the determination of the application is to ascertain if the development has commenced in order to keep the site live. A pre commencement condition was attached to the previous approval which included the vehicular access, visibility splays and forward site line to be

provided prior to the commencement of development. It is my assessment that this condition has been satisfied and correspondence from Transport NI supports this position. This was a pre commencement condition and therefore as the name suggests, a condition describing work to be completed **prior** to the commencement of development. The content of this condition cannot therefore be described as work relating to the commencement of development. The next stage on establishing the principle of development and whether or not the site is live is to confirm if development on site has commenced in accordance with the approved plans. During my site visit it was evident that land had been cleared however no evidence was found to show any foundational work commenced. Commencement of development is described in Section 63 of the Planning Act 2011 and the part applicable states development can be taken to be begun where the development consists of or includes the erection of a building or any work of construction in the course of the erection of the building. The agent has submitted dated pictures showing part of the field cleared on 30<sup>th</sup> July 2014. It is my assessment that clearing part of the site does not constitute construction as described above and as a result, the previous application has not commenced and the principle of development is not established.

The agent submitted correspondence from the Department that is dated 10th September 2013 and lists material operations that **may** constitute commencement of development. It is noted however the underlying subject of this letter is planning ref P/2007/1487/F, which is a different site entirely. Notwithstanding the underlying subject of the letter, this letter is taken as general guidance. It does not take into consideration the specifics of this application or pre-commencement conditions which relate to it. It is noted the agent was contacted by letter to consider changing the proposal to Erection of Replacement Dwelling, but declined to do so.

The proposal does not meet any of the exceptions in policy CTY1 and therefore contrary to policy CTY1 of Planning Policy Statement 21 in that there are no overriding reasons why this development is essential and could not be located in a settlement.

In terms policy CTY13 the design of the dwelling it is considered acceptable in that it does reflect rural elements in terms of the internal chimney and the correct vertical emphasis on the windows. Whilst it is approximately 10m closer to the main A1, given the existing natural screenings along the western boundary of the site, lower ridge height and reduced length this is unlikely to cause a significantly greater visual impact than the previously approved dwelling. However as the proposed principle of development has not been established and the proposal is now considered as a new dwelling, the proposal will therefore extend the ribbon of development along Lower Newtown Road, contrary CTY8 and CTY14 and contribute to build up when viewed with the surrounding buildings which is also contrary CTY 14.

A condition can be attached to ensure that consent to discharge is obtained prior to the commencement of development. This satisfies the policy requirements of CTY16.

Policy NH6 of Planning Policy Statement 2 is applicable as the application is located within the Ring of Gullion AONB. The siting of the proposal is considered unsympathetic to the special character of the AONB however it will not adversely impact on any features of importance to the character, appearance or heritage of the

landscape. The proposal respects local architectural styles, traditional boundary details and local materials, design and colour. Due to the unjustified siting, the proposal fails this policy criteria.

Transport NI were consulted with regard to Planning Policy Statement 3 and have duly responded with no objections to the proposal.

Policy FLD 3 of Planning Policy Statement 15 is applicable due as surface water is indicated along parts of the site. As the development as classed as minor development drainage assessment is not required and therefore there is no objections from Rivers Agency. Surface water would be pointed out to the developer so that they can address and make provision for its disposal. The proposal does not offend policy FLD 3.

#### Mr Mckevitt's Objections

In terms of the description using the term 'commenced site' the agent is entitled to hold a different view and would contend that the site has commenced therefore the description, whilst the Council would disagree with, is not pertinent to the outcome of the application. The issue of commencement is dealt with in the consideration and assessment of the application. Not mentioning the previous ref number on an application form and ticking the box for using an existing unaltered access to the public road will not materially affect the outcome of the application. The Council can perform a site history search on the site and the plans will clearly show the access arrangements. The ownership issues have been resolved and notice has been served accordingly, planning permission goes with the land and not the person. Permission can be applied for on land that is not in ownership of the applicant, which has been done in this case. The de valuing of Mr McKevitt's property is not a material consideration and neighbour notification was hand delivered to Mr McKevitt on 19<sup>th</sup> April 2016. Extended time was given to the agent to confirm ownership details as he made reference to difficulties in locating this information and also due to its importance with regard to the content of the objections received.

Mr McSherry's objections all relate to the perceived ownership of the access road at a previous time where ownership of this road was previously noted as belonging to the applicant. This has since been amended and notice has been served on Transport NI the actual owners of the access road.

#### **Recommendation:**

*Refusal*

#### **Refusal Reasons:**

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland 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 Lower Newtown 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 dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposed dwelling is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality.

**Case Officer:**

**Authorised Officer:**



Summary of points on behalf of Arthur McKeivitt who will be speaking in objection to planning application ref. LA07/2015/0492/F.

- Part of Mr McKeivitt's land is included in this application and he does not consent to the proposed building.
- The building in the application is under Mr McKeivitt's ownership.
- Mr McKeivitt states the land for which the planning application is based does not have previous planning approval.

Cllr Liz Kimmins

Tel. 07840588741



P/2009/0433/F  
 Brian Ward  
 Photo No.1 - 30.07.14  
 J. Lynam R.I.B.A.



P/2009/0433/F  
 Brian Ward  
 Photo No. 3 - 30.07.14  
 J. Lynam R.I.B.A.



P/2009/0433/F  
 Brian Ward  
 Photo No. 2 - 30.07.14  
 J. Lynam R.I.B.A.



P/2009/0433/F  
 Brian Ward  
 Photo No. 4 - 30.07.14  
 J. Lynam R.I.B.A.





P/2009/0433/F  
 Brian Ward  
 Photo No. 7 - 30.07.14  
 J. Lynam R.I.B.A.



P/2009/0433/F  
 Brian Ward  
 Photo No. 8 - 30.07.14  
 J. Lynam R.I.B.A.



P/2009/0433/F  
 Brian Ward  
 Photo No. 5 - 30.07.14  
 J. Lynam R.I.B.A.



P/2009/0433/F  
 Brian Ward  
 Photo No. 6 - 30.07.14  
 J. Lynam R.I.B.A.





P/2009/0433/F  
 Brian Ward  
 Photo No. 9 - 30.07.14  
 J. Lynam R.I.B.A.



P/2009/0433/F  
 Brian Ward  
 Photo No. 10 - 30.07.14  
 J. Lynam R.I.B.A.





<b>ITEM NO</b>	<b>3</b>			
<b>APPLIC NO</b>	LA07/2015/0706/O	Outline	<b>DATE VALID</b>	7/29/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Frank Clerkin 134 Kilbroney Road Rostrevor	<b>AGENT</b>	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY 028 417 53679	
<b>LOCATION</b>	40m south of 134 Kilbroney Road Rostrevor			
<b>PROPOSAL</b>	Proposed dwelling on farm			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy 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 Kilbroney Road.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; 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, 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 that area; would permitted create a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



**Application Reference:** LA07/2015/0706/O

**Date Received:** 29<sup>th</sup> July 2015

**Proposal:** The proposal is for the erection of a dwelling on a farm.

**Location:** 40m south of 134 Kilbroney Road, Rostrevor.

#### Site Characteristics & Area Characteristics:

The application site is in the north-east portion of a large agricultural field which is located approximately 2 miles north-east of Rostrevor. The field rises steeply from the roadside boundary up toward the rear boundary. The northern and eastern boundaries of the site are defined by dry stone walls while the southern and western boundaries are undefined. At the time of inspection the field was being used for grazing sheep. There is a large storey and a half detached dwelling (number 134 Kilbroney Road) adjacent to the proposed site. There is a steel fabrication business operating as 'Clerk Fencing' adjacent and north-east of number 134.

The application site is in a Special Countryside Area and lies within the Mournes Area of Outstanding Natural Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015. The site is clearly visible when approaching from the south along the Kilbroney Road.



Image 1 - Goole Image of Application Site



**Site History:**

P/1991/0738 – Site for a farm dwelling – Recommended for refusal as the proposed development was considered to be contrary to the Departments policy of restricting additional houses in Zone B of Mourne Area of Natural Outstanding Beauty and the site is visually unacceptable. The application was withdrawn on 30/12/1991.

**Planning Policies & Material Considerations:**

- The Regional Development Strategy 2035 (RDS)
- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 – Natural Heritage.
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 21 – Sustainable Development in the Countryside;
- DCAN 15 – Vehicular Access Standards.

**Consultations:**

TransportNI:	No objection – Red line to be amended to include sight splays
Env. Health:	No objections in principal
NIEA WMU:	Content subject to conditions
NI Water:	Generic Response
DARD:	Business is established and has claimed one of the payment schemes

**Objections & Representations**

1 neighbour notification letter was issued and the application was advertised in the local press the week beginning the 17<sup>th</sup> August 2015. No objections or representations were received.

**Consideration and Assessment:**

Outline planning permission is sought for the proposed erection of a dwelling on a farm. 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. The site is located within the rural area and the Mourne Area of Outstanding Natural Beauty as designated in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS2, PPS3 and PPS21.

The SPPS for Northern Ireland is material to all decisions on individual planning applications, however other than an update on the definition of what constitutes 'agricultural activity' there is no conflict or change in policy direction between its

provisions and those of PPS 21 in relation to dwellings on farms. Accordingly the requirements of the policies contained in PPS 21 are material to the assessment of this application.

Policy CTY 1 of PPS 21 sets out a range of types of development that are acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 10 states planning permission will be granted for a dwelling house on a farm where all of criteria (a), (b) and (c) can be met. CTY 10 goes on to state the site must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY16.

### **Principle of Development**

Criterion (a) of Policy CTY 10 requires the farm business to be currently active and have been established for at least 6 years. DARD confirmed the Business ID has been established for more than 6 years and that farm payments have been claimed in the last 6 years. Claiming farm payments is the main means used to determine if the farm is active. I am therefore satisfied that the application complies with the requirements of criterion (a).

Criterion (b) of Policy CTY 10 requires that no dwellings or development opportunities out-with settlement limits be sold off from the farm holding within 10 years of the date of the application. This provision only applies from 25<sup>th</sup> November 2008. The farm maps provided include a piece of land on which planning approval was granted for a replacement dwelling under reference P/2013/0651/F on 13<sup>th</sup> March 2014. The applicant was Mr Frank Clerkin of 134 Kilbroney Road, Rostrevor. A request for a solicitor's letter to confirm that the replacement dwelling opportunity approved under reference P/2013/0651/F has not been sold off was made on 2<sup>nd</sup> November 2016, but this information has not been received. As a result it has not been demonstrated that criterion 10(b) has been satisfied.

Criterion (c) of Policy CTY 10 requires the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. As there is no existing lane from which the proposed site could be accessed this part of the policy requirement is not practicable in this case.

The proposed site is located immediately south of number 134 Kilbroney Road, which is the address associated with the farm business. To the north of number 134 is a commercial steel fabrication business operating as '*Clerk Fencing*'. The site location map (Drawing 01) submitted by the agent has a building shaded red and annotated as an existing agricultural shed. However the layout of buildings on Drawing 01 does not correspond with what is actually on site. See the images below:





Image 2 - Site Location (Drawing 01)

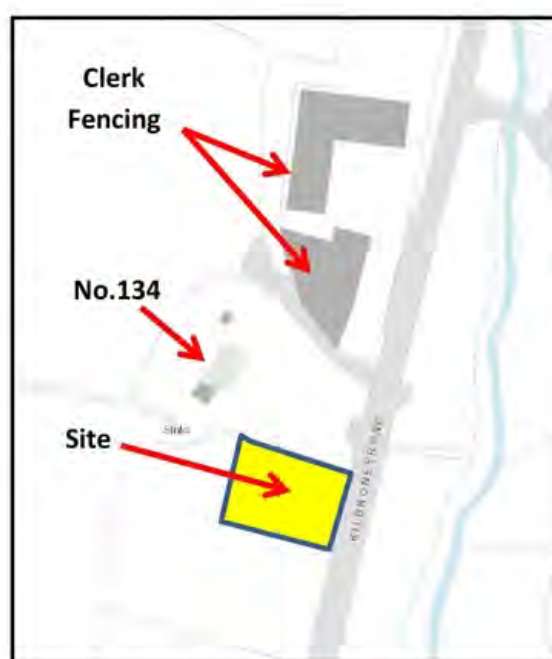


Image 3 – Actual Layout

At the time of site inspection all of the buildings to the north of number 134 Kilbroney Road appeared to be in use as part of the commercial steel fabrication business *Clerk Fencing*. The buildings associated with the steel fabrication business are not established farm buildings, and cannot be included in the assessment of this application. That only leaves the dwelling house at number 134 Kilbroney Road. As one building does not constitute a group, the proposed dwelling would not be visually linked or sited to cluster with an established group of buildings on the farm and consequently, criterion (c) of Policy CTY 10 is not met.

Policy criterion (c) also states that exceptionally consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. The applicant however, has advanced no such exceptional case.

The proposal has failed on criterion (c) of policy CTY10, and is therefore unacceptable in principle in the countryside under policy CTY1.

### Ribbon Development

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. A dwelling on this road frontage plot would have common frontage with and visually link with the dwelling at number 134 Kilbroney Road and the buildings associated with the steel fabrication business *Clerk Fencing*. This would create/add to a ribbon of development as it would extend the development along the road frontage, which would be detrimental to the countryside's character, appearance and amenity.

Ribbon  
Development



Image 4 - Satellite View of Site



### 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 CTY13 and CTY14 of PPS21.

Policy CTY 13 of PPS 21 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The proposed site lacks established boundaries on two sides and would rely primarily on the use of new landscaping for integration. While planting could be used to define the curtilage of the site it would take time to establish and mature in order to provide a suitable degree of enclosure. A dwelling on this site would appear to be a plot cut out of a larger agricultural field. As the site is open and exposed, a new dwelling would occupy an elevated position when viewed from critical viewpoints on approach from the Rostrevor side of the Kilbroney Road.



Image 5 – View of the site when approaching from the Rostrevor side of the Kilbroney Road.

The proposed site is unable to provide a suitable degree of enclosure for the proposed dwelling to integrate into the landscape and would be over reliant on new planting to aid integration. Furthermore, a new dwelling on this site would not be visually linked or sited to cluster with an established group of buildings on the farm holding. As a result the proposal fails to satisfy the requirements of criteria (b), (c) and (g) of Policy CTY 13.

Policy CTY 14 of PPS 21 states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. As detailed above, the proposal would create ribbon of development and this would result in a suburban style build-up of development when

viewed with number 134 Kilbroney Road the existing buildings associated with the steel fabrication business *Clerk Fencing*. A dwelling on this site would not respect the traditional pattern of development exhibited in the area. The proposal is considered contrary to criteria (b), (c), and (d) of Policy CTY 14.

Policy CTY 16 states 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. The applicant has indicated that fowl sewage will be disposed with by septic tank. No details have been provided at outline stage however I am satisfied the site could accommodate a septic tank and soak-away.

#### Planning Policy Statement 2

The proposed site lies within the Mourne Area of Outstanding Natural Beauty. Policy NH6 of PPS 2 states planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. There are a number of additional criteria in relation to siting, scale and design. As this is an outline application no details of the proposed design have been submitted.

#### Planning Policy Statement 3

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. TransportNI were consulted and have no objections in principal subject to a scale plan and accurate site survey being submitted as part of a reserved matters application in the event of this application being granted approval. It has been noted the proposed sight visibility splays have not been included in the red line of the application site.

#### **Recommendation:**

The proposed site is not visually linked or sited to cluster with an established group of buildings on the farm. There are no natural boundaries around the site and the development would rely primarily on the use of new landscaping for integration. The proposal would cause a detrimental change to the rural character of the area as it would create a ribbon of development and it would result in a suburban style build-up of development when viewed with number 134 Kilbroney Road the existing buildings associated with the steel fabrication business *Clerk Fencing*. A dwelling on this site would not respect the traditional pattern of development exhibited in the area and is therefore considered to be contrary to planning policy.



**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years from the date of this application; and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.
3. 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/addition of ribbon development along the Kilbroney Road.
4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; 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.
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings; would not respect the traditional pattern of settlement exhibited in that area; would permitted create a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

**Case Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Authorised Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>ITEM NO</b>	<b>4</b>			
<b>APPLIC NO</b>	LA07/2015/0912/F	Full	<b>DATE VALID</b>	9/9/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr & Mrs P McGivern 131 Killowen Road Rostrevor		<b>AGENT</b>	
				NA
<b>LOCATION</b>	131 Killowen Road Rostrevor			
<b>PROPOSAL</b>	Proposed extension to & conversion of existing barn to provide a granny flat accommodation			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be converted is not considered locally important and:
  - the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building: and
  - the new extensions are not sympathetic to the scale, massing, architectural style and finishes of the existing building.
- 2 The proposal is contrary to Policy EXT 1 of Planning Policy Statement 7 in that the proposal would if permitted, constitute a self-contained unit of accommodation in addition to the existing dwelling.
- 3 The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3, Access, Movement and Parking in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route A2), thereby prejudicing the free flow of traffic and conditions of general safety.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/0912/F

**Date Received:** 09.09.2015

**Proposal:** Proposed extension to & conversion of existing barn to provide a granny flat

**Location:** 131 Killowen Road Rostrevor

**Site Characteristics & Area Characteristics:**

The site is accessed from a laneway of approximately 250m long off the Killowen Road that serves No. 131 which is a detached bungalow with a separate garage at the entrance and barn/shed at the rear. The bungalow is enclosed by a mixture of mature hedges and 1m rendered walls that define what appears to be the original curtilage of the dwelling. There is now large garden areas to the front and rear of the property.

The barn is a single storey two room building with rendered walls and a slate roof. There is a small window in the western elevation while there are two doors in the southern elevation. It is 4m to the ridge and is approximately 57m<sup>2</sup>. It is not attached to No. 131.





### Site History:

P/2005/0191/F Extension to dwelling at 131 Killowen Road approved 14.04.2005  
P/2008/0309/F Extension to front of dwelling to provide kitchen/ dining area at 131 Killowen Road approved 12.06.2008

### The Proposal

The proposal is a full planning application for the conversion of the barn to a granny flat.

The existing building will remain with the addition of approximately 34m<sup>2</sup> to the side of the barn to provide a front door, hallway, bedroom and bathroom and hallway, the existing barn will contain a living room and kitchen/dining room. Overall height to the ridge will increase to 6m (from 4m)

Roof: blue black natural slate

Walls: smooth render painted white

Windows charcoal grey PGC aluminium

### Planning Assessment of Policy and Other Material Considerations

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.
- Planning Policy Statement 3 Access (PPS3), Movement and Parking Policy AMP2.
- PPS 7 Addendum Residential Extensions and Alterations
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

### Consultee Summary

NI Water has no objections and recommends a number of standard informatives.

Transport NI no objections. The comments are on the basis that planning are satisfied that the application falls within the exceptions for access onto a **Protected Route**.

NIEA -Archaeology and built heritage are content with the proposal

Water Management Unit are content with the proposal

Historic Monuments Unit are content with the proposal and suggested standard conditions.



### **Objections & Representations**

None received. 2No neighbours notified. Advertised in the Mourne Observer week beginning 17<sup>th</sup> September 2015.

### **Consideration and Assessment**

Under the BNMAP 2015 the site is within the rural area and is within the Mourne AONB.

Page 53 of the SPPS sets out the strategic direction for the Council with regard to the conversion and re-use of existing buildings for residential use:

The text states "provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy"

Since the SPPS was published in September 2015 it has renewed the focus of being able to convert **any** rural building to only being able to convert those buildings that were of local importance. Unfortunately the text does not detail exactly what would constitute a locally important building however the emphasis in the text would suggest that the building to be converted must have merit of some sort.

### **Planning Policy Statement 7 addendum (Residential Extensions and Alterations)**

Paragraph 2.10 of Policy Ext 1 states "Where an extension to the existing house is not practicable and it is proposed to convert and extend an existing outbuilding, planning permission will normally depend on the development providing a modest scale of accommodation. The purpose of this is to ensure the use of the building as part of the main dwelling. The construction of a separate building, as self contained accommodation, within the curtilage of an existing dwelling house will not be acceptable, unless a separate dwelling would be granted permission in its own right"

Paragraph 2.11 noted that the Council will need to be satisfied that the proposed accommodation will remain ancillary to the main residence. I would have concerns that given the proposed plans the 'granny flat' could be used as a completely independent dwelling/holiday accommodation.

With regard to the granny flat element, Annex A of PPS 7 offers additional guidance, paragraph A49 "An extension or alteration to a residential property to provide an ancillary use, such as additional living accommodation for elderly or dependent

relatives, should be designed to demonstrate dependency on the existing residential property. Proposals of this nature should be designed in such a manner as to easily enable the extension to be later used as an integral part of the main residential property. Ancillary uses should provide limited accommodation and shared facilities, for example kitchens and be physically linked internally to the host property. Ancillary uses that could practically and viably operate on their own will not be acceptable”.

I note the proposed granny annex has a separate kitchen and bathroom and as such could operate as a dwelling in its own right. As such this application appears as a conversion of a building to a residential dwelling and as such the policy requirements of PPS 21 should also be considered.

### **Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.**

PPS 21 policies CTY 1, CTY 4, CTY 13 and CTY14 apply.

**CTY 1** Development in the Countryside, assesses the need for this proposal within the rural area. The policy notes that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Amongst the cases listed the conversion of a non-residential building to a dwelling in accordance with Policy CTY 4 is listed.

#### **CTY 4 – The Conversion and Reuse of Existing Buildings.**

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a **suitable** building for a variety of alternative uses, including use as a single dwelling, **where this would secure its upkeep and retention**. Such proposals will be required to be of **a high design quality and** to meet all of the following criteria:

- (a) the building is of permanent construction;
- (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;
- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Whilst I consider that the actual building meets most of the criteria a – g listed above, The conversion of this building to residential use is not required for the upkeep and

retention of this barn/store. More importantly, the publication of the SPPS in September 2015 adds weight to the need for the building to be converted to be 'locally important'. I don't consider the proposed barn/outbuilding to be locally important and no evidence has been submitted to support this.

CTY 13 assesses the impact this proposal will have on the rural area by reason of design, siting, integration and landscaping. The proposed design is a modest adaptation of the existing barn although by raising the height of the building by 2m I think the general 'barn' appearance of the existing building is lost and the proposal appears as a new dwelling.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. The introduction of an additional dwelling at this location is not appropriate given its AONB status.

### **Other Material Considerations – previous PAC Decisions for Conversions**

The appeals listed in the text 2010/A0172 (single storey former dwelling) and 2011/A0105 (fence) relate to the reuse of a vernacular building.

Critically at paragraph 3.5 the Commissioner states ***“In order to be suitable for replacement under CTY 4, a building must have some merit. This interpretation has been endorsed by the Commission in a number of other appeal decisions including 2009/A0178 and 2009/E043”***.

The crux of both planning appeals was that whilst the building to be converted wasn't required to be of any architectural merit, the text in CTY 4 clearly indicated that the building must have some element of **merit**.

The building proposed for conversion under this application is not considered to hold any particular merit.

### **Recommendation**

The SPPS as published in its final form in September 2015 will hold significant weight in the determination of this application.

The proposal does not meet the general thrust of the text on page 53 in relation to the reuse on existing buildings for residential use. The building is not locally important and the use as a dwelling will not secure the upkeep and retention of the building.

With regard to PPS 21, the text in CTY 4, I consider that the conversion of this building to residential use is not required for its upkeep and retention as stated in the opening section of the policy

The proposal does not comply with the SPSS or PPS 21 (CTY 4).

The proposal also does not meet the policy criteria set out in Policy EXT 1 of PPS 7 in relation to extensions/alterations for granny flats. The proposed unit is a completely separate residential property to No. 131. The text states that a separate unit will only be permitted if a separate dwelling would be permitted in its own right. This is not the case.

### Reasons for Refusal

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be converted is not considered locally important and:
  - the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building; and
  - the new extensions are not sympathetic to the scale, massing, architectural style and finishes of the existing building.
2. The proposal is contrary to Policy EXT 1 of Planning Policy Statement 7 in that the proposal would if permitted, constitute a self-contained unit of accommodation in addition to the existing dwelling.
3. The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3, Access, Movement and Parking in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route A2), thereby prejudicing the free flow of traffic and conditions of general safety.

<b>Case Officer Signature</b>	
<b>Date</b>	
<b>Appointed Officer Signature</b>	
<b>Date</b>	



<b>ITEM NO</b>	<b>9</b>		
<b>APPLIC NO</b>	LA07/2015/1283/F	Full	<b>DATE VALID</b> 12/4/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		
<b>APPLICANT</b>	Pat McSherry 16 Lurgana Road Whitecross Armagh BT60 2JW	<b>AGENT</b>	Lissan Design 45 Letteran Road Moneymore BT45 7UB 02886748153
<b>LOCATION</b>	318Mts South West of 16 Lurgana Road Whitecross Co Armagh BT60 2JW		
<b>PROPOSAL</b>	Proposed installation of a wind Turbine on a lattice type tower - with blade tip height up to 24.8 mts		
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b> <b>SUP Petitions</b>
	0	0	0                      0
			<b>Addresses Signatures</b> <b>Addresses Signatures</b>
			0                      0    0    0

- 1    The proposal is contrary to the Strategic Planning Policy Statement and the Department's Planning Policy Statement 18: Renewable Energy, Policy RE1, in that the proposal has failed to take account of the cumulative impact of existing wind turbines and as a consequence, it would have an unacceptable impact on the landscape charcater of the area.
- 2    The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



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District Council

**Application Reference:** LA07/2015/1283/F

**Date Received:** December 4<sup>th</sup> 2015

**Proposal:** Proposed installation of a wind Turbine on a lattice type tower - with blade tip height up to 24.8 mts.

**Location:** 318Mts South West of 16 Lurgana Road, Whitecross, Co Armagh, BT60 2JW

**Site Characteristics & Area Characteristics:**

The site is located close to the summit of a hill to the west of Lurgana Road, located approximately 1 mile south west of Whitecross. The site is located within the middle of a grazing field, this field is bounded by mature hedges, it slopes down towards the north.



The surrounding area is on the side of a valley that rises up towards the south, the applicant's dwelling is located to the north east of the site, to the south east is a cluster of farm buildings and a farm dwelling, No 26 Lurgana Road, at the northern end of this cluster a one and a half storey building is under construction. There is a large farm complex to the east of the site.





There are a total of 3 wind turbines in the general vicinity of the turbine, one to the North West and two large turbines to it north east that are situated on the far side of Whitecross and appear close together in the landscape.



**Site History:**

There is no planning history on the site itself.

**Planning Policies & Material Considerations:**

Strategic Planning Policy Statement

Planning Policy Statement 18 Renewable Energy

PPS 18 Best Practice Guidance

Wind Energy Development in Northern Ireland's Landscapes

**Consultations:**

The most relevant responses are

**Environmental Health** No objections subject to the implementation of measures to mitigate noise to nearby dwellings

**NIEA** Having considered the submitted bat survey it has no objections to the proposal.

**Objections & Representations**

A total of 8 neighbour notification letters were issued in relation to this application, to date no representations have been received on the application.

**Consideration and Assessment:****Strategic Planning Policy Statement**

The SPPS sets out a framework for the development of new area plans by the Councils, in relation to renewable energy it largely restates the existing policy guidance. Paragraph 6.229 includes the cumulative impact of proposals as a factor to be considered when determining applications.

**PPS 18 Policy RE 1 Renewable Energy**

The policy sets out a number of criteria for assessing the impact of wind energy proposals in the countryside, among these are visual amenity and landscape character. This is expanded on by stating that the proposal will be expected to demonstrate that the proposal will not have an unacceptable impact on visual amenity or landscape character through the size, number, scale and siting of turbines, and that the cumulative impacts of existing wind turbines have been taken into account.

When viewed from Lurgana Road a turbine on the site will be prominent to traffic heading in both directions along it, it will add to the three existing turbines that dominate the landscape at the northern end of the road.

Consultations have established that the proposal will not have any adverse impact on the amenity of neighbouring residents through noise or shadow flicker nor will there be any unacceptable impact on wildlife or on radio communications caused by the turbine.



**Supplementary Planning Guidance; Wind Energy Development in Northern Ireland's Landscapes**

The site is located in Landscape Character Area 68, Carrigatuke Hills, the overall sensitivity of the LCA to wind energy development is described as being medium. It states further that the central section of the LCA is the most appropriate location for wind energy however it cautions that the upland tops are part of many long range views over a wider area.

**Recommendation:**

The site is located in an area which has experienced a significant degree of wind energy development in recent years, there are currently 3 turbines to the north and north east of the site and in my view the area is already dominated by the presence of these turbines and an additional turbine would only exacerbate this dominance.

Therefore the proposal is contrary to Policy RE1 and refusal is recommended.

**Refusal Reasons/ Conditions:**

The proposal is contrary to the Strategic Planning Policy Statement and Policy RE 1 of Planning Policy Statement 18, Renewable Energy, in that the proposal has failed to take account of the cumulative impact of existing wind turbines and as a consequence, it would have an unacceptable impact on the landscape character of the area.

Newry, Mourne and Down Planning Committee Meeting  
15<sup>th</sup> February 2017

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LA07/2015/1283/F – TURBINE PROPOSAL, LURGANA ROAD, WHITECROSS  
NO. 17 ON AGENDA

RR 1 The proposal is contrary to the Strategic Planning Policy Statement and the Department's Planning Policy Statement 18: Renewable Energy, Policy RE1, in that the proposal has failed to take account of the cumulative impact of existing wind turbines and as a consequence, it would have an unacceptable impact on the landscape character of the area.

RR 2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

1. At the above planning committee meeting, I will elaborate on the following points.
2. **Notification of Refusal Reason**
3. It was only on Friday 3<sup>rd</sup> February, that we were made aware of the additional second refusal reason (above). We have therefore only been granted 3 working days to submit speaking notes. It is for this reason that Andrew Davidson has agreed to allow me to present a cumulative visual impact on the day of the Committee meeting.
4. **RR1**
5. The case officers report states that *"The site is located in an area which has experienced a significant degree of wind energy development in recent years, there are currently 3 turbines to the north and north east of the site and in my view the area is already dominated by the presence of these turbines and an additional turbine would only exacerbate this dominance"*
6. We intend to present a cumulative visual impact assessment to the council by way of power point and illustrate how this proposal will not have an unacceptable impact on the landscape character of the area. This reason for refusal should be dismissed.
7. **RR2**
8. The overriding reasons why this proposal is essential at this rural location are for safety and operational reasons. This reason for refusal should be dismissed.

Newry, Mourne and Down Planning Committee Meeting  
15<sup>th</sup> February 2017

9. We respectfully request that the Committee approve this application contrary to the officers recommendations.

<b>ITEM NO</b>	<b>10</b>			
<b>APPLIC NO</b>	LA07/2016/0501/F	Full	<b>DATE VALID</b>	4/15/16
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Newry Mourne and Down District Council Greenbank Council Offices Greenbank Industrial Estate Newry BT34 2QU		<b>AGENT</b>	NMDDC Greenbank Council Offices Greenbank Industrial Estate BT34 4QU 028030313233
<b>LOCATION</b>	Road crossing approximately 185m north west of entrance to Victoria Locks Fathom Line BT35 8QN			
<b>PROPOSAL</b>	Pedestrian crossing the Fathom Line public road to connect Newry Canal "Greenway" and Victoria Docks to Fathom Forest.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	
	0	0	0	
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0501/F

**Date Received:** 19<sup>th</sup> April 2014

**Proposal:** Pedestrian crossing the Fathom Line public road to connect Newry Canal.

**Location:** The site address is stipulated as Road crossing approximately 185m North West of entrance to Victoria Locks Fathom Line. The site is approximately 6 kilometres South of Newry and is included within an Area of Outstanding Natural Beauty and outside the development limits of Newry as designated by the Banbridge / Newry and Mourne Area Plan 2015.

**Site Characteristics & Area Characteristics:**

The site consists of a junction between the forest service lane leading into Fathom Forest and the Fathom Line public Road and extends to a portion of land next to the Newry Canal and just North of Victoria Locks. The forest service lane also provides access to a private dwelling (No. 79 Fathom Line).

**Site History:**

There is no relevant planning history for the application site.

**Planning Policies & Material Considerations:**

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- Planning Policy Statement 2 (PPS 2) – Natural Heritage
- Planning Policy Statement 3 (PPS3) – Access, Movement and Parking
- Planning Policy Statement 6 (PPS 6) - Archaeology and the Built Heritage
- Planning Policy Statement 8 (PPS8) – Open Space, Sports and Outdoor
- Planning Policy Statement 15 (PPS 15) - Planning and Flood Risk
- Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside
- DCAN 11 – Access for All

**Consultations:**

There were three consultations issued for this proposal. The responses have been detailed below.

- Historic Environments Division (HED) – Required a Scheduled Monument Consent (SMC) (20/05/16). Re-consultation following granting of SMC, HED content with proposal (16/01/16)
- Transport NI - No objections ((15/04/16)
- Rivers Agency – No objections. (20/05/16)

**Objections & Representations**

There was one neighbour notifications issued for this proposal. The application was advertised in the local press in May 2016. There were no representations received.

**Consideration and Assessment:**PPS 2 and PPS21

The site is located within an Area of Outstanding Natural Beauty, Ring of Gullion. Planning permission will only be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all criteria of Policy NH 6 are met. On assessment of the proposal we are content it is sensitive to the character of AONB with no significant impacts on character, appearance or heritage or the landscape. Further, we are satisfied it will adequately integrate without creating adverse visual impact.

PPS 6

The proposal falls within an archaeological site and monument zoning due its location next to Newry Canal. Following initial consultation with the Historic Environments Division: Historic Monuments (HED: HM), they advised that the proposed development required Scheduled Monument Consent (SMC). HED:HM requested to be re-consulted when the SMC was awarded. SMC was granted on 6<sup>th</sup> October 2016 with conditions to be attached to any approval. Following re-consultation with HED:HM, they responded to advise they were content that the proposal is satisfactory to SPPS and PPS6 providing all works are carried out in accordance with the SMC granted. Conditions of the SMC will be attached to any planning approval for this site.

PPS8

It has been established that the proposed pedestrian crossing will have no adverse effect on any features of importance in relation to conservation, archaeology or built heritage, it is considered to have no impact on the best and most versatile agricultural land or impact on nearby agricultural activities. It is not considered to create an unacceptable impact on nearby residents and is intended to facilitate a safe connection for pedestrians to cross between Victoria Docks and Fathom Forest and designed to allow ease of accessibility by the public. There will be no extra vehicular traffic generated as a result of the proposal and no arrangements will be required for parking, access, drainage and waste disposal.

PPS15

Consultation was undertaken with the Rivers Agency on the proposal for the site. They responded to confirm there are no drainage or flood risk issues to be considered.

**DCAN 11**

This proposal includes the provision of dropped kerbs and the re-grading of areas to ensure access for all users.

**Recommendation:**

Approval

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.2.

2. The works to which this consent relates shall be carried out to the satisfaction of the Department's, Historic Environment Division (HED).
3. It is the responsibility of the applicant to ensure that staff, contractors, or staff from other organisations working on the site during this project are provided with a copy of this consent and that they fully understand and adhere to the conditions contained within it. A copy of the consent shall be kept on site by the contractor at all stages of the work.
4. Historic Environment Division (HED) archaeologist Gail Russell must be furnished with at least two weeks' notice before commencement of work to permit a monitoring visit to be arranged.
5. A mobile phone shall be held on site by the applicant or member of the on-site team for the duration of the works to facilitate contact with HED personnel as necessary. This number shall be forwarded to the HED Archaeologist in advance of the work commencing.
6. The works must be carried out as detailed in drawing numbers L\_05 and L\_06 submitted with the application for consent. Any changes to this proposal must be agreed in advance and in writing with HED archaeologist.
7. Fence posts must be driven / hammered into the ground surface. There must be no digging of foundation holes for any post.
8. The surfacing material / finish for the tactile paving must be agreed in writing and in advance with HED archaeologist.



9. The coping stones and mooring bollards of the canal edge must not be impacted upon during the course of the works.
10. The canal edges and the remaining part of the scheduled area shall not be compromised in any way during the course of works by manoeuvring of plant machinery or storage of materials.
11. All waste generated during the process of these works shall be disposed of off-site and not dumped into the canal or the surrounding scheduled area.
12. Any changes to the works proposed in this application, or any additional works, shall be discussed in advance and approved by the Historic Environment Division Scheduling Team and may require additional Consent in writing.

### Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
4. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
5. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.



- 6. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
  
- 7. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.

<b>Case Officer Signature:</b>
<b>Date:</b>
<b>Appointed Officer Signature:</b>
<b>Date:</b>

**ITEM NO** 11

**APPLIC NO** LA07/2016/0574/O

Outline **DATE VALID** 4/29/16

**COUNCIL OPINION** REFUSAL

**APPLICANT** Colin Rodgers 4  
Ballynagappoge Road  
Rathfriland  
BT34 5HH

**AGENT** John Kirkpatrick  
Architect 20  
Ballyknockan  
Road  
Saintfield  
BT24 7HJ

NA

**LOCATION** To the rear of 4 Ballynagappoge Road  
Rathfriland  
BT34 5HH

**PROPOSAL** Proposed farm dwelling and garage

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other dwellings/development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
- 3 The proposal is contrary to Policy FLD 5 of Planning Policy Statement 15: Planning and Flood Risk, in that the proposed new dwelling is located within the draft inundation zone of two reservoirs - SPelga Dam and Lough Island Reavey - and the applicant has failed to:
  - demonstrate that the condition, management and maintenance regime of the reservoirs are appropriate to provide sufficient assurance regarding reservoir safety;
  - provide a flood risk assessment; &
  - demonstrate that there are suitable measures to manage and mitigate the identified flood risk.
- 4 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that a Flood Risk Assessment is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0574/O

**Date Received:** 29<sup>th</sup> April 2016

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

**Location:** To the rear of 4 Ballynagappoge Road, Rathfriland.

**Site Characteristics & Area Characteristics:**

The proposed site is located to the rear of 4 Ballynagappoge Road, approximately 1.9 miles east of Rathfriland. The red line of the application site encompasses a large agricultural field; a single storey detached dwelling and garden area (No. 4 Ballynagappoge Road); a separate yard area that contains a portal frame shed with a pitched roof and lean-to annexes to both sides, and a portal frame structure that has a pitched roof and is enclosed on two sides only. The portal frame shed and partially enclosed structure do not appear to benefit from planning approval. The shed is currently being used for commercial business purposes. The partially enclosed structure and surrounding yard area appear to be in use as part of a plant hire business.

The agricultural field is bounded on two sides by mature trees and vegetation, a post and wire fence to the eastern side and is largely screened from view when approaching from the from the Ballynagappoge Road by the existing dwelling at No.4 and the portal frame shed and structure. The field is at a lower level to the Ballynagappoge Road and views into the site are limited from public vantage points.

The site is located in a rural area that is classified as open countryside. A section of the site lies within an Archaeological Site and Monument Zone – DOW042:091. The area has a dispersed settlement pattern and an undulating landscape. The dominant land use is agriculture. The River Bann flows along the northern boundary of the site.



Proposed Site



Figure 1 - Application Site

**Site History:**

P/1975/0195 - Proposed erection of a bungalow – Permission granted 30.06.75  
 P/2007/1576/F - Erection of 6 Kilowatt wind turbine, 15 Metres high – Permission granted 07/03/2008.

**Planning Policies & Material Considerations:**

- The Banbridge, Newry and Mourne Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3 – Access, Movement and Parking (PPS 3)
- Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage (PPS6)
- Planning Policy Statement 15 – Planning and Flood Risk (PPS 15)
- Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21)

**Consultations:**

Transport NI - No objections  
 NI Water - Generic Response  
 H.E.D - Content with proposal  
 Env Health - No objections  
 DAERA - Established more than six years and claimed SFP in last 6 years  
 Rivers Agency - Flood Risk Assessment required under Policy FLD5 of PPS 15



### **Objections & Representations**

1 neighbour notification letter was issued and the application was advertised in the local press the week beginning 16<sup>th</sup> May 2016. No objections or representations have been received.

### **Consideration and Assessment:**

Outline planning permission is sought for the proposed erection of a farm dwelling and garage. 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. The site is located within the rural area and the Mourne Area of Outstanding Natural Beauty as designated in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS2, PPS3, PPS 15 and PPS21.

The SPPS for Northern Ireland is material to all decisions on individual planning applications, however other than an update on the definition of what constitutes 'agricultural activity' there is no conflict or change in policy direction between its provisions and those of PPS 21 in relation to dwellings on farms. Accordingly the requirements of the policies contained in PPS 21 are material to the assessment of this application. Preferred

Policy CTY 1 of PPS 21 sets out a range of types of development that are acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 10 states planning permission will be granted for a dwelling house on a farm where all of criteria (a), (b) and (c) can be met. CTY 10 goes on to state the site must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY16.

### **Principle of Development**

Criterion (a) of Policy CTY 10 requires the farm business to be currently active and have been established for at least 6 years. DARD confirmed the Business ID has been established for more than 6 years and that farm payments have been claimed in the last 6 years. Claiming farm payments is the main means used to determine if the farm is active. I am therefore satisfied that the application complies with the requirements of criterion (a).

Criterion (b) of Policy CTY 10 requires that no dwellings or development opportunities out-with settlement limits be sold off from the farm holding within 10 years of the date of the application. This provision applies from 25<sup>th</sup> November 2008. The farm maps provided include a piece of land on which planning approval was granted for a replacement dwelling and garage under reference R/2010/0954/RM on 23<sup>rd</sup> September 2011. The applicant was Mr Colin Rodgers. A request for a solicitor's

letter to confirm that the replacement dwelling opportunity was still within the applicant's ownership and had not been sold-off, was made to the agent on 23<sup>rd</sup> June 2016 but no response was received. A reminder letter was issued on 8<sup>th</sup> November 2016 but has still not been responded to. As a result it has not been demonstrated that criterion 10(b) has been satisfied.

Criterion (c) of Policy CTY 10 requires the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The proposed site is visually linked with an established group of buildings makes use of an existing access. I am satisfied the proposal complies with criterion 10(c)



Figure 2 - Satellite Image of Application Site

### **Ribbon Development**

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The proposal is not considered to be contrary to the policy provisions of CTY 8.

### **Integration and Rural Character**

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 CTY13 and CTY14 of PPS21.

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Given the existing boundaries and vegetation, the undulating topography of the land and the close proximity of the site to established buildings on the farm holding, I am satisfied a dwelling could be integrated into the

landscape at this location. As this application is for outline permission the design of the proposed dwelling will be considered as reserved matters, should this application be approved.

Policy CTY 14 state planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. I am satisfied a dwelling at this location when viewed with the existing buildings will not cause a detrimental change to, or erode the rural character of the area. The proposed site will read with the existing cluster of buildings without appearing as build-up.

### **Natural Heritage**

The proposed site lies within the Mourne Area of Outstanding Natural Beauty. Policy NH6 of PPS 2 states planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. There are a number of additional criteria in relation to siting, scale and design. As this is an outline application no details of the proposed design have been submitted.

### **Access, Movement and Parking**

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. TransportNI were consulted and have no objections in principal subject to a scale plan and accurate site survey being submitted as part of a reserved matters application in the event of this application being granted approval.

### **Planning, Archaeology and the Built Heritage**

The application site is within an Archaeological Site and Monument zone – DOW042:019. The Historic Environment Division were consulted as part of the decision making process and, on the basis of information provided, are content the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

### **Planning and Flood Risk**

The eastern boundary of the site is adjacent to a watercourse – Lenish Bridge Drain, and the northern boundary is adjacent to the River Bann. The red boundary line of the application site is affected by the 1 in 100 year fluvial flood plain; however the preferred sitting of the proposed dwelling is elevated and is outside the fluvial flood plain. There are no issues in regards to Policy FLD1 of PPS 15.

Policy FLD 2 states the Planning Authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or



hinder access to enable their maintenance. It is essential that an adjacent working strip appropriate width is retained to facilitate future maintenance. Should this application be approved, the applicant will have to contact the Rivers Agency to establish their needs.

The proposed site is within the draft inundation zone of two reservoirs – Spelga Dam and Lough Island Reavey, therefore FLD 5 applies. The agent was asked to submit a Flood Risk Assessment in line with paragraphs 6.65 and 6.66 of Policy FLD 5. The Assessment is required to allow the Council to fully determine the application. The agent has not submitted the assessment as requested.

**Recommendation:**

The applicant has failed to demonstrate that no dwellings or development opportunities out-with settlement limits be sold off from the farm holding within 10 years of the date of the application in accordance with Policy CTY 10(c) of PPS 21. The applicant has also failed to submit a Flood Risk Assessment as required by policy FLD 5 of PPS 15. The assessment is required to allow the council to fully determine the application. Refusal is recommended.

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other dwellings/development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
3. The proposal is contrary to Policy FLD 5 of Planning Policy Statement 15: Planning and Flood Risk, in that the proposed new dwelling is located within the draft inundation zone of two reservoirs - Spelga Dam and Lough Island Reavey - and the applicant has failed to:
  - Demonstrate that the condition, management and maintenance regime of the reservoirs are appropriate to provide sufficient assurance regarding reservoir safety;
  - Provide a flood risk assessment; &
  - Demonstrate that there are suitable measures to manage and mitigate the identified flood risk.



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

**Case Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Authorised Officer Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>ITEM NO</b>	<b>14</b>			
<b>APPLIC NO</b>	LA07/2016/1099/F	<b>Full</b>	<b>DATE VALID</b>	8/17/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr & Mrs Fletcher 95 Granemore Road Tassagh Co. Armagh BT60 2NH	<b>AGENT</b>	Fletcher Architects (N.I.) Ltd Room 2 21 Kinelowen Street Keady Co. Armagh BT60 3ST 028 37 539 530	
<b>LOCATION</b>	Lands 20m south of 176 Concession Road Clonalig Crossmaglen Co. Armagh			
<b>PROPOSAL</b>	Proposed replacement dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
	<b>Addresses Signatures</b>		<b>Addresses Signatures</b>	
	0	0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking in that it proposes a new access onto a protected route and does not fall into an exception criteria therefore planning permission cannot be granted for this proposal.



Comhairle Ceantair  
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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/1099/F

**Date Received:** 22<sup>nd</sup> August 2016

**Proposal:** Proposed replacement dwelling

**Location:** The site address is given as Lands 20m south of 176 Concession Road, Clonalig. The site lies outside the development limits of Cullaville and is approximately 22 kilometres SW of Newry City.

**Site Characteristics & Area Characteristics:**

The site is occupied by a vacant, stone dwelling with substantial overgrown vegetation within and behind the building. Remnants of another dwelling are evident to the NW of the dwelling on site. The site has a road side frontage to Concession Road which is a protected route that forms part of the Dundalk – Castleblaney. The site sits below the level of the road. Agricultural land abuts the site to the SW and W with two outbuildings positioned to the NW of the site. The site is separated from vacant commercial premises to the SE by an overgrown strip of land,

Further SE along concession Road is characterised by road side development with a number of dwellings fronting onto the road.

**Site History:**

There is no relevant planning history on the site.

**Planning Policies & Material Considerations:**

This planning application has been assessed under the Banbridge, Newry and Mourne Area Plan 2015, Strategic Planning Policy Statement (SPPS) for Northern Ireland, PPS21 - Sustainable Development in the Open Countryside, PPS2 – Natural Heritage, PPS3 - Access, Movement and Parking, and DCAN 15 - Vehicular Access Standards, and the Building on Tradition Sustainable Design Guide.

**Consultations:**

There were four consultation issued for this application, these have been outlined below.

Transport NI – Object to proposal as access is onto a Protected Route and the application does not fall within the exceptions list (26/09/2016).

NI Water - No objection, generic response (12/09/2016)  
NIEA- Standing advice (13/09/2016)  
Historic Environment Division (HED) No objection (17/01/17)

### **Objections & Representations**

There was one neighbour notification sent out on 12<sup>th</sup> September 2016. The application was advertised in the local press. There were no representations received.

### **Consideration and Assessment:**

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

### **Strategic Planning Policy Statement (SPPS)**

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

### **PPS21 - Sustainable Development in the Countryside**

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

### **CTY 3, CTY 13 and CTY 14.**

The existing dwelling displays all the essential characteristics of a dwelling such as windows, door openings, chimney and the external walls and roof are substantially intact. The building is eligible for replacement under CTY 3 as it exhibits the characteristics of a dwelling as outlined.

The proposed replacement dwelling will be sited within the established curtilage of the existing building as identified on the agents proposed site layout plan submitted with this application. We consider the building size acceptable and relevant to its surroundings. The proposed new dwelling will have a finished floor level almost level with the road, resulting in it sitting higher than the existing on site; however it is anticipated this increase will not result in the new dwelling being obtrusive or prominent in its surroundings. The backdrop provided by the rising land to the rear of the dwelling and the proposed boundary treatment to the NW and SE of the dwelling will aid in its integration when viewed from Concession Road and provide a suitable level of enclosure.



The proposal indicates a two storey house, linear in shape and simple in form, with a non-profiled roof covering, smooth plaster walls and granite stone on the front porch which meet the requirements of rural design as outlined in the Building on Tradition, A Sustainable Design Guide for the Northern Ireland Countryside. The existing dwellings and buildings in the vicinity of the site along Concession Road site appear to have access to all the necessary services and therefore it is anticipated that these can be extended to the new dwelling without significant adverse impact on the environment or character of the locality. There is no existing vehicle crossover along Concession Road providing access to the site and a new access has proposed. We anticipate the creation of a new access as proposed by this application could impact on the flow of traffic. Further consideration of this new access has been considered under Planning Policy 3, Access, Movement and Parking and is outlined below.

### **PPS 3 – Access, Movement and Parking**

This application proposes a new access onto Concession Road. As this is designated a protected route outside settlement limits the number of new accesses onto it are restricted. Under Policy AMP 3, there are four exceptions under which planning permission will be granted for a new development proposal involving direct access onto a protected route, these are outlined below.

**(a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.**

**(b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.**

**(c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.**

**(d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.**

As this application seeks a replacement dwelling, Criteria (a) is relevant however it cannot be considered an exception as there is no existing vehicular access evident from the site onto Concession Road. Transport NI were consulted on this application and have responded to confirm the application should be refused if it does not fall into the exemptions listed.

**PPS2 – Natural Heritage**

NIEA in their consultation response have confirmed the site is located within an area of sensitivity for Northern Ireland Priority habitat or priority species and they have concerns regarding hedgerow habitat within or adjacent to the site. Under policy NH 5 – Habitats, Species or Features of Natural Heritage Importance planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on or damage to known priority habitats or priority species.

The site is densely over grown with vegetation at present and it will be necessary to remove substantial vegetation to enable development of develop the site. We note the hedge row is positioned along the rear boundary of the site and appears to remain untouched. There is a further hedge row further behind the site which is not subject of this application.

Should planning permission be granted for this proposal a condition would be included to retain the existing hedgerow to the rear of the proposed dwelling, along the SW boundary of the site.

**PPS6 – Planning Archaeology and the Built Heritage**

The site is included within an Archaeological Site and Monument Zoning. Following consultation with HED, they have responded to confirm the proposal is satisfactory to SPPS and PPS 6 archaeology policy requirements.

While conducting a site inspection in November 2016, the case officer was approached by a gentleman who identified himself as the landowner of the land immediately NW of the site subject of this application. He was concerned that the applicant was encroaching onto land which was not in his ownership, The case officer directed him to the planning portal to review the plans and in particular the Site Location Map identifying the land which this application relates to and explained that if he believed there was a land ownership issue, to put this in writing and direct it to the Newry Planning Office. There was never anything received by this office in respect of this.

**Recommendation:**

Refusal

**Refusal Reasons:**

The proposal made by this application is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking in that it proposes a new access onto a protected route and

does not fall into an exception criteria therefore planning permission cannot be granted for this proposal.

<b>Case Officer Signature:</b>
<b>Date:</b>
<b>Appointed Officer Signature:</b>
<b>Date:</b>



BF / J376 / 08 February 2017

Newry, Mourne & Down Council  
Planning Office  
Monaghan Row  
Newry  
Co Down  
BT35 8DL

**RE: PROPOSED ERECTION OF REPLACEMENT DWELLING AT LAND 20M SOUTH OF 176 CONCESSION ROAD, CLONALIG, CROSSMAGLEN, NEWRY, CO. ARMAGH**

**REF: LA07/2016/1099/F**

Dear sir

I refer to the above planning application, which is to be discussed at the Council's planning committee meeting on 15th February 2017. The application has been recommended for refusal, for the following reason:

**The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking in that it proposes a new access onto a protected route and does not fall into an exception criteria therefore planning permission cannot be granted for this proposal.**

In support of the above application, I feel that it is firstly important to state that the planning office are satisfied that the existing dwelling displays all the essential characteristics of a dwelling such as windows, door openings, chimney and the external walls and roof are substantially intact. The building is confirmed as being eligible for replacement under CTY 3.

The dwelling has not been habitable for some time and Concession Road has historically been raised up to form the existing road level as currently exists, from that of the levels around the old dwelling. This has resulted in the original entrance being lost but an existing single road side gate still remains off the Concession Road.

It is felt that it is unreasonable that the recent policy making certain roads Protected Routes is preventing the approval of this application. The site provides an access with sight visibility splays of 2.4 x 150m in both directions. It should be noted that should the applicant have submitted an outline application for replacement dwelling prior to the Protected Route policy being introduced and was continually renewed the site would still be valid.

Alternatively, the applicant may have extended & renovated the original dwelling and would have had to have parked on the main road resulting in roadside parking which would have been dangerous for all road users.

The attached historical map shows the site which was also a Blacksmith's and an adjacent side lane which is now gone.

I would be grateful if the planning committee would take the above into consideration and / or defer the application to enable me to provide more detailed information to support the application.



**FLETCHER** | architects

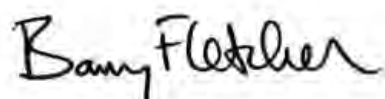
25 Main Street, Castlewellsan,  
Co. Down, BT31 9DF  
tel: 028 437 78710  
e: info@fletcherarchitects.co.uk

115

Room 2, 21 Kinelowen Street,  
Keady, Co. Armagh, BT60 3ST  
tel: 028 37 539530  
e: mail@fletcherarchitects.co.uk

mob: 07764 948191  
www.fletcherarchitects.co.uk

Yours sincerely



**Barry Fletcher** RIBA  
Director, Architect

FLETCHER ARCHITECTS (N.I.) Ltd  
Encl.

25 Main Street, Castlewellan,  
Co. Down, BT31 9DF  
tel: 028 437 78710  
e: info@fletcherarchitects.co.uk

Room 2, 21 Kinelowen Street,  
Keady, Co. Armagh, BT60 3ST  
tel: 028 37 539530  
e: mail@fletcherarchitects.co.uk

mob: 07764 948191  
www.fletcherarchitects.co.uk



HISTORICAL OSNI MAP 1907

<b>ITEM NO</b>	<b>15</b>				
<b>APPLIC NO</b>	LA07/2016/1134/F		Full	<b>DATE VALID</b>	8/23/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>				
<b>APPLICANT</b>	Geraldine Barry 75 Carran Road Crossmaglen Newry BT35 9AE			<b>AGENT</b>	
					NA
<b>LOCATION</b>	90m North West of 75 Carran Road Crossmaglen Newry				
<b>PROPOSAL</b>	Proposed change of house type to that previously approved under Ref. No. P/2008/0457/RM				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	0	0		0	0
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b> <b>Signatures</b>
			0	0 0 0	0 0

- 1 The proposal is contrary to the Strategic Planning Policy for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.





Comhairle Ceantair  
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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/1134/F

**Date Received:** 23.08.2016

**Proposal:** The applicant seeks Full Permission for a proposed change of house type to that previously approved under Ref. No. P/2008/0457/RM. The garage and curtilage has been increased in size and the dwelling has been down sized from 2 storey to a modest single storey dwelling.

**Location:** 90m North West of 75 Carran Road, Crossmaglen. The site is located approximately 0.8km North of Crossmaglen, South Armagh.

**Site Characteristics & Area Characteristics:**

The site includes a developed corner portion of a field set back from the public road and an existing laneway connecting both. The site has been cleared and foundations to sub floor level have been constructed for a dwelling and garage.

**Site History:**

P/2004/2717/O

Site for two-storey dwelling and garage

90 metres north-west of 75 Carran Road, Crossmaglen, Newry

Permission Granted: 13.04.2005

P/2008/0457/RM

Erection of two-storey Dwelling and Garage.

90 Metres North West of 75 Carran Road, Crossmaglen.

Permission Granted: 09.06.2008

**Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 21

Planning Policy Statement 3 / Development Control Advice Note 15

Building on Tradition

**Consultations:**

Transport NI – Transport NI has no objection to the proposal subject to the attached conditions and informatives.



**Objections & Representations**

1 Dwelling notified on 12.09.2016

Application Advertised on 14.09.2016

No objections or representations received.

**Consideration and Assessment:**

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections with regard to the Area Plan.

**Principle of Development**

The Outline application was approved on 13.04.2005 with the standard time conditions attached and the Reserved Matters application P/2008/0457/RM was approved on 09.06.2008, also with the standard time condition attached. The greater time frame applies and therefore the proposed scheme should have commenced before 09.06.2010 which includes adhering to all conditions as instructed prior to commencement of development, then commencing development in accordance with the approved plans to secure the permission and keep the permission live.

A pre commencement condition (No.4) from the previous RM application states 'The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.' The reason for this condition was to ensure there is satisfactory means of access in the interests of road safety and the convenience of road users. As underlined above this condition should have been implemented in full before the commencement of any other works permitted. During my site visit it was noted the southern site splay was not constructed in accordance with the approved plans. It is the opinion of the Planning Authority that the permission has not been implemented correctly within the correct time frame and therefore the principle of development has not been established.

The proposal is contrary to policy CTY1 of PPS21 as the proposal does not have any over-riding reasons why this particular development is essential and could not be located in a settlement.

The proposal is considered to meet policies CTY8 and CTY14. The increase in curtilage and slightly larger garage is considered acceptable however the bay windows on the front elevation are not traditional for the countryside and should be removed. The proposal is contrary to CTY13 in terms of design.

Any approval would be negatively conditioned to ensure consent to discharge is obtained, prior to commencement of development. This safe guards the policy requirements of policy CTY 16.

**Recommendation:**

Refusal


**Refusal Reasons:**

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

2. The proposal is contrary to the Strategic Planning Policy for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

**Case Officer:****Authorised Officer:**

## Planning item 21

**terry hearty**  collette.mcateer

Speaking on planning application item 21 I can confirm that the site lines in accordance with the planning permission requirements. The Foundation and sub floors as required for a two story dwelling at huge expense to this family. When they reduced to a single story dwelling that comes before us as a refusal you can understand the shock this family got. We can prove that everything, as required, in the planning application of 2008 was done as of the conditions of planning.

I would request speaking rights on this application, along with the applicant.

Thanks  
Terry

<b>ITEM NO</b>	<b>16</b>				
<b>APPLIC NO</b>	LA07/2016/1137/F		Full	<b>DATE VALID</b>	8/25/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>				
<b>APPLICANT</b>	Michael Woods 40 Tievecrom Road Forkhill BT35 8RX		<b>AGENT</b>	M. P. Toale & Associates 116 Dromintee Road Newry BT35 8SW 028 3088 8574	
<b>LOCATION</b>	39 Captains Road Forkhill Co. Armagh				
<b>PROPOSAL</b>	Alter layout of house under construction				
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	0	0		0	0
			<b>Addresses Signatures</b>		
			0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside,' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.





Comhairle Ceantair  
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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/1137/F

**Date Received:** 31<sup>st</sup> August 2016

**Proposal:** Alter layout of house under construction

**Location:** The site address is given as 39 Captains Road, Forkhill. The site is approximately 13 kilometres SW from Newry City Centre and is located outside the development limits of Forkhill.

**Site Characteristics & Area Characteristics:**

Foundations of a dwelling are in place on the site.

**Consultations:**

There was one consultations issued for this application.

- Transport NI – No objection to the proposal, subject to conditions being met.

**Objections & Representations**

There were two neighbour notifications sent out on the 12<sup>th</sup> September 2016. The application was advertised in the local press. There were no representations received.

**Consideration and Assessment:**

This application proposes changes to the layout of the house type previously approved. The changes proposed result in a slight turn of the house on its axis. The house will remain single storey; it will match the height of that previously approved, with a layout and external finishes considered acceptable under policy. There are no changes proposed to the garage previously approved.

However, although the proposed changes to alter the dwelling maybe acceptable we have not been provided with evidence to demonstrate that the outline and reserved matters permissions have been kept live by commencing development within the stipulated time frame.

The principle of development on this site was established under planning approvals P/2004/0783/O and P/2008/0132/RM which granted outline permission on 15<sup>th</sup> February 2005 and approval of Reserved Matters was granted on 12<sup>th</sup> May 2008. Condition 1 on both the outline approval and Reserved Matters approval requires that the development should be begun by the later date of either five years from the grant of outline permission or two years from the reserved matters approval. Therefore the latest date on which development could lawfully commence was 12<sup>th</sup> May 2010.

In addition to the above time condition, a pre-commencement condition was attached to the Reserved Matters approval (subsequent to condition 13 on the approved outline permission) condition 4 reads "*The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with the approved plans, prior to the commencement of any other works or other development hereby permitted. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.*"

The above condition therefore states that before development works commence, the development as outlined above must be completed first. Transport NI confirmed on 21<sup>st</sup> January 2017 that the access has been constructed in accordance with the previous approved plans and most recent set of plans submitted with this planning application. An invoice from Begley Construction provided with this application details that works were carried out on 9<sup>th</sup> April 2010 to form the entrance to site at 39 Captains Road. However, an image of the North Eastern boundary of the application site generated by Google Street View and dated April 2011, reveals no evidence of works having taken place in accordance with condition 4 and prior to the expiry of the planning approval (12<sup>th</sup> May 2010).

Further, Condition 1 of the reserved matters approval required development to have commenced before the expiration of 5 years from the grant of outline planning permission or 2 years from the date of the reserved matters planning permission. A review of aerial imagery of the application site taken on the 12<sup>th</sup> July 2013 shows evidence of foundations laid within the site, however aerial imagery taken on 22<sup>nd</sup> May 2010 reveals no evidence of development work having been carried out before the significant date of 12<sup>th</sup> May 2010 which is the latest expiry date of the approved planning permission. No further information has been submitted to the planning department to demonstrate development works were carried out before the 12<sup>th</sup> May 2010. We note that the works detailed on the invoice submitted with this application constitute pre-commencement works as outlined by Condition 4 of planning approval under P/2008/0132/RM and cannot therefore be considered as development works.

In conclusion therefore and for the reasons discussed above, it is deemed that the application fails to meet the policy test of PPS21 CTY 1 in that there are no overriding reasons for this development in the countryside given the previous planning permission has now lapsed. This is also contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS.)

**Recommendation:**  
Refusal

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside,' in that there are no overriding reasons why this development is essential in this rural location, as the previous planning approval has expired.

<b>Case Officer Signature:</b>
<b>Date:</b>
<b>Appointed Officer Signature:</b>
<b>Date:</b>

*This application seeks to alter the layout of a dwelling*

Condition 1 of planning approval granted under P/2008/0132/RM outlines;

*As required by Article 35 of the Planning (Northern Ireland) Order 1991 the development to which this approval relates must be begun by whichever is the later of the following dates:*

- i. The expiration of a period of 5 years from the grant of outline permission;*  
*or*
- ii. The expiration of a period of 2 years from the date hereof.*

Further Condition 4 of this same approval outlines:

*The vehicular access, including visibility splays and any forward sight lines, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.*

The date on which the Reserved Matters Planning approval was granted was 12<sup>th</sup> May 2008 and therefore in accordance with Condition 1, development works should have commenced before the 12<sup>th</sup> May 2010. An aerial image of the site from Google Earth dated 22<sup>nd</sup> May 2010, displays there were no foundations in place on the site on this date.

### **Site History:**

Outline Planning Permission for a site for a dwelling and garage within the South Eastern corner of the field on 15<sup>th</sup> February 2005 under planning application reference P/2004/0782/O.

A subsequent reserved matters application was received within the conditioned time frame following the outline approval for the erection of dwelling and garage under planning application reference P/2008/0132/RM on 12<sup>th</sup> May 2008.

On 15<sup>th</sup> March 2016, the planning department received an application for non-material changes to the approved proposal under P/2008/0132/RM to include alterations to internal layout and associated minor alterations to elevation. This application was withdrawn on 17<sup>th</sup> July 2016.





# M. P. TOALE & ASSOCIATES

Architectural Consultants & Surveyors.



Architecture & Surveying Institute  
Northern Ireland Region

7<sup>th</sup> February 2017

Your Ref LA07/2016/1137/F

Alterations to layout of House under construction.  
at 39 Captains Road, Forkhill, Co. Armagh.

Report for consideration of Planning Committee on 15<sup>th</sup> Feb. 2017

We refer to your Planning Office decision to refuse this application. As stated in the Planning Officers report the critical issue in this case is the issue of the date of commencement of the works. In the Planning Officers report work must be begun before 12<sup>th</sup> May 2010.

Evidence by way of an invoice from the contractor was submitted at the outset to show that works on site had commenced before the relevant date but this has been disputed by Planning Office using google technology.

However we are advised that works to provide the visibility splays were carried out in early 2009.

This can be clearly seen in the google street view dated April 2009 which shows the earthen bank along the road removed to clear the visibility, with another view showing wheel ruts within the site were this material was taken for fill to the site. This is over one year before the critical date.

Other works were carried out after this and before the deadline are shown on the contractors invoice.

We understand that the Planning Office have no major issue with the revised plan for the dwelling using the existing foundations if this date matter is accepted.

We are confident that when your committee consider the google 2009 views they will have no issue in approving the revised plans as submitted in this particular case as works required under condition 4. was carried out before the dead line.

Signed

*M. Toale*  
.....

116 Dromintee Road, Newry Co. Down. BT358SW

Tel: 02830 888574 Fax: 02830 888574

Michael Toale A.S.I. I.C.I.O.B.  
Colm Toale B. Eng. (Mech. Eng.)



Google Maps 29 Captains Rd

29 Captains Rd - Google Maps

PLANNING APPLICATION

REF: LA07/2016/1137/F



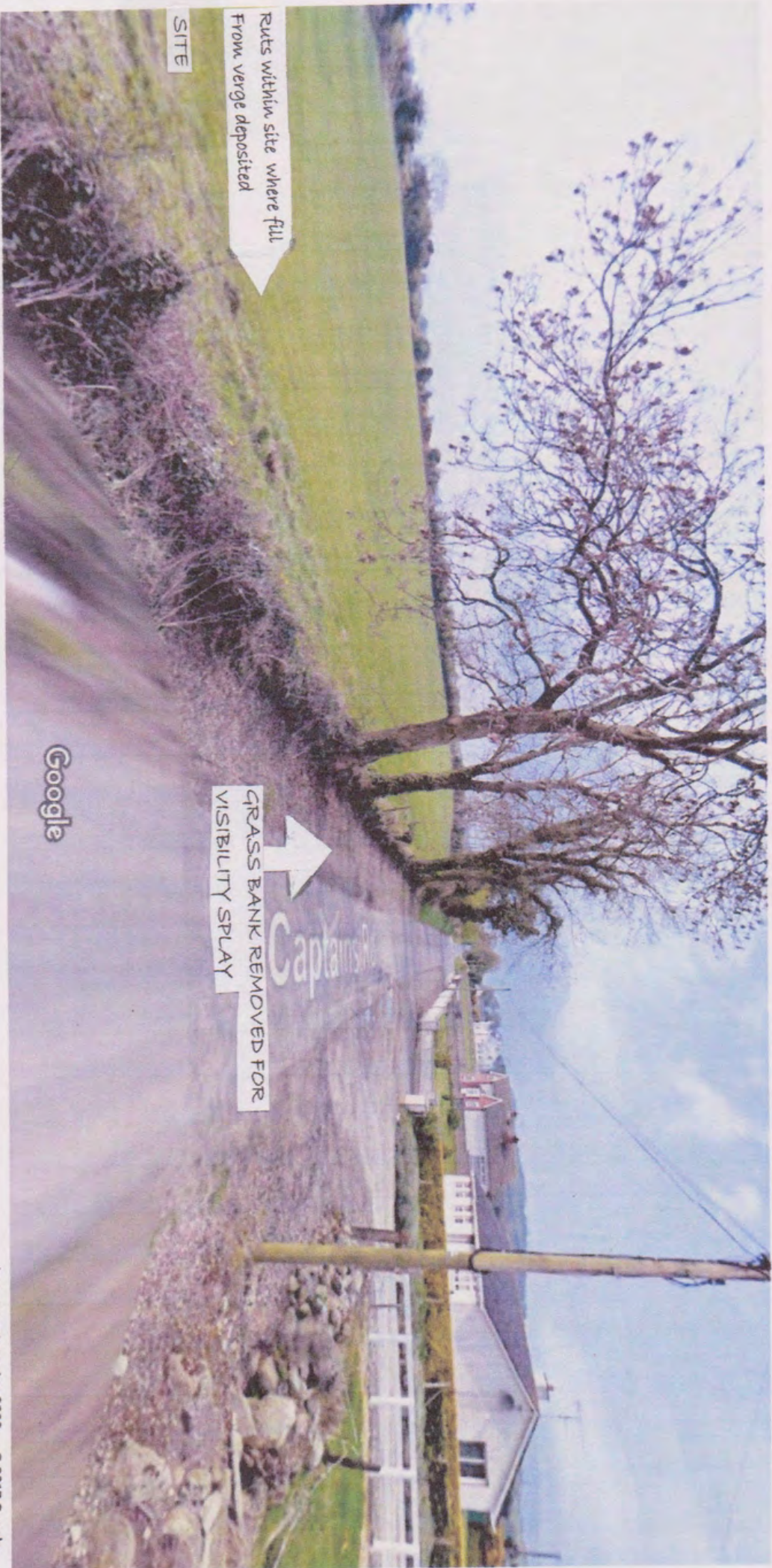
Northern Ireland  
Street View - Apr 2009

Image capture: Apr 2009 © 2017 Google



Google Maps

Captains Rd



SITE

Ruts within site where fill  
from verge deposited

GRASS BANK REMOVED FOR  
VISIBILITY SPLAY

Google

Image capture: Apr 2009 © 2017 Google

Northern Ireland

Street View - Apr 2009

<b>ITEM NO</b>	<b>17</b>			
<b>APPLIC NO</b>	LA07/2016/1192/F	Full	<b>DATE VALID</b>	8/30/16
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Burren Vision St Mary's Youth Club 69 Corrags Road Burren BT35 3PY	<b>AGENT</b>	Delahunt Lavery Architecture 79 Greenan Road Newry BT34 2PT 028 4177 2220	
<b>LOCATION</b>	St Mary's Youth Club 69 Corrags Road Burren BT34 3PY			
<b>PROPOSAL</b>	Burren Community Development Project to include: 4 court sports hall, Fitness & Well-being areas, Crèche area, youth club, changing facilities, meeting rooms, gym, stores and associated siteworks.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/1192/F

**Date Received:** 30<sup>th</sup> August 2016

**Proposal:** Burren Community Development Project to include: 4 court sports hall, Fitness & Well-being areas, Crèche area, youth club, changing facilities, meeting rooms, gym, stores and associated siteworks.

**Location:** St Mary's Youth Club, 69 Corrags Road, Burren, BT34 3PY

**Site Characteristics & Area Characteristics:**

The site is located within the countryside just outside the development limits of the village of Burren. The site presently consists of a brown brick and slate building located adjacent to and within the grounds of Burren GAA Club. It is presently in use as a youth club, sporting/community uses including that of a mother and toddler group. It is set below the road level of Corrags Road and can be access via Corrags Road or via another entry to the GAA club off Bridge Road.

**Site History:**

There are a number of planning applications over the years on the larger site with the most recent being:

**P/2006/2149/F** – St Mary's Youth Club, Carrogs Road, Burren - Demolition of existing sports hall and construction of new 4 court sports hall – approved.

**P/2008/1286/F** – St Mary's GAC Burren- Erection of covered seated stand with access steps and ramps and associated siteworks to existing south terrace – approved.

**LA07/2016/0819/PAN** – St Mary's Youth Club, Corrags Road, Burren -Burren Community Development Project to include: 4 court sports hall, Fitness & Wellbeing areas, Crèche area, Youth Club. changing facilities, meeting rooms, gym, stores and associated siteworks – which successfully met the PAN requirements therefore resulting the processing of this full planning application.

**Planning Policies & Material Considerations:**

SPPS – Strategic Planning Policy Statement.

PPS 15 – Planning and Flood Risk

PPS 21 – CTY 1 (Development in the Countryside) which outlines a number of development types which are considered acceptable in principle to contributing to the aims of sustainable development and one such type is a necessary community facility to serve the local rural population in accordance with CTY1.

CTY 13 (Integration) CTY 14 (Rural Character) and CTY 16 (Development relying on non-mains sewerage) of PPS 21.

### **Consultations:**

Transport NI – No objections subject to conditions

DAERA Water Management Unit- Content – refer to standing advice

NIW – standard generic response

Environmental Health – No objection subject to condition (plant equipment) and informative. They also refer to consent required for septic tank.

NIW – no objections as this is an existing site with existing metered water connection.

HED – Content in that proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements (SM 11/1DOW 051:031, 067, 068).

Rivers Agency – Developers responsibility to assess the flood risk and drainage impact and to mitigate the risk to development and any impacts beyond the site (FLD 3 of PPS 15) and seek advice from a suitably qualified person. Informatives also provided.

Loughs Agency – No objections – refers to need for septic tank consent and it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.

### **Objections & Representations**

9 neighbours notified with 3 letters from 51 Carrogs Road, 64 Carrogs Road and 66 Carrogs Road being returned. These addresses do not exist. Advertised in 3 local papers on the 19<sup>th</sup> September 2016. No representations made to either notification processes.

### **Consideration and Assessment:**

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies outside the defined settlement of Burren and within the rural area. A determining material consideration in this case is current planning policy and in particular Planning Policy Statement 21 – Sustainable Development in the Countryside which is the determining policy in dealing with development in the countryside.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of



the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight.

Both the SPPS and CTY 1 of PPS 21 outline a number of development types which are considered acceptable in principle to contributing to the aims of sustainable development. PPS 21 CTY 1 however provides more clarity with regard to Community facilities to serve the local rural population.

*Below: The existing St Mary's Youth Club building – photo taken from Carrogs Road entrance.*



There is previous planning history on the site for a similar proposal under P/2006/2149/F. CTY 1 of PPS 21 states that planning permission will be granted for non-residential development in the countryside for a necessary community facility to serve the local rural population where these meet local needs. As this was a major application due to the size of the site, a Pre-application Notice (PAN) was required. This also involved publishing the proposal in a local newspaper and setting up an open public meeting and not submitting an application until the 12 consultation period expired.

Burren Vision was formed in 2014 and is a registered charity. It was formed to modernise the current premises and provide new facilities fit for modern purposes and needs. This application seeks approval for a 4 court sports hall, fitness and well-being areas, Crèche area, youth club, changing facilities, meeting rooms, gym, stores and associated site works. These are all uses that the community could avail off. The proposal also involves siting the proposed building on the site of the existing. The design involves a 2 detached building of 10.3m to ridge height and a hipped roof. Materials consists of blockwork walls finished with terra cotta to lower level and buff to top; mid to dark green kingspan composite panel; slate grey fascia, doors and windows. Although larger in scale than the existing and the adjacent building, the proposal would not look out of place in terms of its neighbouring building the existing



St Mary's GAC clubhouse. Taking into account the site's location below the road level of both Carrogs and Bridge Road, the backdrop when viewing from Bridge Road, and the proposal to retain existing vegetation the building should also integrate successfully. The proposed ancillary works are also acceptable. The proposal would therefore not offend CTY 13 and 14 of PPS 21.

Parking – the proposal shows 37 car parking spaces including 2 disabled spaces within the immediate vicinity and more within the grounds of adjacent clubhouse (also within red line). Given the existing facilities on offer, the proposed uses including the crèche (which is actually an existing and proposed mother and toddler group that is not an all-day/daily facility) I believe there is sufficient and appropriate parking provision within the grounds of this application site.

With regard to the septic tank (CTY 16) a negative condition will be imposed regarding the consent to discharge.



*Above: existing St Mary's GAC Clubhouse*

**Recommendation:**

Approval – the proposal involves an application for a community facility that is suitable for use by the whole local community on the grounds of an existing community building. The proposal therefore should be approved subject to conditions regarding Roads, Septic Tank, Environmental Health, Landscaping.

Case Officer Signature:
Date:
Authorised Officer Signature:
Date:

<b>ITEM NO</b>	<b>19</b>			
<b>APPLIC NO</b>	P/2013/0016/F	Full	<b>DATE VALID</b>	12/27/12
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Patrick Gerald Savage 78 Maytown Road Bessbrook Newry BT35 7NF		<b>AGENT</b>	JohnRoss MacMahon 111n Camlough Road Newry BT35 7EE 028 30837502

**LOCATION** 340 metres south of 78 Maytown Road  
Newry  
BT35 7NF

**PROPOSAL** 225kw wind turbine on 30 metre mast with 29 metre rotor diameter

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement and the Department's Planning Policy Statement 2: Natural Heritage Policy NH2, in that development would, if permitted, harm bats, which are protected under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).
- 2 The proposal is contrary to the Strategic Planning Policy Statement and the Department's Planning Policy Statement 18: Renewable Energy, Policy RE1, in that development would, if permitted, result in an unacceptable adverse impact on biodiversity and nature conservation interests.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 4 The proposal is contrary to the Strategic Planning Policy Statement and the Department's Planning Policy Statement 18: Renewable Energy, Policy RE1, in that development would, if permitted, result in an unacceptable adverse impact visual amenity and landscape character.
- 5 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 amendments were required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.





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District Council

## **RECONSIDERATION**

**Application Reference:** P/2013/0016/F

**Date Received:** 11.1.2013

**Proposal:** 225kw wind turbine on 30 metre mast with 29 metre rotor diameter.

**Location:** 340 m South of 78 Maytown Road, Newry

### **Site History:**

n/a

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

*The Strategic Planning Policy Statement (SPPS)  
The Banbridge/Newry and Mourne Area Plan 2015  
Planning Policy Statement 3  
Planning Policy Statement 21  
PPS 18  
PPS 2*

### **Objections & Representations**

*No. of neighbours notified=0*

*Advertisement expiry= 08.02.2013*

*No. of representations received, letter of support from agent advising the occupants of no. 78 & 84 Maytown Road have no objection to proposal.*

### **Consideration and Assessment:**

*The primary policy consideration in determining this application is Policy RE 1 of PPS 18. It must be noted that PPS 18, Policy RE 1, is a promotive policy and proposals will be permitted provided they do not result in an unacceptable adverse impact.*

*Policy RE 1 sets down 5 policy criteria:*

*Public Safety, Human Health and Residential Amenity*

*The nearest building to the proposed site is an existing outbuilding which is located approximately 50 metres to the north of the proposed wind turbine. There is also an group of agricultural buildings and a residential dwelling associated with the buildings, which are approximately 280 metres to the north east of the proposed turbine. The dwelling is the former 78 Maytown Road, Newry. Policy RE 1 recommends that for wind farm development a separation distance of 10 times the rotor diameter to an occupied property should apply when assessing noise. The rotor diameter of the proposed turbine is 29m so a 290m separation distance is applicable. As outlined above this dwelling (former 78) is within the buffer zone, however a letter submitted from the agent advises that the occupants of number 78 and 84 Maytown Road Terence O'Hanlon and Gerard Savage have no objections to the proposed wind turbine and support the application. There are no other dwellings within the buffer zone of 290 metre radius. Environmental Health has also been consulted and have requested the submission of a noise assessment, this assessment was submitted to the Department, Environmental Health has responded advising that they have no objections subject to conditions. Therefore there are no objections in relation to the noise issues.*

*The turbine does not involve the production of any emissions or pollutants and there are no third party properties close enough to be effected by a stray or falling blade. In terms of shadow flicker, using the 10 time rotor diameter and 130 degree either side of north rule, one dwelling will be affected this being the former 78 Maytown Road, Newry, this is the dwelling that is discussed above that the letters have been submitted from the agent advising that they have no objections to the proposal, however a shadow flicker assessment has never been submitted to the Department to show the extent to which this dwelling would be affected. Therefore as it stands the impact of shadow flicker is considered to be unacceptable to the neighbouring dwelling as it has not been otherwise proven. The proposal is contrary to RE 1 of PPS 18 as it would create an unacceptable adverse impact on residential amenity through shadow flicker.*

*2. Visual Amenity and Landscape Character.*

*The proposed site is located within LCA 68, Carrigatuke Hills, as identified in Wind Energy in Northern Ireland's Landscapes: (SPG to accompany PPS18). LCA 68 has a medium sensitivity to windfarm development. The area is generally characterised by an open landscape particularly on the uplands, the lower slopes are more enclosed due to hedgerows and valley landform. The proposed turbine is 30m in height (to hub). There are extensive views from the hilltops over the lowlands however the views of these summits are distant from the nearby towns. It is considered this landscape could absorb a turbine, however I have concerns regarding that the scale of this turbine and its potential to dominate the landscape, it is considered that a turbine of a lesser scale would be more acceptable and would not have a negative impact on visual amenity or landscape character.*

*3. Biodiversity, Nature Conservation or Built Heritage interests*

*The proposed wind turbine is located 50 metres from any boundary of hedgerow. Therefore NIEA have been consulted on the application, NIEA responded on 23rd January 2013 advising that they require the proposal is be moved 50 metres from any hedge or alternatively a bat survey submitted, the amended siting would not be within the red line, therefore cannot be accepted as part of this application. A bat survey was submitted to the Department, NIEA were consulted with this bat survey and have responded on 2nd May 2014 advising that they have considered the bat survey and they are of the opinion that the proposal is unacceptable and recommended a refusal. The applicant then submitted a second bat survey which NIEA were consulted with. NIEA responded advising that they have re-assessed the application in light of the additional information and mitigation, however, their response dated 2nd May 2014 still stands and they have serious nature conservation concerns. NIEA have recommended a refusal in that the proposal is contrary to NH 2 in that the development would if permitted harm bats and contrary to RE 1 in that the development would if permitted result in an unacceptable adverse impact on biodiversity and nature conservation interests.*

*Details on the file show permission from DARD advising that they have approved the removal of a field boundary, however advice with the approval to remove advises that all legal requirements with regard to removal of the field boundary should be followed for example you must not destroy or damage birds, their nests or eggs, nor disturb birds when they are nesting and comply with the Wildlife (Northern Ireland) Order 1985. Therefore as it stands the impact on bats is considered to be unacceptable to NIEA and contrary to RE1 and NH 2 and has not been otherwise proven. The proposal is contrary to NH 2 and RE 1 of PPS 18 as it would create an unacceptable adverse impact on nature conservation through harm to bats.*

#### *4. Local Natural Resources*

*The proposal will have no negative impact on natural resources. Quite the opposite, it will make use of wind to provide a renewable energy source.*

#### *5. Public Access to the Countryside.*

*The turbine will be located on private land and will not impact on any public road or right of way.*

*Policy RE 1 also requires compliance with several other criteria.*

*(i) The proposed turbine measures 30m to hub. The impact on the landscape has previously been assessed (see assessment above)*

*(ii) There are no issue surrounding cumulative impact.*

*(iii) There was no evidence of active peat/bog on the day of my site inspection. NIEA Natural have been consulted and have recommended a refusal on harm to bats.*

*(iv) Ofcom were consulted and no fixed links were identified, there were no other objections from any of the consultees.*



*(v) There are no known railway lines in the immediate area. Belfast Airport have no objections to the proposal.*

*(vi) Noise, shadowflicker and general residential amenity has been assessed above.*

*(vii) Restoration of site can be conditioned by an approval.*

#### **CONSULTATION RESPONSES**

*PSNI – No objections*

*NATS - No objections to the proposal*

*Ministry of Defence Safeguarding – No objections*

*Arqiva – No objections*

*NIEA - Recommend a refusal*

*NI Water – No objection*

*Defence Infrastructure Organisation – No objections*

*Belfast International Airport – No objections*

*Civil Authority Authority – Standard response*

*OFCOM – No fixed links identified*

*Wind Farm Team - No objections*

*Environmental Health – No objections subject to conditions*

*Having considered all of the above I am of the opinion to recommend refusal.*

**Recommendation:**

**Refusal**

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

*The proposal is contrary to the Strategic Planning Policy Statement and the Department's Planning Policy Statement 2: Natural Heritage Policy NH2, in that development would, if permitted, harm bats, which are protected under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).*

*The proposal is contrary to the Strategic Planning Policy Statement and the Department's Planning Policy Statement 18: Renewable Energy, Policy RE1, in that development would, if permitted, result in an unacceptable adverse impact on biodiversity and nature conservation interests.*

*The proposal is contrary to the Strategic Planning Policy Statement and the Department's Planning Policy Statement 18: Renewable Energy, Policy RE1, in that development would, if permitted, result in an unacceptable adverse impact on visual amenity and landscape character.*

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

*Agent was asked to clarify the turbine rotor diameter- description labels a 29m rotor diameter, plans show 27metres.*

*This is crucial to the shadow flicker test- if the rotor diameter is 29m a shadow flicker assessment is required.*

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**ITEM NO** 20

**APPLIC NO** P/2013/0469/F

Full **DATE VALID** 6/24/13

**COUNCIL OPINION** REFUSAL

**APPLICANT** Mr TJ Annett 14  
Ballyveaghmore Rd  
Kilkeel  
BT344UH

**AGENT** AJ Bingham  
Architectural  
Design Services  
Mountpleasant  
Thomas's Lane  
33 Anthonys Rd  
Ballymartin  
Kilkeel  
BT344PN  
02841769470

**LOCATION** 14 Ballyveaghmore Rd  
Ballymartin  
Kilkeel  
Co Down  
BT344UH.

**PROPOSAL** Retention of structure for use as a temporary dwelling and retention of store, boiler room and pellet store.

**REPRESENTATIONS** OBJ Letters SUP Letters OBJ Petitions SUP Petitions

0 0 0 0

Addresses Signatures Addresses Signatures

0 0 0 0

- 1 The proposal is contrary to 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 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;  
the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;  
and would therefore further erode the rural character of the countryside.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality.
- 4 The proposal is also contrary to Paragraph 4.11 and 4.12 of the SPPS in that, if permitted, would adversely affect the amenity of the dwelling under construction by reason of overlooking, dominance and loss of privacy and in turn would suffer similar harm from the same dwelling.



- 5 The proposal is contrary to the Department's Planning Policy Statement 2 Natural Heritage policy NH6, in that its siting and design are not sympathetic to the special character of the Mourne AONB and of the locality.
- 6 The proposal is contrary to policy AMP 2 of PPS 3 Access Movement and Parking in that the applicant has failed to demonstrate that it would not prejudice road safety or significantly inconvenience the flow of traffic along Ballyveaghmore Road.



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**Newry, Mourne  
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District Council

**Application Reference: P/2013/0469/F**

**Date Received: 26.06.2013**

**Proposal: Retention of structure for use as a temporary dwelling and retention of store, boiler room and pellet store.**

**Location: 14 Ballyveaghmore Rd Ballymartin Kilkeel Co Down**

**Site Characteristics & Area Characteristics:**

The site consists of one partially constructed dwelling (unoccupied) and one constructed dwelling (occupied). To the rear of the occupied dwelling there is a store/wood pellet burner house and a wood pellet storage unit. Drawings submitted correspond with these three structures.

The site also includes agricultural land to the east and south extending as far as Ballyveaghmore Road to the south. Both Dwellings are accessed off Ballyveaghmore road via a shared lane approximately 80m's long. The site falls within the open countryside on lands approximately 1 Km north of Ballymartin small settlement. The area is characterised by a dispersed settlement pattern. East of the site has experienced some development pressure in the form of one-off dwellings.

**Site History:**

P/2000/1329/O - Site for dwelling and garage – Approval 27/10/2000

P/2003/2306/F - Erection of dwelling and garage – Refusal 01/12/2004 – Design

P/2004/3242/F - Erection of dwelling and garage – Approval – 21/10/2005

P/2012/0080/F - Erection of dwelling and garage (amendment to roof pitch to that approved under P/2004/3242/F) – Approval - 17/08/2012

**Planning Policies & Material Considerations:**

SPPS

PPS 2 Natural Heritage

PPS 3 Access Movement and Parking

PPS 6 Planning Archaeology and Built Heritage

PPS 21 Sustainable Development in the Countryside

Banbridge/Newry and Mourne Area Plan 2015.

Building on Tradition A sustainable design guide for Northern Ireland

A Planning Strategy for Rural Northern Ireland (PSRNI); Development Control Advice Note 15 (DCAN 15) Vehicular Access Standards; other associated and supplementary planning guidance documents including PPS21 training delivered on October 2011

**Consultations:**

Environmental Health and Water Service have provided a statutory consultation response.

Roads Service have requested and amended 1/500 scale plan clearly showing 2.0 X 60m sight lines and B/T pole re-sited clear of visibility splays.

**Consideration and Assessment:**

The site is located in the rural area and Planning Policy Statement 21 Sustainable development in the Countryside applies. Policy CTY 1 of this policy document states that planning permission will be granted for an individual dwelling house in the countryside in six cases. The proposed development as set out in the P1 form seeks to retain the structure as a temporary dwelling and also to retain associated structures i.e. the store, boiler room and pellet store. Most recent permission P/2012/0080/F - Erection of dwelling and garage (amendment to roof pitch to that approved under P/2004/3242/F) includes a garage positioned where the existing development is now located. This approved garage is a smaller structure with a footprint of 5.1 X 8.4m's (42.84ms squared) and ridge height of 4.6m's.

The proposal as submitted does not fall within the range of types of development which in principle are considered to be acceptable in the countryside. Furthermore, there are no overriding reasons why this development is necessary at this location and could not be located in a settlement. It is also noted that dwelling currently under construction located adjacent is owned by the applicant. There is no scope within PPS 21 for allowing temporary approvals for residential development of a permanent nature such as this. Policy CTY 9 (Residential Caravans and Homes) does however provide some opportunity, in exceptional circumstances, for the erection of caravans or mobiles for a temporary period only. This however is not what has been applied for in this case. The proposal is therefore contrary to policy CTY 1 Development in the Countryside.

**Policy CTY 14 - Rural Character.**

The proposal is also considered contrary to criteria (b) and (c) of policy CTY 14 in that it will result in a suburban style build-up of development when viewed with existing buildings i.e. dwelling under construction located adjacent and properties No. 13 Ballyveaghmore road and 58 School Road and does not respect the traditionally more dispersed pattern of settlement exhibited in the area.

**Policy CTY 13 Integration and design of buildings in the Countryside and policy NH 6 of PPS 2 Natural Heritage**

The design of the dwelling is considered inappropriate for the site and the locality. In particular, the double patio French doors on the principal southern elevation are not a typical rural design feature and are considered unacceptable. The orientation of the dwelling towards the adjacent dwelling under construction also gives cause for concern it does not present a relationship for a pair of dwellings located in such close proximity. The proposal is therefore contrary to criterion (e) of CTY 13. The



proposal is also considered contrary to policy NH 6 of PPS 2 in that its siting and design are not sympathetic to the special character of the Mourne AONB and in general and of the particular locality.

#### SPPS

The layout and relationship of dwellings on this site also raise issues in terms of potential loss of amenity to its occupants. Given the close proximity of the two dwellings, it is considered that the proposal is also contrary to paragraph 4.11 and 4.12 of the SPPS in that, if permitted, would adversely affect the amenity of the dwelling under construction by reason of overlooking, dominance and loss of privacy and in turn would suffer similar harm from the same dwelling (following completion and occupation).

#### PPS 3 Access Movement and Parking

No access details have been provided with the proposal. DRD Roads Service have indicated that 2.0 X 60m sight lines would be required and that the B/T pole should be re-sited clear of these visibility splays. The proposal is therefore considered contrary to policy AMP 2 in that it has not been demonstrated that it will not prejudice road safety or significantly inconvenience the flow of traffic.

#### CTY 16 Development relying on Non Mains Sewerage

Policy CTY 16 requires proposals of this type to provide sufficient information about how it is intended to treat effluent from the development so that it can be properly assessed. This should normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Submitted P1 forms indicate that foul sewage will be dealt with by septic tank installation, although no further details have been submitted. It is believed however, this can be addressed, in the event of an approval, by the following negative condition 'Development shall not commence until 'Consent to Discharge of effluent' under the Water (NI) order 1999 has been obtained from the Northern Ireland Environmental Agency'.

#### Refusal is recommended

Contrary to policies CTY 1, CTY 13 (e) and CTY 14 (a), (b) and (c) of PPS 21, policy NH 6 of PPS 2 and Paragraph 4.11 and 4.12 of SPPS,

#### **Refusal Reasons:**

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

The proposal is contrary to Policy 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; the building would, if permitted not respect the traditional pattern of settlement exhibited in that area; and would therefore further erode the rural character of the countryside.

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality.

The proposal is also contrary to Paragraph 4.11 and 4.12 of the SPPS in that, if permitted, would adversely affect the amenity of the dwelling under construction by reason of overlooking, dominance and loss of privacy and in turn would suffer similar harm from the same dwelling.

The proposal is contrary to policy AMP 2 of PPS 3 Access Movement and Parking in that the applicant has failed to demonstrate that it would not prejudice road safety or significantly inconvenience the flow of traffic along Ballyveaghmore Road.

The proposal is contrary to the Department's Planning Policy Statement 2 Natural Heritage in that its siting and design are not sympathetic to the special character of the Mourne AONB and of the locality.

<b>ITEM NO</b>	<b>21</b>			
<b>APPLIC NO</b>	P/2013/0758/F	<b>Full</b>	<b>DATE VALID</b>	10/11/13
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	P J Burns James Alexander Engineering Ltd 48 Kittys Road Kilkeel BT34 4EJ		<b>AGENT</b>	
<b>LOCATION</b>	48 Kittys Road Kilkeel Co Down BT34 4EJ			NA
<b>PROPOSAL</b>	Variation of condition 02 of planning approval P/2012/0101/F (seeking to extend operating hours until 20.00 hours on weekdays and to 17.00 Saturdays)			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	4	5	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0

- 1 The proposal is contrary to the Department's Strategic Planning Policy Statement, paragraphs 4.11 and 4.12 in that the development would, if permitted, would have a negative effect on the amenity of nearby residents and it will create a noise nuisance.
- 2 The proposal is contrary to the Department's Planning Policy Statement 4, Policy PED 9 Criteria A, B and E, Industrial Development, in that the development would, if permitted, be incompatible with the character of the surrounding land uses, it will have a negative effect on the amenity of nearby residents and it will create a noise nuisance.





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** P/2013/0758/F

**Date Received:** 14.10.2013

**Proposal:** Variation of condition 02 of planning approval P/2012/0101/F (seeking to extend operating hours until 20.00 hours on weekdays and to 17.00 Saturdays)

**Location:** 48 Kittys Road Kilkeel Co Down BT34 4EJ

**Site Characteristics & Area Characteristics:**

The workshop to be have its operating hours extended to 20.00 hours on weekdays and 17.00 hours on Saturdays is located at 48 Kitty's Road, Kilkeel. This is an area that is occupied by a number of large sheds associated with an engineering business. There is a new shed located to the rear of the existing dwelling. It has a concrete block half wall with green metal on the remaining half of the walls and roof. There are large metal doors on the front elevation. The site is located within an area outside any settlement development limit as defined by the Banbridge, Newry and Mourne Area Plan 2015. The area however, does display a built up feel with the large number of buildings associated with the engineering business and the numerous dwellings located along Kitty's Road.

**Consultations:**

**Objections & Representations**

An objection was received from 'Residents of Kittys Road' association. The issues raised are summarised as:

- Concerns in relation to neighbour notification;
- The description on the site location and layout being incorrect;
- Outher lands are not shown outlined in blue;
- The ongoing operating hours have been an absolute nuisance to neighbours;
- Hours of operation;
- The noise;
- The fumes (odour from paint);
- The roads and
- Environmental impact.

**Consideration and Assessment:**

The principle of development at this location is not under assessment here as there is currently approval on this site. The issues to be assessed relate to the increase in operation hours.

The issues raised by the objector were fully considered and as a result the agent was requested to submit an amended P1 form and coloured map, with the additional land owned outlined in blue. These were received on the 25th of November 2013. Neighbour notification has been carried out in accordance with departmental guidance. The issues relating to operating hours, noise, fumes and environmental impact are issues that Newry and Mourne Environmental Health Department have considered.

The application is therefore assessed against Paragraph 4.11 and 4.12 of the SPPS and PPS 4 Planning and Economic Development.

**The SPPS**

The character of existing residential areas should not be undermined by inappropriate new uses. The basic question is whether the proposal would unacceptably affect amenities and the existing use of land. The application is for the extension of the operation hours of an existing workshop and as such would affect the amenity of adjoining properties and would detract from the overall character of the area. There would be concerns in relation to noise from the business affecting the amenity and living conditions of neighbouring residents to an unacceptable level if the hours of operation were to be extended. There would also be concerns in relation to odour.

**PPS4 - Planning and Economic Development**

Policy PED 9: General Criteria for Economic Development is of particular relevance in assessment of this application.

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

The use as it stands is compatible with the surrounding land uses but the extension of time would result in an incompatible land use. The extended length of time will not be compatible with the surrounding land uses which are agricultural fields and dwelling houses. The proposal therefore fails criteria A.

(b) it does not harm the amenities of nearby residents;

There would be concerns that the extended operational hours would have a harmful effect on the amenity of nearby residents. There would be noise associated with the workshop and odours which would impact on the neighbours to a negative effect.

The proposal therefore fails criteria B.

(c) it does not adversely affect features of the natural or built heritage;

There are no features of the natural or built heritage in the area of this application.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

There are no concerns in relation to flooding at this location.

(e) it does not create a noise nuisance;

Given the nature of the workshop there are concerns that the noise will be a nuisance that stretches longer into the evening and on Saturdays. Noise associated

with the workshop will be extended into unsociable hours where normal work hours have ceased. The proposal therefore fails criteria E.

(f) it is capable of dealing satisfactorily with any emission or effluent;

There are no concerns in relation to emission or effluent in relation to this application.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

There are no concerns in relation to the existing road network.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

Parking and manoeuvring are satisfactory as per the previous approval, P/2012/0101/F.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

The proposal has a satisfactory movement pattern as per approval P/2012/0101/F.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

This criteria is not relevant in relation to this application as it relates to an extension of operation hours.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

This criteria is not relevant in relation to this application as it relates to an extension of operation hours.

(l) is designed to deter crime and promote personal safety; and

This criteria is not relevant in relation to this application as it relates to an extension of operation hours.

(m) in the case of proposals in the countryside, there are satisfactory uses in the countryside, there are satisfactory measures to assist integration into the landscape.

This criteria is not relevant in relation to this application as it relates to an extension of operation hours.

The proposal therefore fails criteria A, B and E of Policy PED 9 of PPS 4 Planning and Economic Development in that the use is not compatible with the surrounding land uses, it will have a negative effect on the amenity of nearby residents and it will create a noise nuisance.

#### Consultation responses:

Environmental Health believe that the hours of operation as set out under condition 2 of P/2012/0101/F were done to set a balance between the noise associated with the business in question and the amenity of residents in close proximity to the site. This application proposes to adjust the balance such that noisy activities will occur during weekday evenings and Saturday afternoons. This department has received numerous complaints in relation to noise and odour emanating from the site outside of permitted operating times which coincides with the letters of objections that Planning has received on this application.



An officer from the EH department has observed noise from the site during a summer evening at a nearby residential property and based upon the information submitted I would suggest that Planning may wish to take these factors into account when making their decision.

The response by Newry and Mourne District Council Environmental Health Department would reflect the views of The Department. The concerns in relation to loss of amenity of nearby residents and increased noise disturbance are shared.

A recommendation of refusal is therefore made as the proposal is contrary to PPS 1 General Principles and Policy PED 9 of PPS 7 Planning and Economic Development.

**Recommendation:**

Refusal

**Refusal Reasons/ Conditions:**

The proposal is contrary to the Department's Planning Policy Statement 4, Policy PED 9 Criteria A, B and E, Industrial Development, in that the development would, if permitted, be incompatible with the character of the surrounding land uses, it will have a negative effect on the amenity of nearby residents and it will create a noise nuisance.

The proposal is contrary to the Department's Strategic Planning Policy Statement, paragraphs 4.11 and 4.12 in that the development would, if permitted, would have a negative effect on the amenity of nearby residents and it will create a noise nuisance.

<b>ITEM NO</b>	<b>22</b>		
<b>APPLIC NO</b>	P/2015/0056/F	Full	<b>DATE VALID</b> 1/26/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		
<b>APPLICANT</b>	Colin McManus 48 Shaughan Road Newry BT35 7QA	<b>AGENT</b>	Lakeview Design Ltd 30 Carrickcloghan Road Camlough Newry BT35 7HG
<b>LOCATION</b>	360m north-east of No 37 Shaughan Road Belleeks Newry BT35 7PF		
<b>PROPOSAL</b>	Change of House Type to include increased ridge height, garage incorporated into main dwelling and associated works. (amended description)		
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b> <b>SUP Petitions</b>
	0	0	0                      0
			<b>Addresses Signatures</b> <b>Addresses Signatures</b>
			0            0    0    0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting and scale of the proposed dwelling is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to erode the rural character of the countryside.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** P/2015/0056/F

**Date Received:** 26.01.2015

**Proposal:** The applicant seeks Full Permission for a Change of House Type to include increased ridge height, garage incorporated into main dwelling and associated works.

**Location:** 360m north-east of No 37 Shaughan Road, Belleeks, Newry, BT35 7PF

**Site Characteristics & Area Characteristics:**

Site takes in an agricultural field which at the time of the visit had a stoned access constructed to the site of the proposed dwelling. The southern section of the site had been cleared, flattened and had stones lain down. A trench was evident to the back of the site but did not appear to correlate with the approved plans. The site is quite elevated from the main road and is found in an area where strong rural character still exists. The area is designated AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015.

**Site History:**

P/2005/2925/O

Site for farm worker's dwelling and garage  
360 metres north-east of 37 Shaughan Road, Belleeks, Newry  
Approval  
19.07.2007

P/2007/1437/RM

Erection of Farm Workers Dwelling and Garage.  
360m North East of 37 Shaughan Road, Belleeks, Newry. BT35 7PF.  
Approval  
17.04.2008

P/2014/0838/RM

Farm dwelling with garage with alterations from previous approval  
Shaughan Road  
Newry  
Invalid



**Planning Policies & Material Considerations:**

Planning Act (Northern Ireland) 2011.  
Banbridge Newry and Mourne Area Plan 2015  
Strategic Planning Policy Statement  
Planning Policy Statement 21  
Planning Policy Statement 3 / Development Control Advice Note 15  
Planning Policy Statement 2  
Building on Tradition

**Consultations:**

Transport NI – Transport NI has no objection to the proposal subject to the attached conditions and informatives.

**Objections & Representations**

No dwellings neighbour notified.  
Application Advertised on 02.09.2015  
No objections or representations received.

**Consideration and Assessment:**

The site lies within the Rural Area/AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections with regard to the Area Plan.

**Principle of Development**

The Outline application was approved on 19.07.2007 with the standard time conditions attached and the Reserved Matters application P/2007/1437/RM was approved on 17.04.2008, also with the standard time condition attached. The greater time frame applies and therefore the proposed scheme should have commenced before 19/07/12 which includes adhering to all conditions as instructed prior to commencement of development, then commencing development in accordance with the approved plans to secure the permission and keep the permission live.

Whilst the pre-commencement condition has been adhered to in full there has been no work of construction (which is the definition of commencement in Section 63 of the Planning Act 2011) evident on the site. It is the Planning Authority's opinion that clearing the site and laying stones do not constitute construction work.

Therefore as the previous permission has expired the proposal is contrary to policy CTY1 of PPS21 as the proposal does not have any over-riding reasons why this particular development is essential and could not be located in a settlement.

A ridge height of 6.5m and both side elevations are considered excessive given the elevated nature of the site and the critical views from the Shaughan Road and Annaclough Hill. The box typed bay windows to the front elevation are also unacceptable for the AONB. As a consequence of the proposed design dwelling would appear prominent on the landscape and is therefore contrary to CTY13. The proposal therefore fails policy criteria CTY 14 due to its prominence in the landscape.

Any approval would be negatively conditioned to ensure consent to discharge is obtained, prior to commencement of development. This safe guards the policy requirements of policy CTY 16.

Transport NI has no objections in relation to PPS3 subject to the standard conditions and informatives.

As the proposal lies within the AONB PPS 2 Natural Heritage NH6 is applicable. The size and scale of the proposed dwelling is not considered sympathetic to the character of the AONB given the elevated nature of the site and as such does not meet policy requirement (a) of NH6.

**Recommendation:**

Refusal

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting and scale of the proposed dwelling is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to erode the rural character of the countryside.

**Case Officer:**

**Authorised Officer:**

**ITEM NO** 23  
**APPLIC NO** P/2015/0191/O Outline **DATE VALID** 3/9/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** D O'Hare 112 Tullyframe Road **AGENT** Quinn Design & Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3PY 028 4177 2377  
 Atticall  
 Kilkeel

**LOCATION** 20 metres north east of 61 Tullyframe Road  
 Atticall  
 Kilkeel

**PROPOSAL** Site for dwelling and detached garage with new access onto public road

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

- 1 The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity as there is no established built up frontage and would, if permitted, result in the creation of ribbon development along the Tullyframe Road.
- 3 The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: (a) the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings; (b) the dwelling would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- 4 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the site lies in a designated Area of Outstanding Natural Beauty and the development would harm the special character and landscape quality of the area by reason of its siting which would extend a ribbon of development and increase the impression of a suburban-style build up of same.






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

### Delegated Application

Development Management Officer Report		
<b>Case Officer:</b> Lisa Grant		
<b>Application ID:</b> P/2015/0191/O		<b>Target Date:</b>
<b>Proposal:</b> Site for dwelling and detached garage with new access onto public road		<b>Location:</b> 20 metres north east of 61 Tullyframe Road Atticall Kilkeel
<b>Applicant Name and Address:</b> D O'Hare 112 Tullyframe Road Atticall Kilkeel		<b>Agent Name and Address:</b> Quinn Design & Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3PY
<b>Date of last Neighbour Notification:</b>		6th May 2015
<b>Date of Press Advertisement:</b>		25th March 2015
<b>ES Requested:</b> Yes/No		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
<b>Representations:</b>		
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	
<b>Summary of Issues:</b>		

<b>Site Visit Report</b>	
<b>Site Location Plan:</b>	
	
<b>Date of Site Visit:</b> 8th January 2016	
<b>Characteristics of the Site and Area</b>	
<p>The site is located within the rural countryside between Kilkeel and Attical and incorporates a small rectangular shaped portion of a small paddock. The site is set between 2 detached dwellings - no 63 and 61 Tullyframe Road. No.63, a chalet bungalow is divided off from the site and paddock by post and wire fencing and is accessed via a narrow private lane of the Tullyframe Road. No.61 is a chalet bungalow and built and is within a spacious roadside plot. To the north/adjacent to the site is another agricultural field which has planning permission for a dwelling however nothing has been built on site. Adjacent to and north of this field is another roadside detached dwelling. The site and surrounding area fall within the Mourne Area of Outstanding Natural Beauty.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>	
<p>SPPS - Strategic Planning Policy Statement  PPS 2 - Natural Heritage  PPS 3 - Access Movement and Parking  PPS 21 - Sustainable Development in the Countryside  Banbridge Newry and Mourne Area Plan 2015</p> <p>Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan - The Banbridge Newry and Mourne Area Plan 2015, the site lies outside a defined settlement and within the rural area and an area of outstanding natural beauty (AONB). The site is also located within a Site of Local Nature Conservation Importance (SLNCI) - no.158 within the current area plan - Mourne Park incorporating White Water River and Cranfield Moraine. A determining material consideration in this case is current planning policy and in particular the SPPS and Planning Policy Statement 21 - Sustainable Development in the Countryside which are the determining policies in dealing with single dwellings in the country.</p> <p>In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted.</p>	



Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight.

Both the SPPS and CTY 1 of PPS 21 outline a number of development types which are considered acceptable in principle to contributing to the aims of sustainable development and one such type is a small gap/infill site suitable for accommodating up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage. For the reasons outlined further in this report, the Council believes that the proposal is unacceptable and therefore should be refused as there is no overriding reason why this development is essential in this rural location and could not be located within a settlement.

PPS 21 provides more clarity on this type of development and describes a gap/infill site as being able to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy further states that a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

With regard to this case the site incorporates a small vacant paddock along the Tullyframe Road with a road frontage measuring 30m wide and 50m deep. A detached chalet bungalow (no.63) lies immediately adjacent to the north of the site and another chalet style bungalow (61) immediately adjacent to the south. No 63 is defined along its roadside facing boundary by post and wire fencing and the remainder of the paddock lies in front. Adjacent to and north of 63 is a vacant plot of land with outline planning permission (P/2013/0347/O) for an infill dwelling. North and adjacent to this is another dormer bungalow (65). Due to the vacant plot between no.63 and 65 there is no continuously built up frontage as defined by a line of 3 or more buildings along a road frontage at this part of the Tullyframe Road. The agent refers to a Ministerial Statement of July 2013 which makes reference to the need to take into account extant permission when assessing infill proposals. However the Ministerial Statement did not change policy and this is a stance taken also by the PAC (2015/A0120). They state that "the policy as written must be interpreted objectively in accordance with the language used and read in its proper context. There is nothing in Policy CTY 8 nor the SPPS which indicates that an unimplemented planning permission should be taken into account when assessing whether or not a substantially built up frontage exists." Appeal 2014/A0002 refers to the natural everyday meaning of the word 'building' for the purposes of policy CTY 8. The present situation is that no 'building' as referred to in CTY 8 exists on the vacant plot between 63 and 65 therefore no substantially built up frontage exists along this section of the Tullyframe Road. The proposal is therefore contrary to policy CTY 1 and CTY 8.

Having considered the approval granted on the plot between 63 and 65 (P/2013/0347/O) it would appear that this was granted in error as the curtilage of no. 63 granted under P/2007/1678/F did not incorporate the whole field (part of which now subject to this current application) and therefore no substantially and continuously built up frontage existed then nor exists now.

#### CTY 13 - Integration and Design of Buildings in the Countryside

This policy outlines 6 (7 in case of farm dwellings) criteria to comply with. In this case of this application for 1 dwelling located between 2 other chalet bungalows, it will involve the removal of all the site's roadside hedging (visibility splay frontage is 60m) to provide the required splays which will open up the site.

#### CTY 14 - Rural Character

A new building will be unacceptable where:

(a) It is unduly prominent in the landscape;

(b) It results in a suburban style build-up of development when viewed with existing and approved



<p>buildings;                  (c) It does not respect the traditional pattern of settlement exhibited in that area;                  (d) It creates or adds to a ribbon of development; or                  (e) The impact of ancillary works (with the exceptions of necessary visibility splays) would damage rural character.</p> <p>In the case of this application, the proposal for a new dwelling on this site would result in a suburban style build-up of development along this part of the Tullyframe Road when veiwed with other dwellings namel 65, 63 and 61 and would create a ribbon of development.</p> <p>Consultation Responses:</p> <p>Transport NI: no objections - last response referred to the need for an amended plan clearly showing 2.4m x full frontage setback, however as this is an outline application, the drawing submitted was only a concept sketch. New response access to be as per RS1 form.                  NIW: No objections                  Public Health: No objections in principle subject to the dwelling being connected to the public sewerage system.</p> <p>The proposal is tcontrary to the SPPS, CTY 1 and CTY 8 and CTY 14 of PPS 21 and NH 6 of PPS 2</p>	
<b>Neighbour Notification Checked</b>	<b>Yes/No</b>
<b>Summary of Recommendation</b>	
<b>Conditions/Reasons for Refusal:</b>	
<p>Refusal Reasons</p> <ol style="list-style-type: none"> <li>The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</li> <li>The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity as there is no established built up frontage and would, if permitted, result in the creation of ribbon development along the Tullyframe Road.</li> <li>The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: (a) the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings; (b) the dwelling would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.</li> <li>The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the site lies in a designated Area of Outstanding Natural Beauty and the development would harm the special character and landscape quality of the area by reason of its siting which would extend a ribbon of development and increase the impression of a suburban-style build up of same.</li> </ol>	

Application ID: P/2015/0191/O

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<b>Case Officer Signature:</b>	
<b>Date:</b> 24/3/16	
<b>Appointed Officer Signature:</b>	
<b>Date:</b> 24/3/16	

# Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- [brendanfrancisquinn@yahoo.co.uk](mailto:brendanfrancisquinn@yahoo.co.uk)

Planning statement in support of planning application  
P/2015/0191/O

Proposal: Site for dwelling and detached garage

Location: Tullyframe Road, Kilkeel

Applicant: Dairmuid O Hare



**Background.**

This application was lodged in February 2015 **after** I had secured 2 planning approvals for infill dwellings at Creamery Road, Crossmaglen, P/2012/0289/O and Carrogs Road, Newry, P/2013/0708/O.

In both cases, un-implemented approvals for dwellings were accepted by Planning Service as forming part of a ribbon of development which ultimately lead to the approval of both applications.

Notably, the Carrogs Road application was jointly decided in early December 2014 by Mr Mc Kay & Miss Mc Parland, who both work for the Council's Planning Department.

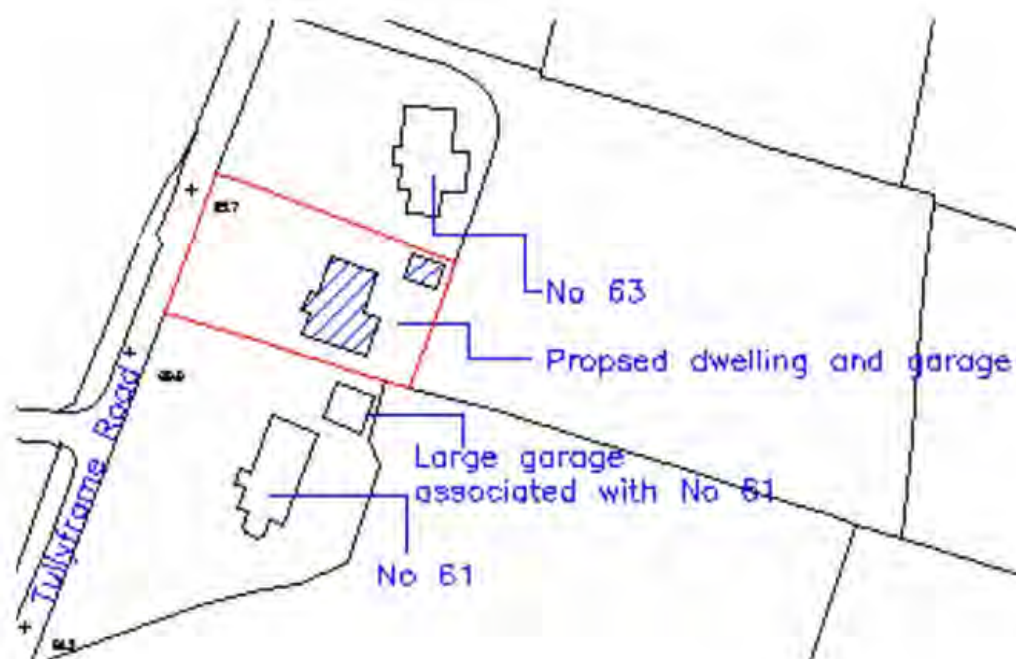
Against this background, I trust the committee will understand the rationale behind the submission of this application which purported to use an un-implemented approval for a dwelling to form a substantial and continuously built up frontage.

**The Planning Department's consideration and my response.**

The Case Officer in her report makes it clear that the approval between nos 63 & 65 issued under reference P/2013/0347/O can not be considered as a "*building*" in terms of CTY 8 as there is no building on this site.

Instead of attempting to overcome this argument I wish to justify an infill dwelling without considering the un-implemented approval granted under P/2013/0347/O.

The sketch overleaf shows the proposed plot outlined in red. The proposed site is sandwiched between nos 61 & 63 Tullyframe Road. No 1 has a large double garage which as you will see sits between the gable of no 61 and the northern site boundary.



The garage, which is clearly shown on the location map and concept sketch already submitted measures 7.7 x 7.7m. The front wall is located just in front of the rear wall of no 61, therefore the garage is **not behind** the line of the rear wall of no 61.

The garage is clearly visible from and has a frontage onto Tullyframe Road.

I highlighted this to the Case Officer in October past by email after I learned the application was to be recommended for refusal. I followed the email with a telephone conversation with the Case Officer.

My email contained details of a recent planning appeal (Appeal ref 2015/A0037) which allowed an infill dwelling between 2 dwellings, one of which had a garage.

I subsequently received an email reply from the Case Officer telling me that my thoughts "*will be considered prior to the application being linked with any future planning committee list*".

From reading the officer's report, it would appear that the content of my email was **ignored**, furthermore, the garage which sits between no 61 and the application is **NOT** mentioned in the officer's report.

## What type of buildings can constitute a substantial and built up frontage?

The policy simply refers to “*buildings along a road frontage*”, therefore, all buildings which front a road can make up a substantial and built up frontage.

This interpretation was confirmed in the decision on appeal 2013/A0246. In this case the then planning authority contended that,

*“.....the existing buildings did not amount to a substantial and continuously built up frontage as the ancillary buildings belonging to Nos. 77 and 91 Annareagh Road were deemed accompanying development to the rear and not as primary buildings.”*

The Commissioner, however, concluded that,

*“Whilst the Department’s evidence made reference to primary and ancillary buildings, Policy CTY8 makes no differentiation between types of buildings.”*

In the decision on appeal 2015/A0215 the Commissioner found that a ‘*sheep shelter*’ constructed of a wooden frame clad in corrugated metal standing on a concrete base measuring approximately 6m by 4m was a building in terms of Policy CTY 8.

These decisions, in keeping with the wording in the policy, confirm that ***all types of buildings*** can count towards a substantial and built up frontage provided they front a road.

### **Appeal 2015/A0207 at Derrycor Lane, Craigavon.**

In the case of the above appeal, Armagh, Banbridge and Craigavon Council attempted to defend refusal reasons relating to an application for an infill dwelling which was to be sited between a derelict dwelling and a single storey dwelling which also had a detached garage.

At paragraph 7, Commissioner O’Donnell advises:

*“The appeal site is situated between a derelict building and a detached single storey dwelling with detached garage (No 16). While the garage is in close proximity to the dwelling and can be seen with it on approach from the north west, the garage constitutes a building as defined by the Planning Act (NI) 2011. It is a separate entity with frontage onto the road. It does not sit to the rear of No 16 and it does not appear as a subordinate adjunct to the dwelling, distinguishing this case from the circumstances of appeal decisions 2011/A0272 and 2012/A0324. As all three buildings are in a line and all have frontage onto the road, it must be*



*concluded that the appeal site lies within a substantial and built up frontage".*  
(Copy of decision attached)

In short, the commissioner reasoned that the garage must be considered as a building in its own right and that as it was a separate entity with a road frontage it had to be considered a forming part of a ribbon of development.

### **Appeal 2014/A0152 at Derrycraw Road, Newry.**

In the case of appeal reference 2014/A0152, **this Council's** Planning Department attempted to defend refusal reasons on a similar case which was refused under planning reference P/2013/0600/O.

An infill dwelling was proposed on a site between 2 dwellings. Each of the 2 dwellings had a detached garage.

The Case Officer advised in his report:

*"There is no dispute that the two dwellings at Nos. 34 and 36 present frontages to Derrycraw Road. Their two detached garages however both sit behind the building line of the dwellings and appear as subordinate adjuncts of the adjoining dwellings. The garages do not have an independent visual relationship with the road and should therefore not be considered to form part of a continuously built up frontage".*

In short the officer was pointing out that the garages existed, however, as they were located behind the building line of the dwellings they could not be counted as forming part of a ribbon of development.

At paragraph 4 of her decision, Commissioner Mc Glinchey advised:

*"On each of these properties there is a dwelling and a detached garage. Albeit that the garages are subordinate to and sit back from the building line of the dwellings, they are clearly visible from the road. Policy CTY8 does not state that the other buildings which form part of a residential curtilage are to be discounted or that they must have an independent relationship to the road. I consider that the disposition of the existing development on the two adjoining sites reads as a line of four buildings fronting onto Derrycraw Road and consequently constitute a substantial and continuously built up frontage as defined in the policy".* (Copy of decision attached)

In short, the commissioner advised that it didn't really matter where the garages were located in relation to the building line, what mattered was that they were visible from the road.

Turning back to the application at Tullyframe Road, the front wall of the garage sits in front of the line of the rear wall of the dwelling and it is most certainly visible from the road.

The officer dealing with this application hasn't considered the garage at no 61. In fact the word "garage" doesn't appear in the consideration.

Furthermore, if the didn't exist, the owner of no 61 would need to obtain planning permission to build such a garage as his permitted development rights would not permit a garage of this large scale to be built without the benefit of planning permission.

Against this background, how can the Planning Department ignore a building which:-

- Required planning permission
- Extends to almost 650 Sq feet in area and
- Is over 5.5m tall measured from ground level???

### **The Council's Planning Department agree with the Derrycraw Road appeal decision.**

Once the PAC issue a decision, the parties to the appeal and indeed any other interested party has 12 weeks to seek leave from the High Court to review the PAC decision. The Derrycraw appeal decision was issued on 17<sup>th</sup> August 2015. This Council's Planning and Legal Departments had until 6<sup>th</sup> November 2015 to review the decision, seek advice from a barrister and seek leave in the High Court to review the appeal decision.

### **They didn't do this.**

The fact that they didn't seek leave for a judicial review demonstrates that they were **content** with the decision. There can be no other explanation.

The Planning Department might say that they didn't really agree with the Derrycraw Road decision and leave it at that, however, in legal terms, if they didn't seek to challenge the PAC decision, they agreed with it. It is very simple.

During a recent Planning Committee hearing on an application which proposed an infill dwelling at Mayobridge, I pointed out that the Council's Planning Department had failed to judicially review a PAC decision on an appeal for an infill dwelling outside Newry, Mourne and Down District. I further pointed out that by failing to judicially review the decision the Planning Department had "*de facto*" accepted the PAC decision.

Miss Mc Parland in her comments (after I had presented my case) flippantly dismissed my remarks by saying that *“the Council wouldn't waste money reviewing a PAC decision outside the district”*.

The Derrycraw decision was taken on a site just to the north of Newry, well inside the Council's jurisdiction. The decision approved an infill dwelling within a line of 4 buildings of which 2 are garages.

The Planning Department clearly agrees with the PAC decision at Derrycraw Road. This being the case, one has to ask why did the garage at Tullyframe not form part of the Council's consideration even after I pointed out that it existed???

Furthermore, how can the Council's Planning Department ignore such a garage when there are countless other PAC decisions which tell them that they shouldn't?

Finally, why did the Council's Planning Department not consider the garage even after I raised it as an issue and after the PAC decisions at Derrycor Lane and Derrycraw Road were published.

### **The remaining refusal reasons.**

The officer's report raises no concerns re the pattern of development and Transport NI are content with the access. The style and size of any dwelling could be controlled by suitable conditions.

The officer has suggested the addition of refusal reasons relating to CTY 14 of PPS21 and NH6 of Planning Policy Statement 2. Both of these refusal reasons can be set aside if the Committee agree that the proposed dwelling will be located within a line of 3 buildings, one of which is the garage at no 61.

### **How can the committee approve this application?**

Should the committee be minded to approve this application, they need only record in the minutes that the dwellings at 61 & 63 + the garage at 61 form a line of 3 buildings which constitutes a substantial and continuously built up frontage as required by the exception clause in Policy CTY 8.

Brendan Quinn





# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacni.gov.uk

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<b>Appeal Reference:</b>	2015/A0207
<b>Appeal by:</b>	Mr J Leathem
<b>Subject of Appeal:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Site for dwelling
<b>Location:</b>	Land opposite No 17 Derrycor Lane, Derryadd, Craigavon
<b>Planning Authority:</b>	Armagh, Banbridge & Craigavon District Council
<b>Application Reference:</b>	LA08/2015/0345/O
<b>Procedure:</b>	Written Representations with Accompanied Site Visit on 3 June 2016
<b>Decision by:</b>	Commissioner Pamela O'Donnell dated 14 June 2016.

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## Decision

1. The appeal is allowed and outline planning permission is granted subject to the conditions set out below.

## Reasoning

2. The main issue in the appeal is whether the proposal is acceptable in principle in the countryside.
3. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise. The appeal site is within the countryside in the Craigavon Area Plan 2010 (CAP). The CAP has no material policies for dwellings in the countryside. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) provides the policy context for the appeal.
4. Policy CTY1 of PPS21 specifies a range of development types considered to be acceptable in principle in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
5. Policy CTY8 is entitled Ribbon Development and it states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, the policy goes on to say that an exception will be permitted. This exception relates to the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, 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. The policy defines a substantial and built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear.

6. The Council argued that the appeal site could not be regarded as an infill opportunity as there was not a line of three or more buildings to represent a substantial and continuously built up frontage.
7. The appeal site is situated between a derelict building and a detached single storey dwelling with detached garage (No 16). While the garage is in close proximity to the dwelling and can be seen with it on approach from the north west, the garage constitutes a building as defined by the Planning Act (NI) 2011. It is a separate entity with frontage onto the road. It does not sit to the rear of No 16 and it does not appear as a subordinate adjunct to the dwelling, distinguishing this case from the circumstances of appeal decisions 2011/A0272 and 2012/A0324. As all three buildings are in a line and all have frontage onto the road, it must be concluded that the appeal site lies within a substantial and built up frontage. The Council raised no objection in respect of the impact of the proposal on the existing development pattern.
8. I have found that the proposal satisfies the exceptional test within Policy CTY8 of PPS21. I need not therefore assess the proposal against Policy CTY2a of PPS21. As the proposal complies with Policy CTY8, it also accords with Policy CTY1 of PPS21. The reason for refusal has not been sustained.
9. Given the surrounding context, a ridge height restriction of no more than 6m from ground level would be appropriate and necessary in the interest of visual amenity. Similarly, for the latter reason a landscaping plan would be necessary. Visibility splays of 2.0m by 33m would also be necessary on road safety grounds.

### Conditions

1. Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be approved by the Planning Authority - the siting, design and external appearance of the dwelling and means of access thereto.
2. The ridge height of the dwelling hereby approved shall not exceed 6.0m above existing ground level at the lowest point within its footprint.
3. Visibility splays of 2.0m by 33m shall be laid out at the proposed access point before any building operations commence and shall be permanently retained thereafter.
4. No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme including vegetation to be retained at no less than 2m high along the south eastern and roadside boundaries, save for that required to provide the access arrangements. The scheme of planting as finally approved shall be carried out during the first planting season after the dwellings are occupied. Trees or shrubs dying, removed or becoming seriously damaged within

live years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

5. Application for approval of the reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
6. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to Drawing Number 02/164/PL01A site location plan @ 1:1250 stamped refused by the Council 5 December 2015.

**COMMISSIONER PAMELA O'DONNELL**



**List of Appearances**

Planning Authority:- Ms S McAvoy (Armagh, Banbridge & Craigavon Council)

Appellant:- Mr E Loughrey (Agent - Inaltus)

**List of Documents**

Planning Authority:- "A1" Statement of Case  
"A2" Rebuttal

Appellant:- "B1" Statement of Case  
"B2" Rebuttal  
"B3" Further Rebuttal



# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacni.gov.uk

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<b>Appeal Reference:</b>	2014/A0152
<b>Appeal by:</b>	Eddie Mullen against the refusal of outline planning permission.
<b>Development:</b>	Dwelling and garage
<b>Location:</b>	Adjacent to 34 Derrycraw Road, Newry
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	P/2013/0600/O
<b>Procedure:</b>	Written Representations with Commissioner's Site Visit on 7 July 2015
<b>Decision by:</b>	Commissioner Brigid McGlinchey dated 17 August 2015.

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## Decision

1. The appeal is allowed and outline planning permission is granted subject to the conditions set out below.

## Reasoning

2. The site lies in the open countryside as defined in the Banbridge and Newry Area Plan 2015. The plan offers no policy or guidance in respect of the proposal before me. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) provides the relevant policy context for determining the appeal. The dismissal of a former appeal in respect of refusal of planning permission for a dwelling on the appeal site in 2003 (2002/A0987) has no bearing on my consideration as that appeal was determined under a different policy context. The proposal before me is for a dwelling and garage entailing the use of an existing access and this is the basis for my consideration. Any activities on land outside the appeal site are not within the remit of this appeal. Whilst the objector presented evidence of historical infilling on the appeal site, the evidence from the planning authority is that an enforcement case on this matter was closed and that the infilling is immune from enforcement action. I therefore make no comment on this matter.
3. Policy CTY1 of PPS21 identifies a range of types of development which in principle are considered to be acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. Policy CTY8 is entitled 'Ribbon Development' and states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it continues that an exception to the policy will be permitted for the development of a small gap site

sufficient only to accommodate up to a maximum of two dwellings within a substantially and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy defines a substantial and built up frontage as a line of 3 or more buildings along a road frontage without accompanying development to the rear.

4. The appeal site is a roadside field that is situated between the residential property of No.36 located to the north and that of No.34 to the south. On each of these properties there is a dwelling and a detached garage. Albeit that the garages are subordinate to and sit back from the building line of the dwellings, they are clearly visible from the road. Policy CTY8 does not state that the other buildings which form part of a residential curtilage are to be discounted or that they must have an independent relationship to the road. I consider that the disposition of the existing development on the two adjoining sites reads as a line of four buildings fronting onto Derrycraw Road and consequently constitute a substantial and continuously built up frontage as defined in the policy. The planning authority stated that appeal site with a road frontage of 40m represented a small gap. I consider that based on the site comparison map submitted during the processing of the planning application, the appeal proposal would be comparable to the existing development pattern in the area in terms of plot size. Irrespective of the planning status of two other buildings to the south of No.34 and whether or not there is another potential gap site, the appeal proposal before me represents development of a small gap site which meets the exception to Policy CTY8 and is therefore acceptable in principle.
5. Taking account of the built development on the adjoining sites (a two storey dwelling at No.36 and the one and half storey dwelling at No.34), I consider that the proposed ridge height of 7m suggested by the Department in tandem with a restriction on the level of under-building is necessary. Given the historical infilling on the site, details of existing and proposed site levels are required. I consider that a siting restriction similar to that depicted in the appellant's proposed site layout plan is appropriate given that the existing dwellings are broadly in alignment. Subject to such conditions, I am satisfied that the size and scale of the buildings would respect the other development in the neighbouring context and the proposal would broadly adhere to the prevailing existing development pattern. Subject to the retention of the existing natural boundaries, I am satisfied that the other planning and environmental requirements would be met. I conclude that the proposal constitutes development in adherence with Policy CTY8.
6. It follows that if the proposal meets Policy CTY8, then the proposal would fall within one of the accepted forms of development permitted by Policy CTY1. The objector's concerns in this regard and the first two reasons for refusal have therefore not been sustained. As the proposal forms an acceptable form of infill development the third reason for refusal based on Policy CTY 14 has also not been sustained.
7. The proposal involves the use of an existing unaltered access to the public road. Nonetheless, I note in the submitted details that Roads Service required the provision of 2.4m x 60m visibility splays at the access point and that the proposed site layout plan indicates that part of the existing roadside hedge is to be removed to accommodate this access arrangement. Whilst a condition in this respect was



not requested by the Department, I nonetheless consider that in the interests of road safety this is a matter that should be covered by a condition. Reinstatement of the hedgerow behind the visibility splays would be necessary in the interests of rural amenity.

### Conditions

- (1) Except as expressly provided for by conditions 2, 3 and 4, the following reserved matters shall be approved by the Department – the siting, the design and external appearance of the dwelling and garage, the means of access thereto and the landscaping of the site.
- (2) The ridge height of the dwelling and garage shall not exceed 7 metres from their finished floor levels and under-building shall not exceed 0.45m at any point above existing ground level within the footprint of the buildings. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.
- (3) The dwelling and garage shall be sited broadly in adherence with that depicted in the 1:500 scale proposed site layout plan submitted with the planning application and date stamped 20 November 2013.
- (4) A 1:500 scale plan shall be submitted to the planning authority showing visibility splays of 2.4m X 60m at the point of access onto Derrycraw Road. The approved access arrangement shall be laid out prior to the commencement of development on the site.
- (5) The existing natural boundaries of the site shall be retained except that required to be removed to accommodate the provision of the access arrangement. New planting of native species hedgerow shall be planted to the rear of the visibility splays.
- (6) Application for the approval of reserved matters shall be made to the Department before the expiration of three years from the date of this decision.
- (7) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to Drawing 01 (Rev 2): 1:2500 scale site location map and to the 1:500 scale proposed site layout plan submitted with the application.

**COMMISSIONER BRIGID McGLINCHEY**

**Appearances at Accompanied Site Visit**

**Planning Authority:** P Manley

**Objectors:** M & L Flanagan, No. 34 Derrycraw Road

**Appellant:** J Kirkpatrick, Agent  
E Mullen, Appellant  
E Mullen Snr

**Documents**

**Planning Authority:** C1 Statement of case

**Objectors:** Obj1 Statement of case  
Obj2 Rebuttal

**Appellant:** A1 Statement of case  
A2 Rebuttal

**ITEM NO** 25  
**APPLIC NO** P/2015/0224/O Outline **DATE VALID** 3/18/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Malachy O'Hare 120 Tullyframe Road Atticall Kilkeel **AGENT** Quinn Design and Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3PY 41772377

**LOCATION** 40 metres South of No 120 Tullyframe Road Atticall Kilkeel.

**PROPOSAL** Site for dwelling and garage and engineering works required to facilitate access.

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in The Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity as there is no established built up frontage and would, if permitted, result in the creation of ribbon development along the Tullyframe Road.
- 3 The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: (a) the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings; (b) the dwelling would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- 4 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the site lies in a designated Area of Outstanding Natural Beauty and the development would harm the special character and landscape quality of the area by reason of its siting which would extend a ribbon of development and increase the impression of a suburban-style build up of same.





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

### Delegated Application

Development Management Officer Report		
<b>Case Officer:</b>		
Lisa Grant		
<b>Application ID:</b> P/2015/0224/O		<b>Target Date:</b>
<b>Proposal:</b> Site for dwelling and garage and engineering works required to facilitate access.		<b>Location:</b> 40 metres South of No 120 Tullyframe Road Atticall Kilkeel.
<b>Applicant Name and Address:</b> Malachy O'Hare 120 Tullyframe Road Atticall Kilkeel		<b>Agent Name and Address:</b> Quinn Design and Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3PY
<b>Date of last Neighbour Notification:</b>		30th July 2015
<b>Date of Press Advertisement:</b>		29th April 2015
<b>ES Requested:</b> Yes/No		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
<b>Representations:</b>		
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	
<b>Summary of Issues:</b>		

## Site Visit Report

### Site Location Plan:



**Date of Site Visit:** 8th January 2016

### Characteristics of the Site and Area

With regard to this case the site incorporates a small roadside paddock nestled between 118 and 120 Tullyframe Road and is currently in use for the storage of silage bales. The site's actual frontage measures around 50m however it only extends up 30m back from the road. A narrow private lane runs to the rear of the site as well as a small stream which crosses under the road at the entrance to the lane. The site slopes gently from north to south and is bound along the north perimeter by mature and well kept Castlewellan Golds. A ditch just under 1m high exists along the road and a dilapidated post and wire fenced border is located around the western end.

A small detached bungalow (no.120 and associated curtilage lies immediately adjacent to the north of the site and a detached dormer dwelling (118) lies adjacent to/beyond the lane to the south of the site. Beyond this dwelling is an open agricultural field which has outline planning permission for 1 farm dwelling and garage under P/2014/0128/O. Immediately adjacent to and south of this field another dwelling with a frontage onto Tullyframe Road and set back and known as 112 Tullyframe Road. An agricultural type shed is located off the private lane to the rear of the site.

The is rural upland and the surrounding land to the west of the site including the site is within a SLNCI (Site of Local Nature Conservation Importance) known as Mourne Park incorporating White Water River and Cranfield Moraine (no.158 on map within current area plan).

### Planning Assessment of Policy and Other Material Considerations

SPPS - Strategic Planning Policy Statement  
 PPS 2 - Natural Heritage  
 PPS 3 - Access Movement and Parking  
 PPS 15 - Planning and Flood Risk  
 PPS 21 - Sustainable Development in the Countryside  
 Banbridge Newry and Mourne Area Plan 2015

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



Newry and Mourne Area Plan 2015, the site lies outside a defined settlement and within the rural area and area of outstanding natural beauty (AONB). The site is also located within a Site of Local Nature Conservation Importance (SLNCI) - no.158 within the current area plan - Mourne Park incorporating White Water River and Cranfield Moraine. A determining material consideration in this case is current planning policy and in particular the SPPS and Planning Policy Statement 21 - Sustainable Development in the Countryside which are the determining policies in dealing with single dwellings in the country.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight.

Both the SPPS and CTY 1 of PPS 21 outline a number of development types which are considered acceptable in principle to contributing to the aims of sustainable development and one such type is a small gap/infill site suitable for accommodating up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage. For the reasons outlined further in this report, the Council believes that the proposal is unacceptable and therefore should be refused as there is no overriding reason why this development is essential in this rural location and could not be located within a settlement.

PPS 21 provides more clarity on this type of development and describes a gap/infill site as being able to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy further states that a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The agent refers to a Ministerial Statement of July 2013 which makes reference to the need to take into account extant permission when assessing infill proposals. However the Ministerial Statement did not change policy and this is a stance taken also by the PAC (2015/A0120). They state that "the policy as written must be interpreted objectively in accordance with the language used and read in its proper context. There is nothing in Policy CTY 8 (nor the current SPPS - my insertion) which indicates that an unimplemented planning permission should be taken into account when assessing whether or not a substantially built up frontage exists." Appeal 2014/A0002 refers to the natural everyday meaning of the word 'building' for the purposes of policy CTY 8. The natural everyday meaning of the word 'building' will also be applied when assessing this proposal against CTY 8.

A small detached bungalow (no.120) lies immediately adjacent to the north of the site and a detached dormer dwelling (118) lies adjacent to/beyond the lane to the south of the site. Beyond this dwelling is an open agricultural field which has outline planning permission for 1 dwelling and garage under P/2014/0128/O. Immediately adjacent to and south of this field another dwelling is a frontage onto Tullyframe Road and known as 112. Due to the vacant plot and lack of 'building' between no. 118 and 120 there is no continuously built up frontage as defined by policy CTY 8 (and clarified by the PAC in the appeals mentioned above) as being a line of 3 or more buildings along a road frontage. The proposal is therefore contrary to policy CTY 1 and CTY 8.

#### CTY 13 - Integration and Design of Buildings in the Countryside

This policy outlines 6 (7 in case of farm dwellings) criterions to comply with. This application is for 1 dwelling located close to the roadside between 2 other detached roadside properties and involves the removal of all the roadside ditch for visibility splays.

#### CTY 14 - Rural Character

A new building will be unacceptable where:



- (a) It is unduly prominent in the landscape;
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings;
- (c) It does not respect the traditional pattern of settlement exhibited in that area;
- (d) It creates or adds to a ribbon of development; or
- (e) The impact of ancillary works (with the exceptions of necessary visibility splays) would damage rural character.

In the case of this application, the proposal for a new dwelling located close to the roadside, would if permitted result in a suburban style build-up of development along this part of the Tullyframe Road when viewed with other dwellings namely 120, 118 and 112 and would create a ribbon of development.

#### PPS 2 - NH 5 and the SPPS

The SPPS like the NH 5 of PPS 2 refers to planning permission only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to a range of priority cases such as habitats, species, peatland, ancient and long-established woodland etc. The SPPS has included within other natural features worthy of protection to include trees and woodland.

The site fall within designated Western Mournes SLNCI and NIEA Natural Environment Division (NED) have been consulted. This particular SLNCI has features described in the Countryside Assessment section of the area plan to include heath, bog and geology however NIEA have agreed that the site itself is improved grassland and therefore the proposal will not significantly impact on the features of this SLNCI. NIEA have however noted the presence of the watercourse adjacent which may provide a suitable habitat for otter holts. They have also noted that the site may also provide habitat features for protected and breeding wild birds. Standing Advice notes and informatives are referred to by NIEA. NIEA also advise of an assessment which is needed to fully assess the impact the development may have on the natural heritage interests including the otters which may be using the site.

#### PPS 2 - NH 6 and SPPS

The SPPS refers to development proposals in AONBs being sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, and be in accordance with relevant plan policies. In terms of Landscape Character Assessment, the site would fall within 74 Kingdom of Mourne - foothill slopes of Mourne Mountains between upland areas and the Irish Sea.

#### NH - 6

Planning permission will only be granted within an AONB where it is of an appropriate design, size and scale for the locality and 3 criteria are met relating to scale and design; respecting/conserving features of importance to the character, appearance or heritage of the landscape; and proposal respects architectural styles and patterns, traditional boundary details and local materials, design and colour. In this case of this application, it could be argued that the roadside siting is not suitable as the proposal does not comply with CTY 8 of PPS 21 and would if permitted detrimentally impact on the special characteristics and qualities of this AONB.

#### PPS 15

There is a small stream to the rear and side of the site which flows under the road at the junction with the Tullyframe Road and the narrow private lane adjacent to/south side of the site. DARD Rivers Agency has been consulted with the application and their comments include:

- (FLD 1) site does not lie within 1 in 100 year fluvial flood plain however have advised the applicant to satisfy themselves that they have assessed the flood risk associated with the adjacent watercourse;
- (FLD 2) watercourse is to be retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowner;
- (FLD 3) site located within predicted flooded area as indicated on the surface water flood map. Drainage assessment although not required but advisable to be carried out;



<p>- (FLD 4) Culverting only to be carried out in exceptional circumstances that are deemed acceptable to Planning. Anything approved will be subject to approval from Rivers Agency under Schedule 6 of the Drainage Order 1973 and an application to be made first. Sustainable drainage systems encouraged.</p> <p>Based on the Rivers Agency response, the culverting would be small scale to accommodate the proposed/required visibility splays which is an exception under FLD4.</p> <p>Consultation Responses:</p> <p>Transport NI: no objections following submission of further information - RS1 form condition                  NIW: No objections                  Public Health: No objections in principle subject to the dwelling being connected to the public sewerage system.                  Loughs Agency:- No objections - caution to be taken during any earthworks and that consent for septic tank is achieved so as watercourse does not become contaminated. Applicant also to be notified of offence under Section 41 of the Foyle Fisheries Act (1952) to cause pollution.                  Rivers Agency:- see notes above. Informatives attached.                  NIEA Water Management Unit: Content                  NIEA - see notes above.</p> <p>The proposal is contrary to the SPPS, CTY 1, CTY 8 and CTY 14 of PPS 21 and NH 6 of PPS 2.</p>	
<p><b>Neighbour Notification Checked</b></p>	<p><b>Yes/No</b></p>
<p><b>Summary of Recommendation</b></p>	
<p><b>Conditions/Reasons for Refusal:</b></p> <p>Refusal Reasons</p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in The Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</li> <li>2. The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent an infill opportunity as there is no established built up frontage and would, if permitted, result in the creation of ribbon development along the Tullyframe Road.</li> <li>3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: (a) the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings; (b) the dwelling would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.</li> <li>4. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the site lies in a designated Area of Outstanding Natural Beauty and the development would harm the special character and landscape quality of the area by reason of its siting which would extend a ribbon of development and increase the impression of a suburban-style build up of same.</li> </ol>	

Application ID: P/2015/0224/O

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<b>Case Officer Signature:</b>	
<b>Date:</b>	
<b>Appointed Officer Signature:</b>	
<b>Date:</b> 23/3/16	





# Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- [brendanfrancisquinn@yahoo.co.uk](mailto:brendanfrancisquinn@yahoo.co.uk)

Planning statement in support of planning application  
P/2015/0224/O

Proposal: Site for dwelling and detached garage and engineering works required to facilitate a safe access

Location: Tullyframe Road, Kilkeel

Applicant: Malachy O Hare

**Background.**

This application was lodged in February 2015 **after** I had secured 2 planning approvals for infill dwellings at Creamery Road, Crossmaglen, P/2012/0289/O and Carrogs Road, Newry, P/2013/0708/O.

In both cases, un-implemented approvals for dwellings were accepted by Planning Service as forming part of a ribbon of development which ultimately lead to the approval of both applications.

Notably, the Carrogs Road application was jointly decided in early December 2014 by Mr Mc Kay & Miss Mc Parland, who both work for the Council's Planning Department.

Against this background, I trust the committee will understand the rationale behind the submission of this application which purported to use an un-implemented approval for a dwelling to form a substantial and continuously built up frontage.

**The Planning Department's consideration.**

The Case Officer in her report makes it clear that the approval between nos 112 & 118 issued under reference P/2014/0128/O can not be considered as a "*building*" in terms of CTY 8 as there is no building on this site.

Planning Service didn't impose a siting condition nor a condition restricting the area of the curtilage of the dwelling approved through P/2014/0128/O. This being the case, the curtilage of the approved dwelling, when constructed will extend to meet Tullyframe Road.

Against that background, the line of buildings at Tullyframe Road consists of 3 dwellings each with a frontage to Tullyframe Road + an un-implemented approval which will also have a frontage to Tullyframe Road.

The reasons for refusal stem from the Department's lack of willingness to consider an un-built dwelling when considering the existing buildings along the frontage.

### **Administrative Fairness.**

The Council must apply policy consistently and fairly. Planning policy, including PPS 21, requires that extant permissions be considered when assessing applications.

For example, paragraph 5.78 in PPS 21 advises that in *“assessing the cumulative impact of a building on rural character the matters taken into consideration include*

*“approved development...”* which is defined by a footnote as, *“unimplemented extant planning permissions for new buildings”*.

In PPS 18, Policy RE 1 requires consideration of the cumulative impact of existing wind turbines and

*“those which have permission.”*

In PPS 5, paragraph 60 advises that the Department will normally require that all applications be accompanied by information on, among other things,

*“outstanding planning permissions for retail development...”*

Clearly, the Council **does consider** extant permissions.

Furthermore, refusal reasons based on the erosion of rural character often refer to *approved development*.

Similarly, refusal reasons for wind turbines often refer to the cumulative impact of the proposed turbine(s) when considered in conjunction with existing and approved turbines.

Against this background it is grossly unfair of the Council to ignore an extant permission which could justify approval of an application yet consider an extant permission when it justifies the refusal of an application.

This being the case the extant approval reference P/2014/0128/O must be taken into account and regarded as a commitment in the landscape.

### **The remaining refusal reasons.**

The officer's report raises no concerns in relation to the pattern of development and Transport NI are content with the access. The style and size of any dwelling could be controlled by suitable conditions.



The officer has suggested the addition of refusal reasons relating to CTY 14 of PPS21 and NH6 of Planning Policy Statement 2. Both of these refusal reasons can be set aside if the Committee agree that the proposed dwelling will be located within a line of 3 buildings, one of which is the un-implemented approval between nos 112 & 118.

### **How can the committee approve this application?**

Should the committee be minded to approve this application, they need only record in the minutes that administrative fairness requires the Planning Department to consider un-implemented approvals when considering applications for wind turbines, retail developments and when assessing if the rural character of an area will or has been eroded.

If the Planning Department is content to consider un-implemented approvals when doing so may lead to an application being refused, they should be content to consider un-implemented approvals when doing so would lead to an approval.

Brendan Quinn

**ITEM NO** 24

**APPLIC NO** P/2015/0197/O

Outline **DATE VALID** 3/10/15

**COUNCIL OPINION** REFUSAL

**APPLICANT** Mr Keith Newell 19  
Ballynahatten Road  
Kilkeel

**AGENT** Glyn Mitchell 139  
Ballinran Road  
Kilkeel  
BT34 4JB  
07803177197

**LOCATION** 80m NE of No 19 Ballynahatten Road  
Kilkeel. (between site approved under P/2014/0652/RM and No 19 Ballynahatten Road  
Kilkeel)

**PROPOSAL** Demolition of existing building and site for infill dwelling and garage.

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

- 1 The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no established built up frontage for this proposal to comply with the infill criteria of CTY 8.
- 3 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS), Policy NH6 of Planning Policy Statement 2, Natural Heritage and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lies in a designated Area of Outstanding Natural Beauty and the development would harm the special character of the area by reason of its siting which would create a ribbon of development along the Tullyframe Road and increase the impression of suburban-style build up.

**Council Newry, Mourne and Down**

**Date 2/15/17**

<b>ITEM NO</b>	<b>D1</b>		
<b>APPLIC NO</b>	P/2011/0841/F	Full	<b>DATE VALID</b> 9/26/11
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		
<b>APPLICANT</b>	Seamus M Gee	Care of Agent	<b>AGENT</b> John Cassidy and Company 9 James Street Omagh

**LOCATION** Approximately 230 metres South West of 12 Tullywinney Road Camlough

**PROPOSAL** Proposed installation of Wind Turbine to provide power to existing farm and excess to grid

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

- 1 The proposal is contrary to Criteria (i) of Policy RE1 Renewable Energy Development of the Department's Planning Policy Statement 18 Renewable Energy in that the proposed wind turbine will have an unacceptable impact on visual amenity and landscape character through its scale, size and siting.
- 2 The proposal is contrary to Criteria (vi) of Policy RE1 Renewable Energy Development of the Department's Planning Policy Statement 18 Renewable Energy in that the applicant has failed to demonstrate that the proposed wind turbine will not cause significant harm to the amenity of neighbouring sensitive receptors (including future occupants of committed developments) arising from noise.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 4 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that further details for Environmental Health were required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** P/2011/0841/F

**Date Received:** 26<sup>th</sup> September 2011

**Proposal:** Proposed installation of Wind Turbine to provide power to existing farm and excess to grid

**Location:** The site address is identified as Approximately 230 metres South West of 12 Tullywinney Road, Camlough. It is located approximately 5.6 km NW from Newry city centre and outside the settlement development limits of Camlough and is unzoned.

**Site Characteristics & Area Characteristics:**

The site is located in a central position in a field of improved agricultural grassland. The boundaries of this field are defined by hedging and a number of trees. This field is accessed via a laneway which adjoins Tullywinny Road with Carrowbane Road. The east boundary of this field adjoins this laneway. The topography of this field falls in a western direction from the laneway towards the rear/western boundary.

The site is located in a countryside location approximately 2.4 Km north-east of Belleek and 2.56 Km north-west of Camlough. The surrounding area is rural in nature and there are a number of single dwellings and agricultural buildings dispersed throughout the area. The landscape is undulating.

The closest development to the site is a replacement dwelling approved under previous application P/2006/1403/F.

**Site History:**

There is no relevant planning history for this application site.

**Planning Policies & Material Considerations:**

Strategic Planning Policy Statement (SPPS) for Northern Ireland,  
Banbridge, Newry and Mourne Area Plan 2015,  
Planning Policy Statement 2 (PPS2) – Natural Heritage.  
Planning Policy Statement 3 (PPS3) Access, Movement and Parking, Planning Policy.

Statement 6 (PPS6) – Planning, Archaeology and The Built Heritage, Planning Policy Statement 18 (PPS18) – Renewable Energy.  
PPS18 Best Practise Guidance, Wind Energy Development in Northern Ireland' s Landscape.

### **Consultations:**

There were 16 consultations issued for this proposal. Please see list below.

- National Air Traffic Services – No safeguarding objection to proposal (17/10/12)
- PSNI – Road Policing Unit – no response
- Arqiva Services Limites – No objection (26/10/11)
- CAA – Directorate of Airspace Policy – No objection (04/11/11)
- UK Crown Bodies – D.I.O LMS – No objections (10/01/12)
- Environmental Health – Errors identified within Acoustic report. The noise limits may be exceeded at the nearest non-associated NSR. Recommended planning approval not granted. (21/10/14)
- P.S.N.I Information and Communications Services – No objection (02/11/11)
- Transport NI – No objection (03/11/11)
- NIEA (Protecting Historic Monuments) – No archaeological objections to the proposal (15/03/12)
- Ofcom Northern Ireland – (12/12/11)
- Belfast International Airport – No safeguarding objection to proposal (19/01/12)
- The Joint Radio Company – JRT does not foresee any potential problems (21/02/12)
- NIEA (Natural Heritage) – No objection to the proposal (31/03/12)
- UK Crown Bodies – D.I.O Safeguarding – No safeguarding objections to the proposal (11/04/12)
- N.I Water – Windfarms – No objection (22/02/12)
- National Air traffic Services – no response

### **Objections & Representations**

The application was advertised in the local press on 4<sup>th</sup> October 2011. There were no neighbour notifications issued. A letter of support was received on 11<sup>th</sup> June 2013 and a further letter detailing financial involvement was received via email on 10<sup>th</sup> July 2014.

### **Consideration and Assessment: SPPS, PPS6 and PPS 18**

#### Public safety, human health, or residential amenity:

Concerns regarding shadow flicker affecting the closest residential property were raised with the agent. A shadow flicker impact assessment was submitted to address this issue. This assessment concluded that under worse case conditions, the maximum occurrence of shadow flicker amounts to 7.6 hours per year for duration of under 30 minutes per day. This is significantly less hours per year than the 30 hour

maximum limit recommended in The Best Practice Guide to PPS18. This assessment has therefore successfully addressed the shadow flicker concerns.

The Environmental Health Department of Newry and Mourne District Council were consulted in relation to this proposal. They requested a noise impact assessment to assess the potential for noise disturbance and made particular note to the potential noise disturbance of the dwelling approved under P/2006/1403/F. A letter of support for the proposal has been received by the planning department from an individual identifying himself as being the closest resident to the proposed wind turbine (28 Carrowbane Road). A further letter has been received from the owner of the property approved under P/2006/1403/F confirming he has a financial interest in this proposal; however no proof has been provided to demonstrate this.

Following the submission of the most recent noise impact assessment by the agent in July 2014, Environmental Health responded on 21 October 2014 to express their concerns that the noise limits may be exceeded at the nearest non-associated NSR. Further, they have identified errors with the noise report submitted and have requested a new report be submitted.

The agent was made aware of these concerns but no further information has been submitted to the planning department in respect of this. Attempts to contact the agent in December 2016 and January 2017 have been unsuccessful. Contact has been made with RMP Renewables who were involved with the application in 2014. It is their understanding the agent is no longer trading. They requested the application be withdrawn but were advised instructions to withdraw the application must come from the agent detailed on the P1 Form. As the applicant has failed to submit a noise impact assessment which successfully addresses concerns regarding potential noise disturbance the proposal fails to meet criteria (vi) of Policy RE1.

#### Visual Amenity

The site is located within Landscape Character Area 68 Carrigatuke Hills as detailed in the NIEA publication 'Wind Energy Development in Northern Ireland's Landscapes'. The overall sensitivity of this Landscape Character Area is noted as medium.

This application proposes one wind turbine with a 46 metre tower height (61 metres to tip). This visual impact of this wind turbine has been assessed from various vantage points (Please refer to pictures from various points along public roads in close vicinity.) Given the large scale of this wind turbine it will have an adverse impact on the surrounding landscape. Critical views are taken at various points along Carrowbane Road and Tullywinney Road. While views from Tullywinney Road immediately west of the site are limited due to the graduated land rise occurring between the road and the site, further north and south along this road the proposed wind turbine will appear prominent and is considered to have an unacceptable impact on visual amenity and landscape character given its scale and size and siting. The proposal is therefore considered contrary to criteria (i).

The Department has recently approved the erection of a wind turbine approximately 2.2 Km north of this site. (P/2011/1066/F) and the erection of 2 no. wind turbines approximately 1 Km north-east of this site (P/2012/0761/F) The separation distance



is considered adequate to avoid any negative implications and the cumulative impact is not considered significant.

Biodiversity, nature conservation or built heritage interests:

Policy BH2 The Protection of Archaeological Remains of Local Importance of PPS6 is a relevant consideration in relation to this proposal given the site is located to an archaeological site/monument. Historic Monuments Unit of Northern Ireland Environment Agency were consulted in relation to this proposal and did not raise any objections. The proposal is therefore not considered contrary to Policy BH2. NIEA in comments dated 31<sup>st</sup> March have raised no concerns in relation to Natural Heritage.

Local natural resources, such as air quality, water quality or quantity

This proposal will have no impact on natural resources such as air or water quality.

Public access to the countryside.

Public access to the countryside will not be affected by this proposal.

Electromagnetic interference

OFCOM identified BT as a fixed link which may be affected by this proposal. The Department has received email correspondence between the agent and Mr Dale Aitkenhead of BT Radio Frequency Allocation and Network Protection. Mr Aitkenhead has confirmed the proposed wind turbine should not cause interference to BT's current and presently planned radio networks. The applicant has therefore demonstrated this initial concern regarding this fixed link has been overcome.

**PPS3**

Transport NI comments dated 03.11.2011 have no objection.

**Recommendation:**

Refusal is recommended.

**Refusal Reasons**

1. Contrary to Policy RE1 (i) in that the proposed wind turbine will have an unacceptable impact on visual amenity and landscape character through its scale, size and siting.
2. Contrary to Policy RE1 (vi) in that the applicant has failed to demonstrate that the development will not cause significant harm to the amenity of neighbouring sensitive receptors (including future occupants of committed developments) arising from noise.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

4. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that further details for Environmental Health were required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

<b>Case Officer Signature:</b>
<b>Date:</b>
<b>Appointed Officer Signature:</b>
<b>Date:</b>

<b>ITEM NO</b>	<b>D3</b>			
<b>APPLIC NO</b>	P/2013/0317/O	Outline	<b>DATE VALID</b>	4/18/13
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Stephen & Emma Orr 28 Mount Newry BT34 2AW		<b>AGENT</b>	Raymond Mullen Newry BT34 2AW 07707675976
<b>LOCATION</b>	No. 18A Majors Hill Annalong Newry Co.Down BT344QR			
<b>PROPOSAL</b>	Replacement Dwelling			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	0	1	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0 0 0

- 1 The proposed development is contrary to Criteria A of Policy QD 1 of the Department's Planning Policy Statement 7: Quality Residential Environments and associated guidance, in that it would, if permitted, fail to respect the surrounding context and is not appropriate to the character of the area in terms of layout, scale and proportions.
  
- 2 The proposal is contrary to Policy LC 1 (Criterion B) of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas in that the development would impact adversely on the character, environmental quality and amenity of the established residential area by reason of overdevelopment, resultant overbearing, overshadowing and overlooking effects and loss of privacy on neighbouring properties (No's 20, 20a and 22 Majors Hill and No.'s 29 and 30 Kilhorne Green) and in turn would suffer similar harm from existing neighbouring dwelling No. 22 Majors Hill.
  
- 3 The proposal is contrary to criterion C of Policy QD 1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that it would, if permitted, impact adversely on the existing private amenity space provision of neighbouring dwelling No. 22 and the proposal has failed to make adequate and appropriate provision for circulation and turning of vehicles.
  
- 4 The proposal is contrary to criterion H of Policy QD 1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that it would, if permitted, harm the living conditions of adjacent residents (No's 20, 20a and 22 Majors Hill and No.'s 29 and 30 Kilhorne Green) by reason of overdevelopment, resultant overbearing, overlooking and loss of privacy and in turn would suffer similar harm from existing neighbouring dwelling No. 22.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: P/2013/0317/O**

**Date Received: 22.04.2013**

**Proposal: Replacement Dwelling**

**Location: No. 18A Majors Hill Annalong Newry Co.Down BT344QR**

**Site Characteristics & Area Characteristics:**

The dwelling to be replaced is No. 18A Majors Hill, Annalong. This is a detached two storey dwelling that is gable ended onto the road. It is set back from the roadside approximately 22 metres behind No. 20 Majors Hill, a detached dormer bungalow.

No. 18A is an I-shaped dwelling that has a footprint of 4 metres by 6.5 metres. It has a rough dashed finish and white upvc windows. It is set in a concrete yard and is accessed via a drive that leads up to No. 22 Majors Hill.

The sites south eastern boundary is defined partly by a 2m high boundary wall and partly by the side of an existing garage/shed, the north eastern boundary is undefined on the ground. The north western boundary runs along the rear of property No. 20 and is undefined on the ground. The south-western boundary is defined by a 2 m high boundary wall which separates the site from rear gardens of properties at Kilhorn Green. The site consists of yard area and an existing shed/garage which appear to be associated with property No. 22 and the dwelling to be replaced, No 18A.

The dwelling to be replaced is located within the settlement development limit of Annalong as defined by the Banbridge, Newry and Mourne Area Plan 2015. This is a residential area that comprises a mixture of house types. To the south of the site is the housing development Kilhorn Green, a cul de sac of semi detached single storey dwellings with a terrace of two storey houses. The site is located to the rear of properties at Kilhorn Green and No. 20 Majors Hill and to the front of No. 22 Majors Hill.

To the north west of the site there is similar development with a dwelling built to the rear of No 26.

#### **Site History:**

P/2012/0174/O - Site for dwelling - refusal as contrary to PPS 7 QD 1 and LC 1.

P/1998/0879/O - Erection of dwelling - refusal overdevelopment and impact on amenity.

P/2001/0717/O - Site for dwelling and detached garage - 22 Majors Hill, Annalong - Refused - Over-development, inadequate amenity space. impact on amenity, inadequate sight lines.

P/2003/1981/O - Site for dwelling and integral garage. - Adjacent to no. 22 and between no's. 20 & 24 Majors Hill, Annalong, Newry - Approval

P/2005/0298/RM - Erection of dwelling Adjacent to No 22 and between Nos 20 & 24 Majors Hill, Annalong, Newry - Approval

P/2003/1163/F - Sunroom - 22 Majors Hill, Annalong, Co.Down - Approval.

#### **Consultations:**

*Please list consultees and their responses.*

#### **Objections & Representations**

*The case officer must advise of the number of neighbour notifications issued and date advertised. They must also detail the responses and issues raised.*

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

The building to be replaced is located within the development limit of Attical in the Banbridge, Newry and Mourne Area Plan 2015.

PPS 7 requires that planning permission is only granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential development, Policy QD 1.

All proposals for residential development will be expected to conform to all of the following criteria:

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas; Proposals for new residential developments are expected to conform to all the criteria set out in Policy QD 1 of PPS 7. Policy LC1 of PPS7 Addendum Safeguarding the Character of established Residential Area is also relevant.

It is my opinion that this proposal has fails to comply with criteria (a) of Policy QD 1 in that it fails to respect its surrounding context of development and is inappropriate to the character of the site in terms of its layout. The siting does not respect the existing pattern of development exhibited along Majors Hill Road. It involves the development of a small area sandwiched between the properties at Kilhorn Green and residences No. 22 and No. 20 Major Hill Road, utilising an existing access to No. 22.

(b) No important natural or built heritage features are located in or closely surrounding the site.

(c) I do not believe the site has the capacity to provide adequate private open space due to the layout and orientation of surrounding properties.

A proposal of this scale would not be required to provide any public space.

The proposal does not present any issue with regard to criteria (d) (provision of neighbourhood facilities), (e) (walking and cycling routes, traffic calming measures) and (i) (crime deterrents) of Policy QD1.

(f) DRD Roads Service have no objections to the proposal subject to a 1:500 (minimum) site survey being submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached RS1 form. There is sufficient scope within the site for adequate and appropriate provision of parking.

(g) It is considered that the proposed design, form, materials and detailing of any dwelling can be reserved until detailed planning stage.

(h) There would be concerns with the layout of the proposal due to its potential conflict and impact on amenity of residents at No. 22 and No. 20 Majors Hill and adjacent properties to the south and east located within Kilhorn Green development. It would be difficult to develop this site and avoid overlooking, dominance and loss of privacy on neighbouring dwellings, particularly of No. 20 and No. 22 where there is the potential for intrusive, direct and uninterrupted views into the rear and front respectively. Conversely, it is also my opinion that the amenity of the dwelling proposed will be directly affected by overlooking, dominance and lack of privacy from No. 22 due to its close proximity.

It also considered that the proposal also fails to comply with criteria (b) of Policy LC1 of PPS7 Addendum Safeguarding the Character of established Residential Area in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area along Majors Hill. This proposal is unreasonably close to adjacent dwellings and would leave only very limited spacing between buildings.

Neighbour notification has been carried out as appropriate and the application has been advertised in accordance with the Department's statutory obligations. At the time of writing no third party objections have been received.

Consultations have been sent to Roads Service, NI Water and Environmental Health. Responses are summarised as follows:  
Environmental Health, Roads Service and NI Water have no objections.

Summary:

Following careful consideration of all relevant policies, it is my opinion that this proposal should be refused. It is considered that it is not in keeping with the character of the existing layout of development in this area and would result in overdevelopment. I would also have concerns with regard to the potential impact on amenity of adjacent dwellings No. 20 and No. 22 and adjacent properties at Kilhorn Green in terms of overlooking, dominance and loss of privacy. There would also be



concerns that the dwelling to be replaced does not have planning permission and therefore is not eligible for replacement. Also given the recent refusal, P/2012/0174/O, on the site, and there being no change in the site a recommendation of refusal is made.

Refusal is recommended - The proposal has failed to comply with criteria (a), (c) and (h) as set out in Policy QD 1 of PPS 7, along with guidance set out in DCAN 8 and PPS12 and with criteria (b) of Policy LC 1 PPS7 Addendum Safeguarding the Character of established Residential Area.

**Recommendation:**

Refusal

**Refusal Reasons/ Conditions:**

The proposed development is contrary to Criteria A of Policy QD 1 of the Department's Planning Policy Statement 7: Quality Residential Environments and associated guidance, in that it would, if permitted, fail to respect the surrounding context and is not appropriate to the character of the area in terms of layout, scale and proportions.

The proposal is contrary to Policy LC 1 (Criterion B) of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas in that the development would impact adversely on the character, environmental quality and amenity of the established residential area by reason of overdevelopment, resultant overbearing, overshadowing and overlooking effects and loss of privacy on neighbouring properties (No's 20, 20a and 22 Majors Hill and No.'s 29 and 30 Kilhorne Green) and in turn would suffer similar harm from existing neighbouring dwelling No. 22 Majors Hill.

The proposal is contrary to criterion C of Policy QD 1 of the Department's Planning Policy Statement 7; Quality Residential Environments in that it would, if permitted, impact adversely on the existing private amenity space provision of neighbouring dwelling No. 22 and the proposal has failed to make adequate and appropriate provision for circulation and turning of vehicles.

The proposal is contrary to criterion H of Policy QD 1 of the Department's Planning Policy Statement 7; Quality Residential Environments in that it would, if permitted, harm the living conditions of adjacent residents (No's 20, 20a and 22 Majors Hill and No.'s 29 and 30 Kilhorne Green) by reason of overdevelopment, resultant overbearing, overlooking and loss of privacy and in turn would suffer similar harm from existing neighbouring dwelling No. 22.

## Newry, Mourne & Down District Council – January 2017

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### 1. Live Applications

MONTH 2016/17	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	138	1,389	436
May	121	1,335	455
June	162	1,178	418
July	106	1,147	425
August	131	1,089	405
September	133	1,048	394
October	132	1,026	392
November	132	1,007	355
December	124	1,016	333
January 2017	118	1,029	326

## Newry, Mourne & Down District Council – January 2017

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### 2. Live Applications by length of time in system

Month 2016/17	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	583	370	222	66	148	1,389
May	549	331	222	86	147	1,335
June	511	249	195	77	146	1,178
July	501	221	196	78	151	1,147
August	480	204	162	99	144	1,089
September	472	182	150	97	147	1,048
October	462	172	135	103	154	1,026
November	483	169	115	100	140	1,007
December	496	187	99	97	137	1,016
January 2017	523	180	90	97	139	1,029

### 3. Live applications per Case Officer

Month 2016/17	Average number of Applications per Case Officer
April	58
May	56
June	47
July	46
August	44
September	40
October	41
November	46
December	51
January 2017	54

### 4. Decisions issued per month



## Newry, Mourne & Down District Council – January 2017

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Month 2016/17	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	168	163
May	174	169
June	298	273
July	141	114
August	180	162
September	160	140
October	145	122
November	141	102
December	106	85
January 2017	102	79

### 5. Decisions Issued YTD

## Newry, Mourne &amp; Down District Council – January 2017

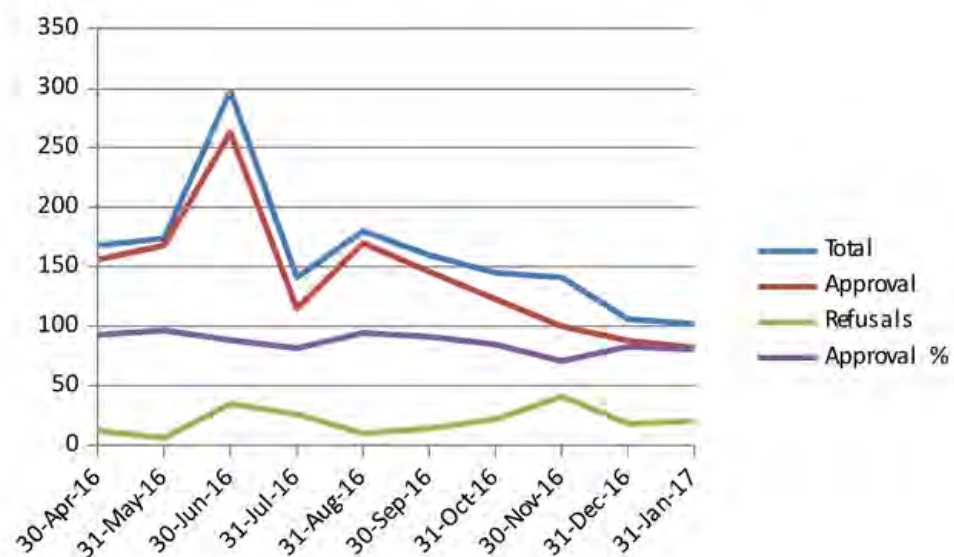
204

Month 2016/17	Number of Decisions Issued	Breakdown of Decisions	
April	168	Approvals (156)	93 %
		Refusals (12)	7%
May	342	Approvals (324)	95 %
		Refusals (18)	5%
June	640	Approvals (587)	92 %
		Refusals (53)	8%
July	781	Approvals (702)	90 %
		Refusals (79)	10 %
August	961	Approvals (872)	91 %
		Refusals (89)	9%
September	1,121	Approvals (1018)	91 %
		Refusals (103)	9%
October	1,266	Approvals (1141)	90 %
		Refusals (125)	10 %
November	1,407	Approvals (1241)	88 %
		Refusals (166)	12 %
December	1,513	Approvals (1329)	88 %
		Refusals (184)	12 %
January 2017	1,615	Approvals (1,411)	87 %
		Refusals (204)	13 %

## Newry, Mourne & Down District Council – January 2017

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### DECISIONS ISSUED FROM 1 April 2016 to 31 January 2017



### 6. Enforcement Live cases

Month 2016/17	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	185	119	97	56	23	78	558
May	190	113	101	58	24	77	563
June	217	119	104	56	27	79	602
July	220	117	94	64	28	77	600
August	231	125	87	72	32	75	622
September	240	129	86	83	35	77	650
October	248	129	90	84	34	80	665
November	285	126	90	83	35	77	696
December	283	133	82	85	37	83	703
January 2017	296	129	90	87	41	84	727



## Newry, Mourne & Down District Council – January 2017

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### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
8 June 2016	13	9	4
29 June 2016	35	25	10
6 July 2016	22	9	13*
3 August 2016	27	14	13
10 August 2016	4	2	2
31 August 2016	12	10	2
28 Sept & 5 Oct 2016	59	31	28
26 October 2016	30	21	9
10 November 2016	30	23	7
23 November 2016	31	22	9
7 December 2016	30	14	16
21 December 2016	22	14	8
18 January 2017	34	19	15
<b>Totals</b>	<b>405</b>	<b>254</b>	<b>151</b>

\*2 Applications called in by DfI

### 8. Appeals

#### Planning Appeal Commission Decisions issued during January 2017

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	28	3	1	2	0
Down	8	0	0	0	0
<b>TOTAL</b>	<b>36</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>0</b>

## Newry, Mourne &amp; Down District Council – January 2017

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9. **Statutory Targets Performance Data**

Statutory targets monthly update to April to December 2016  
(unvalidated management information)  
Newry, Mourne and  
Down

	Major applications (target of 30 weeks)			Local applications (target of 15 weeks)			Cases concluded (target of 39 weeks)		
	Number decided / withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number decided / withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	3	42.6	33.3%	164	31.0	18.9%	13	37.2	69.2%
May	2	149.3	0.0%	168	25.5	23.8%	31	92.5	45.2%
June	4	68.9	0.0%	285	27.0	22.5%	2	0.0	0.0%
July	1	159.2	0.0%	133	22.4	36.8%	25	83.4	44.0%
Aug ust	3	90.0	0.0%	173	19.4	42.8%	-	0.0	0.0%
Sept	6	163.4	0.0%	158	19.5	42.4%	7	42.0	71.4%
Oct	1	75.2	0.0%	129	16.4	47.3%	4	19.8	100.0%
Nov	2	121.6	0.0%	145	28.0	33.1%	23	58.4	39.1%
Dec	1	30.0	100.0%	108	22.8	39.8%	22	29.6	81.8%
Jan	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Feb	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
Mar	-	0.0	0.0%	-	0.0	0.0%	-	0.0	0.0%
<b>Year to date</b>	<b>23</b>	<b>88.4</b>	<b>8.7%</b>	<b>1,470</b>	<b>23.3</b>	<b>34.1%</b>	<b>127</b>	<b>56.7</b>	<b>56.7%</b>

Source: NI  
Planning Portal

**Note**

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.



## Record of meetings between Planning Officers and Public Representatives

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
8/01/2016	A McKay, P Rooney, D Watson	Seán Rogers MLA, Cllr Willie Clarke, Cllr Mark Murnin
12/01/2016	P Rooney, M Keane	Cllr Stephen Burns
14/01/16	A McKay	Margaret Ritchie MLA
20/01/2016	P Rooney	Cllr Cadogan Enright
25/01/2016	D Watson	Margaret Ritchie MLA
27/01/16	M Keane	Seán Rogers MLA
17/02/16	Jacqui McParland	Declan McAteer
19/02/16	Jacqui McParland	Jarlath Tinnelly
22/02/16	Jacqui McParland	Michael Ruane
22/02/16	Jacqui McParland	Gillian Fitzpatrick
24/02/16	David Watson	Seán Rogers MLA
25/02/16	Andrew Hay, James King	Seán Rogers MLA
25/02/2016	Annette McAlarney	Seán Rogers MLA
25/02/16	Anthony McKay	Margaret Ritchie MLA
26/02/16	M Keane	Cllr McGrath
15/03/16	J McParland	Cllr M Ruane
16/03/2016	J McParland	Sean Rogers
25/03/16	A Davidson	Cllr Taylor
30/03/16	J McParland	Seán Rogers MLA
5/4/16	A McKay	Seán Rogers MLA
8/4/16	A McKay	Margaret Ritchie MLA
12/04/2016	Annette McAlarney	Cllr Curran
14/04/2016	J McParland	Cllr Declan McAteer
25/04/2016	J McParland	Cllr Tinnelly
27/04/2016	J McParland	Cllr Tinnelly
28/04/2016	Annette McAlarney	Cllr Burgess
29/04/2016	Annette McAlarney	Cllr McGrath
18/05/2016	Annette McAlarney	Cllr Curran
23/05/2016	A McKay	Cllr Ó Gribin
10/6/16	P Rooney & J McParland	Carla Lockhart MLA
14/06/2016	J McParland	Cllr Quinn
14/06/2016	J McParland A McKay P Rooney	Cllr Tinnelly
15/6/16	P Rooney	Cllr G Fitzpatrick
15/06/2016	P Rooney A McKay	Harold McKee MLA, J Tinnelly & G Fitzpatrick
16/06/2016	J McParland	Cllr Quinn
20/06/2016	Clare Miskelly	Cllr Dermot Curran
21/06/2016	J McParland	Cllr Taylor
21/06/2016	J McParland	Cllr Hanna
27/06/2016	J McParland	Cllr Tinnelly



## Record of meetings between Planning Officers and Public Representatives

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30/06/2016	A McKay	Margaret Ritchie MP
4/07/2016	Andrew Hay	Jim Shannon MP
08/07/2016	J McParland	Cllr Quinn Cllr Doran
14/07/2016	P Rooney	Cllr W Clarke
21/07/2016	Anthony McKay	Margaret Ritchie MP
26/7/2016	J McParland	Sean Doran
27/07/2016	J McParland	J Tinnelly
08/08/2016	J McParland	J Tinnelly
8/08/16	A Hay M Keane	Colin McGrath MLA
11/08/16	Andrew Hay	Cllr Walker Cllr Curran
25/08/16	Anthony McKay	Cllr O'Gribin
30/08/16	Pat Rooney	Cllr Ruane
1 /9/16	Anthony McKay	M Ritchie MP
02/09/2016	A McAlarney Mark Keane	Cllr Willie Clarke
02/09/2016	A McAlarney	Cllr Willie Clarke
06/09/2016	Pat Rooney/Andrew Davidson	Cllr Terry Hearty
08/09/2016	Annette McAlarney Catherine Moane	Colin McGrath MLA
08/09/2016	Pat Rooney	Cllr David Taylor MLA and Danny Kennedy MLA
14/9/16	Pat Rooney	Cllr Terry Hearty
14/9/16	Anthony McKay	Wm Erwin MLA
15/09/2016	Pat Rooney	Cllr Terry Hearty
23/09/2016	Pat Rooney/Andrew Davidson	Harold McKee MLA, David Taylor MLA
29/09/2016	Pat Rooney	Cllr Terry Hearty
11/10/16	Andrew Davidson	Cllr Tinnelly
13/10/16	Andrew Hay	Margaret Ritchie MP
14/10/16	Pat Rooney & Andrew Davidson	Justin McNulty MLA
14/10/2016	Jacqui McParland	Cllr B Quinn
17/10/2016	Annette McAlarney	Cllr Curran
18/10/2016	Jacqui McParland	Cllr Doran
01/11/2016	Annette McAlarney	Cllr Harvey & Cllr Walker
3/11/16	Anthony McKay	Margaret Ritchie MP
07/11/2016	Jacqui McParland Anthony McKay	Cllr Reilly
	Anthony McKay	Cllr Naomi Bailie
11/11/2016	Annette McAlarney	Cllr Walker
14/11/2016	Annette McAlarney	Cllr Andrews
18/11/2016	Annette McAlarney	Cllr Walker
18/11/2016	Annette McAlarney	Colin McGrath MLA
24/11/2016	David Watson	Colin McGrath MLA

## Record of meetings between Planning Officers and Public Representatives

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24/11/2016	Anthony McKay	M Ritchie MP
25/11/2016	Jacqui McParland	Cllr Taylor
02/12/2016	Annette McAlarney	Cllr Andrews and Walker
15/12/16	Anthony McKay	Margaret Ritchie MP
5/1/17	Anthony McKay	Margaret Ritchie MP

## Current Appeals

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**AUTHORITY**      **Newry, Mourne and Down**

<b>ITEM NO</b>	1	<b>PAC Ref:</b>	2016/A0005
<b>Planning Ref:</b>	P/2014/0303/O		
<b>APPELLANT LOCATION</b>	Michael Horner Adjacent To And North Of 36 Belmont Road Kilkeel		
<b>PROPOSAL</b>	<sup>Newry</sup> Erection of Infill Dwelling and Detached Garage		

<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	<b>05/04/2016</b>
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

<b>ITEM NO</b>	2	<b>PAC Ref:</b>	2016/A0041
<b>Planning Ref:</b>	P/2014/0853/F		
<b>APPELLANT LOCATION</b>	S Meade To The Immediate North And East Of 16 Rostrevor Road Hilltown.		
<b>PROPOSAL</b>	Retention of two light industrial units, erection of three light industrial units.		

<b>APPEAL TYPE</b>	Plg Refusal: permissions	<b>Date Appeal Lodged</b>	<b>01/07/2016</b>
<b>Appeal Procedure</b>	<b>Informal Hearing</b>		
<b>Date of Hearing</b>		<b>16/09/2016</b>	
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			



## Current Appeals

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<b>ITEM NO</b>	<b>3</b>		
<b>Planning Ref:</b>	P/2015/0236/F	<b>PAC Ref:</b>	2016/A0073
<b>APPELLANT</b>	Mr Francis McGuinness		
<b>LOCATION</b>	Lands To The Rear Of No 41 Newtown Road Killeen		
<b>PROPOSAL</b>	Newry Extension to existing dwelling curtilage and erection of domestic garage.		
<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>28/06/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>4</b>		
<b>Planning Ref:</b>	P/2015/0221/F	<b>PAC Ref:</b>	2016/A0074
<b>APPELLANT</b>	Mr Francis McGuinness		
<b>LOCATION</b>	Adjacent And South Of No 41 Newtown Road Killeen		
<b>PROPOSAL</b>	Newry Erection of Vehicle Maintenance Shed and retention of existing yard for the storage of vehicles.		
<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>28/06/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

213

<b>ITEM NO</b>	<b>5</b>		
<b>Planning Ref:</b>	LA07/2015/0455/F	<b>PAC Ref:</b>	2016/A0106
<b>APPELLANT LOCATION</b>	Fergal O'Hanlon 15 Kearney Crescent Whitecross Armagh		
<b>PROPOSAL</b>	Retention of part boundary walls piers and railings		

<b>APPEAL TYPE</b>	P1g Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/08/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>		
<b>Planning Ref:</b>	LA07/2015/0921/C	<b>PAC Ref:</b>	2016/A0107
<b>APPELLANT LOCATION</b>	Noel McLoughlin Adjacent And Immediately South Of No 5 Greenan Lough Road And Fronting Mullavat Road		
<b>PROPOSAL</b>	<sup>Newry</sup> Dwelling and domestic garage on gap site		

<b>APPEAL TYPE</b>	P1g Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	24/08/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

214

<b>ITEM NO</b>	<b>7</b>		
<b>Planning Ref:</b>	LA07/2015/1246/C	<b>PAC Ref:</b>	2016/A0112
<b>APPELLANT</b>	Terence J O'Hare		
<b>LOCATION</b>	60m North West Of No 25 Church Rock Road Carrickbracken		
<b>PROPOSAL</b>	Camloagh Replacement dwelling and garage on farm land		

<b>APPEAL TYPE</b>	P1g Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>31/08/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>		
<b>Planning Ref:</b>	LA07/2015/1287//	<b>PAC Ref:</b>	2016/A0113
<b>APPELLANT</b>	Morrisons Vivomed		
<b>LOCATION</b>	Morrisons Vivoxtra 1 Ballynahinch Road Saintfield		
<b>PROPOSAL</b>	Illuminated digital display panel to replace existing signage board on external totem adjacent to car park entrance		

<b>APPEAL TYPE</b>	P1g Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>01/09/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

215

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	LA07/2015/0546/F	<b>PAC Ref:</b>	2016/A0118
<b>APPELLANT LOCATION</b>	Jane Magee Approx 70m South East 71 Ardglass Road Ballyhornan		
<b>PROPOSAL</b>	Downpatrick Retention of building with alterations to be used as farm shed and animal handling facility in substitution for agricultural building granted permission under R/2007/1021/F. (additional information)		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>13/09/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	LA07/2015/1109/F	<b>PAC Ref:</b>	2016/A0125
<b>APPELLANT LOCATION</b>	Noel Mckinely Adjacent To No.24 And Opposite Nos 19 And 20 Tudor Mews Upper Dromore Road		
<b>PROPOSAL</b>	Warrenpoint Proposed 2 No. Apartments		
<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

216

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	R/2014/0576/F	<b>PAC Ref:</b>	2016/A0127
<b>APPELLANT</b>	Mr D Orr		
<b>LOCATION</b>	West Of 109 Barnamaghery Road Crossgar		
<b>PROPOSAL</b>	Erection of wintering shed for livestock and retention of existing fodder storage shed on part foundation of original shed on site.		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>22/09/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2015/0969/C	<b>PAC Ref:</b>	2016/A0129
<b>APPELLANT</b>	Liam McDonnell		
<b>LOCATION</b>	Approx 50m South East Of No 41a Aughnagun Road Derryleckagh Newry Co. Down		
<b>PROPOSAL</b>	Dwelling and Garage on infill site		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	<b>28/09/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

217

<b>ITEM NO</b>	<b>13</b>		
<b>Planning Ref:</b>	P/2014/0649/O	<b>PAC Ref:</b>	2016/A0135
<b>APPELLANT LOCATION</b>	Mr Joseph Walls 60 Metres East Of No.20 Sandbank Road Hilltown County Down BT34 5XU		
<b>PROPOSAL</b>	Site for Farm Dwelling (amended address)		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>13/10/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>14</b>		
<b>Planning Ref:</b>	P/2014/0678/F	<b>PAC Ref:</b>	2016/A0139
<b>APPELLANT LOCATION</b>	Mr Frank King 33a Flagstaff Road Fathom Lower Newry		
<b>PROPOSAL</b>	Retention of existing fuel sales business to include existing hard standing area and portacabin		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	<b>17/10/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

218

<b>ITEM NO</b>	<b>15</b>		
<b>Planning Ref:</b>	P/2014/0670/F	<b>PAC Ref:</b>	2016/A0140
<b>APPELLANT</b>	Mr Frank King		
<b>LOCATION</b>	Lands To The Rear Of No. 33 Flagstaff Road And Associated Farm Complex (shed Approx. 45 Metres To The West Of Existing Dwelling With Hardstanding Extending Approx. 50 Metres Further West And Retention of existing shed and hard standing area for agricultural purposes (revised address and plans)		
<b>PROPOSAL</b>			

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	<b>17/10/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>16</b>		
<b>Planning Ref:</b>	LA07/2015/0308/C	<b>PAC Ref:</b>	2016/A0142
<b>APPELLANT</b>	David And Maura De Mello		
<b>LOCATION</b>	In Front Of 113 Dunmore Road Ballynahinch.		
<b>PROPOSAL</b>	Replacement dwelling and refurb of outhouse		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>18/10/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

219

**ITEM NO** 17  
**Planning Ref:** LA07/2015/0310/C **PAC Ref:** 2016/A0147  
**APPELLANT** Padraig And Adrian Walsh  
**LOCATION** Land 175m North West Of 196 Lackan Road  
 Kilcoo  
**PROPOSAL** <sup>Newly</sup> Proposed single storey detached dwelling and garage on a farm

**APPEAL TYPE** Plg Refusal; permissions  
**Appeal Procedure** **Date Appeal Lodged** 28/10/2016  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 18  
**Planning Ref:** LA07/2015/0877/F **PAC Ref:** 2016/A0148  
**APPELLANT** Mr Diarmid Sloan  
**LOCATION** 10 Tullybrannigan Brae  
 Newcastle  
 BT33 0DG  
**PROPOSAL** Roof space conversion, replacement roof and 2 storey extension

**APPEAL TYPE** Plg Refusal; permissions  
**Appeal Procedure** **Written Reps** **Date Appeal Lodged** 01/11/2016  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

220

<b>ITEM NO</b>	<b>19</b>		
<b>Planning Ref:</b>	LA07/2016/0240/F	<b>PAC Ref:</b>	2016-A0150
<b>APPELLANT LOCATION</b>	Wayne Morton 30m North Of 28 Tunnel Road Jerretspass		
<b>PROPOSAL</b>	<sup>Newly</sup> Replacement single storey 3 bed dwelling with single storey 4 bed dwelling		
<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>03/11/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>		
<b>Planning Ref:</b>	LA07/2016/0240/F	<b>PAC Ref:</b>	2016/A0150
<b>APPELLANT LOCATION</b>	Wayne Morton 30m North Of 28 Tunnel Road Jerretspass		
<b>PROPOSAL</b>	<sup>Newly</sup> Replacement single storey 3 bed dwelling with single storey 4 bed dwelling		
<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	<b>03/11/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

221

<b>ITEM NO</b>	<b>21</b>		
<b>Planning Ref:</b>	LA07/2015/0009/F	<b>PAC Ref:</b>	2016/A0151
<b>APPELLANT</b>	Mrs Kathleen McKeivitt		
<b>LOCATION</b>	Approximately 75m North Of No 26 Jack's Road (access From Clontigora Road)		
<b>PROPOSAL</b>	Killeen Erection of farm dwelling and garage		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	<b>04/11/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>22</b>		
<b>Planning Ref:</b>	P/2013/0938/F	<b>PAC Ref:</b>	2016/A0157
<b>APPELLANT</b>	John Morgan		
<b>LOCATION</b>	220 Metres West Of 6 Tamary Road Mayobridge		
<b>PROPOSAL</b>	225 kw wind turbine with 30 metre mast and 29 metre rotor for electricity production		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>15/11/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

222

<b>ITEM NO</b>	<b>23</b>		
<b>Planning Ref:</b>	R/2015/0078/O	<b>PAC Ref:</b>	2016/A0163
<b>APPELLANT LOCATION</b>	Mrs M Dodds Lands 20m North East Of 65 Tollymore Road Newcastle		
<b>PROPOSAL</b>	Proposed infill site for 1no dwelling and garage within gap site along an existing continuously built up frontage.  (Amended proposal)		
<b>APPEAL TYPE</b>	P1g Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>23/11/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>24</b>		
<b>Planning Ref:</b>	LA07/2015/1244/F	<b>PAC Ref:</b>	2016/A0166
<b>APPELLANT LOCATION</b>	Barney Mackin 19.3m North-East Of No27B Derrycraw Road Derrycraw		
<b>PROPOSAL</b>	<del>Newry</del> Erection of farm dwelling and garage		
<b>APPEAL TYPE</b>	P1g Refusal; permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	<b>30/11/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

223

<b>ITEM NO</b>	<b>25</b>		
<b>Planning Ref:</b>	LA07/2016/1041/C	<b>PAC Ref:</b>	2016/A0172
<b>APPELLANT</b>	Joseph O'Hare		
<b>LOCATION</b>	Lands North Of And Adjacent To 53 Mayo Road Mayobridge		
<b>PROPOSAL</b>	<sup>Newly</sup> Dwelling and domestic garage on gap/infill site (amended address)		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	<b>05/12/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>26</b>		
<b>Planning Ref:</b>	LA07/2016/0812/C	<b>PAC Ref:</b>	2016/A0173
<b>APPELLANT</b>	George Kelly		
<b>LOCATION</b>	Between No. 54 & 54a Mill Road Mullaghbawn		
<b>PROPOSAL</b>	<sup>Newly</sup> New dwelling with domestic garage. Gap/Infill site		

<b>APPEAL TYPE</b>	Plg Refusal: permissions		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	<b>05/12/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

224

<b>ITEM NO</b>	<b>27</b>		
<b>Planning Ref:</b>	LA07/2016/0731/C	<b>PAC Ref:</b>	2016/A0174
<b>APPELLANT LOCATION</b>	Ms Sheena Gribben 60 Metres South East Of 47 Castlewellan Road Hilltown		
<b>PROPOSAL</b>	Site for dwelling and garage on farm		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>07/12/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>28</b>		
<b>Planning Ref:</b>	LA07/2015/1315/C	<b>PAC Ref:</b>	2016/A0184
<b>APPELLANT LOCATION</b>	Clare Ferris Between 16 And 20 Lough Road Crossgar		
<b>PROPOSAL</b>	RT30 QNT Proposed Dwelling on in-fill site under Policy CTY 8 Ribbon Development		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>15/12/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

225

<b>ITEM NO</b>	<b>29</b>		
<b>Planning Ref:</b>	LA07/2016/0381/C	<b>PAC Ref:</b>	2016/A0185
<b>APPELLANT LOCATION</b>	Mr Matt Burns Opposite No. 107 Kilbroney Road Rostrevor		
<b>PROPOSAL</b>	Proposed farm retirement dwelling		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	<b>15/12/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>30</b>		
<b>Planning Ref:</b>	LA07/2015/1391/C	<b>PAC Ref:</b>	2016/A0186
<b>APPELLANT LOCATION</b>	Mr Seamus McLoughlin 70 Metres North West Of No.10 Mayo Road Mayobridge RT31 2HΔ		
<b>PROPOSAL</b>	Proposed dwelling on a farm		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>15/12/2016</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

226

<b>ITEM NO</b>	<b>31</b>	<b>PAC Ref:</b>	2016/A0192
<b>Planning Ref:</b>	LA07/2016/0802/C		
<b>APPELLANT</b>	Darren O'Hagan		
<b>LOCATION</b>	60m NE Of 11a New Line Road Hilltown		
<b>PROPOSAL</b>	Newry Site for dwelling and detached garage		

<b>APPEAL TYPE</b>	Plg Refusal; permissions	<b>Date Appeal Lodged</b>	30/12/2016
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>32</b>	<b>PAC Ref:</b>	2016/A0197
<b>Planning Ref:</b>	P/2014/0972/O		
<b>APPELLANT</b>	Edward Ryan		
<b>LOCATION</b>	15 Ryanstown Road Newry		
<b>PROPOSAL</b>	RT34 2NG Site for dwelling (additional information submitted)		

<b>APPEAL TYPE</b>	Plg Refusal; permissions	<b>Date Appeal Lodged</b>	11/01/2017
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

227

<b>ITEM NO</b>	<b>33</b>		
<b>Planning Ref:</b>	LA07/2016/0510/C	<b>PAC Ref:</b>	2016/A0204
<b>APPELLANT LOCATION</b>	Robert Laurence Annett Adjacent And West Of 60 Corcreaghan Road Kilkeel		
<b>PROPOSAL</b>	RT34 ASI Dwelling on a farm		

<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	23/01/2017
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>34</b>		
<b>Planning Ref:</b>	LA07/2016/0396/L	<b>PAC Ref:</b>	2016/E0032LDC
<b>APPELLANT LOCATION</b>	Michelle McGivern 26A Greenan Lough Road (on Lands Associated With 26 Greenan Lough Road)		
<b>PROPOSAL</b>	Dwelling of temporary construction within the curtilage of an existing dwelling		

<b>APPEAL TYPE</b>	Plg Conditions		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	15/11/2016
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

228

<b>ITEM NO</b>	<b>35</b>		
<b>Planning Ref:</b>	LA07/2015/0166/L	<b>PAC Ref:</b>	2016-E0045
<b>APPELLANT LOCATION</b>	Mr Ronald Sloan 29 Leitrim Road Kilkeel		
<b>PROPOSAL</b>	A Certificate of Lawfulness confirming that the construction of the works undertaken were lawful under planning reference P/2009/0663/F and P/2009/1484/F, and therefore constitute a material start to the dwelling approved under reference P/2009/0663/F.		
<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>24/01/2017</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>36</b>		
<b>Planning Ref:</b>	LA07/2015/1217/C	<b>PAC Ref:</b>	LA07/2015/1217/O
<b>APPELLANT LOCATION</b>	Mr & Mrs Quinn Land Adjacent To And North East Of 20 Crohill Road Cobane		
<b>PROPOSAL</b>	Newly Site for replacement dwelling and garage (Off-site Replacement due to current proximity to public road.		
<b>APPEAL TYPE</b>	Plg Refusal; permissions		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	<b>18/01/2017</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacni.gov.uk

<b>Appeal Reference:</b>	2016/A0094
<b>Appeal by:</b>	Mr RL Annett
<b>Appeal against:</b>	Refusal of Full Planning Permission
<b>Proposed Development:</b>	Agricultural Building, Yard and Access
<b>Location:</b>	150m SW of 20 Council Road Kilkeel
<b>Planning Authority:</b>	Newry Mourne and Down District Council
<b>Application Reference:</b>	LA07/2015/0542/F
<b>Procedure:</b>	Written Representations with Commissioner's Site Visit on 8 <sup>th</sup> December 2016
<b>Decision by:</b>	Commissioner Helen Fitzsimons on 3 <sup>rd</sup> January 2017

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issues in this appeal are whether proposed development would be acceptable in principle in the countryside and if it would have an adverse impact on visual amenity and rural quality.
3. The proposed development lies outside any settlement limit or commitment in the Banbridge Newry and Mourne Area Plan 2015. There are no plans or policies within the plan pertaining to the appeal site. The policy framework for the determination of this appeal is therefore Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is Agricultural and Forestry Development carried out in accordance with Policy CTY 12.
4. The first requirement of Policy CTY 12 is that planning permission will be granted for development on an active and established holding. Paragraph 5.56 of the policy advises that for the purposes of determining the criteria for an active and established business will be that set out under Policy CTY 10. Criterion (a) of Policy CTY 10 states that the farm business is currently active and has been established for at least six years. In order to demonstrate this, applicants are told in paragraph 5.38 of Policy CTY 10 that they will need to provide the farm's Department of Agriculture and Rural Development (now Department of the Environment Agriculture and Rural Affairs DEARA) business ID number along with other evidence to prove active farming over the required period. The Planning



Authority holds the view that whilst the holding is established it is not currently active.

5. The appellant has provided his Farm Business ID number and that requirement of policy is met. It is normal practice that when presented with an application for either a dwelling or building on a farm where a Farm Business ID Number is presented that the Planning Authority consults DEARA to establish farming activity whose response is based on subsidies claimed. In this appeal the DEARA response dated 25<sup>th</sup> November 2015 stated that no subsidies had been claimed. However, I must also take other evidence of farming into account. I note a DEARA response dated 13<sup>th</sup> January 2014 in association with an application for planning permission for the retention of 'existing farm building and erection of new access' on land including the appeal site (Ref P/2013/0913/F) which said the appellant had been claiming farm subsidies. In that case the Planning Authority accepted that the holding was active and refused that proposal for other reasons by a decision notice dated 26<sup>th</sup> March 2015. The appellant told me that he owns seven pedigree sheep, which he purchased in August 2014 and for which he holds a flock number issued by DEARA. The Planning Authority did not dispute this but questioned the timing of the date on which he purchased his flock. I note that the sheep were purchased whilst planning application P/2013/0913/F was still under consideration and at a time when the Planning Authority considered the holding to be actively farmed. Given that there is no dispute that the appellant still has the sheep, and that the keeping of sheep is farming, I can only conclude that the holding is currently active as required by the policy. I am reinforced in this; as at my site visit I noted large round covered bales of hay in field one of the holding; and by undisputed photographic evidence, dated 2016, submitted with the appeal which shows field one being cut for hay; six sheep within a shed and drainage works being carried out at the appeal site. So whilst no subsidies have been claimed in this case I am satisfied that the planning history of the appeal site when taken with the other evidence presented is sufficient to demonstrate that the holding is currently active. The first requirement of policy is met.
6. The Planning Authority also raised objections under Criterion (a) of Policy CTY 12 which requires that development is necessary for the efficient use of the holding. The appellant's evidence is that the appeal site is some 5-6 miles away from the main farm buildings, which comprise a farm house and garage. He stated that the farm yard is restricted and there is no space for an additional farm shed. He keeps his sheep on the land he owns at Council Road. The shed is required for over wintering/shelter and also for keeping farm machinery, and whilst sheep do not generally need to be housed The Code of Recommendations for the Welfare of Livestock: Sheep recommends that housing may be required when animals are in poor health or in severe adverse weather conditions. I saw no farm machinery on the holding at the time of my site visit and the appellant did not give me any indication of the type of machinery he owns. I accept that the appellant carries out his animal husbandry activities at and around the appeal site, and that his current farm buildings and yard are not suitable for a shed in this location. At my site visit I saw no other suitable existing building on the farm. Given all of this I must conclude that the development for the purposes of animal husbandry is necessary for the efficient use of the holding. Criterion (a) is met.

7. The Planning Authority also raised objections under bullet point three of the policy which requires that in the case of new buildings the proposal is sited beside existing farm or forestry buildings. The existing farm buildings comprising a dwelling and garage are located some 5-6 miles from the appeal site. There is a large shed to the rear which is associated with the appellant's sand and gravel business. Adjacent to this is field one as identified on the farm maps. The final paragraph of Policy CTY 12 states that exceptionally, consideration may be given to an alternative site away from existing farm buildings providing there are no other sites available at another group of building on the holding and where in accordance with bullet point two of this part of the policy there are demonstrable health and safety reasons. Field one is extensive in size and separated from the large commercial shed by a laneway and vegetation. I was given no demonstrable health and safety reasons, why a shed for shelter of animals could not be provided in this field. An undetermined application for planning permission for a dwelling on field one can carry little weight as it is not a firm proposal. In any event I have seen no evidence as to what extent of field one would be required for this dwelling if that application were to succeed. Bullet point three is not met.
8. The presence of a shed having been located on the appeal site some years ago and the reason for its location is not determining in this appeal.
9. As I have concluded that bullet point three of Policy CTY 12 of PPS 21 is not met the Planning Authority has sustained its first reason for refusal.
10. Policy CTY 13 'Integration and the Design of Buildings' states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where it fails one of seven stated criteria. The Planning Authority raised objections under criterion (d) ancillary works do not integrate with their surroundings. Policy CTY 14 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. A new building will be unacceptable in five stated circumstances one of which is (e) the impact of the ancillary works would damage rural character. The access and laneway to the appeal shed is adjacent to field boundary hedge. The laneway is some 7m x 150m long. Timber ranch style fencing would be set behind the sightlines along with native species planting. All of this appears to me to be somewhat excessive for a modest agricultural building and because of this it would fail to integrate into its rural setting and be detrimental to rural character. The proposal fails Policies CTY 13 and CTY 14 of PPS 21 and the Planning Authority has sustained its second reason for refusal.

This decision is based on the following drawings:

- The 1:2500 scale site location plan;
- The 1:500 scale site plan;
- The 1:100 scale floor plan and elevations; and
- The 1:500 scale entrance detail.

**COMMISSIONER HELEN FITZSIMONS**

2016/A0094

**List of Documents**

**Planning Authority:-** PA1 - Written Statement and Appendices.  
PA2 - Comments.

**Appellant:-** A 1 - Written Statement and Appendices (MBA Planning).  
A 2 - Comments.

**3<sup>rd</sup> Party:-** 3<sup>rd</sup> Party 1 Written Statement.





# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacni.gov.uk

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<b>Appeal Reference:</b>	2016/A0107
<b>Appeal by:</b>	Mr Noel McLoughlin against the refusal of outline planning permission
<b>Development:</b>	Dwelling and garage
<b>Location:</b>	Adjacent to and immediately South of No.5 Greenan Lough Road and fronting onto Mullavat Road
<b>Planning Authority:</b>	Newry, Mourne & Down District Council
<b>Application Reference:</b>	LA07/2015/0921/O
<b>Procedure:</b>	Informal Hearing on 11 January 2017
<b>Decision by:</b>	Commissioner Brigid McGlinchey, dated 30 January 2017

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## Decision

1. The appeal is dismissed.

## Reasoning

2. The main issues in this appeal are whether the proposal would be acceptable in principle and the effect of the development on the character and appearance of the countryside.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan unless material considerations indicate otherwise. The plan in this instance is the Banbridge, Newry and Mourne Area Plan 2015 which identifies the appeal site as falling within the open countryside. The plan does not contain any policies or provisions relevant to the proposal. The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21).
4. Policy CTY1 of PPS21 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8. Policy CTY1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. Policy states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 exceptionally permits the development of a small gap site sufficient only to accommodate a maximum of two houses within an otherwise substantial and continuously built up

frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot sizes and meets other planning and environmental requirements. It goes on to note that for the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

5. The appellant argued that there was a substantial and continuously built up frontage along this part of Greenan Lough Road formed by the dwelling at No.5 and the dwelling and associated outbuilding at No.9 to the south. Whilst the curtilage of each these two properties abuts the roadside, the outbuilding at No.9 does not have the benefit of planning permission and is under investigation by the enforcement section of the planning authority. Irrespective of whether the outbuilding has been there for 5 years as suggested by the appellant, given its unauthorised status I cannot take it into consideration. Whilst there is approval for an infill dwelling on a gap site to the north of No.5 between it and No.5a Green Lough Road, development on the gap site has not commenced. As confirmed in appeal decision 2014/A0002, the Commission has found that future possible buildings cannot be taken into account in the determination of whether a substantial and built up frontage exists. In the particular circumstances in this case, I consider that the appeal site does not fall within a substantial and continuously built up frontage to meet the first essential requirement of the exception to Policy CTY8.
6. Even if I was to take account of the outbuilding at No.9 as one of three buildings along the frontage, the appeal site forms only part of the gap which extends to 108m between the dwellings at Nos. 5 and 9. The head note of Policy CTY8 states that, for the gap to be small, it should be sufficient only to accommodate up to a maximum of two houses. The analysis of plot widths of ten existing residential properties along this stretch of the Greenan Lough Road carried out by the planning authority indicates that the average plot frontage in the vicinity is 35m. I therefore accept that the sizeable gap between the existing buildings could be subdivided into three plots to readily accommodate three dwellings in a form that would respect the existing settlement development pattern. I therefore find that the appeal proposal would not meet one of the other tests of Policy CTY8 and as such there is no infill opportunity at this location.
7. Paragraph 5.34 of the Justification and Amplification of the policy refers to gaps that provide relief and visual breaks in the developed appearance of the locality. The extent of the visual separation between the existing buildings at Nos. 5 and 9 is clearly apparent when travelling in either direction along Greenan Lough Road. The proposed dwelling and garage on one of the fields in between even if set back and accessed from Mullavat Road would result in the creation of a ribbon of development along the road contrary to Policy CTY8. The proposal therefore does not constitute one of the types of development set out as acceptable in principle under Policy CTY 1. The appellant did not argue that there are any overriding reasons why the dwelling was essential and could not be located in a settlement. I find that the proposal is unacceptable in principle and contrary to Policy CTY1 of PPS21. The planning authority has sustained its first reason for refusal.

8. The appeal site acts as an important visual gap between existing developments. Approval of the proposed dwelling and garage would consolidate built development along this part of Greenan Lough Road, resulting in a suburban style build-up of development. The proposal would also create ribbon development and cause a detrimental change to the rural character of the area contrary to Policy CTY14. The planning authority's second reason for refusal is therefore sustained.

This decision relates to the 1:2500 scale Site location plan submitted with the planning application.

**COMMISSIONER BRIGID McGLINCHEY**



**APPEARANCES AT HEARING**

**Planning Authority:** K Maguire

**Appellant:** P Johnson (Agent)

**DOCUMENTS**

**Planning Authority:** C1 Statement of case + Appendices

**Appellant:** A1 Statement of case + Appendices



# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacni.gov.uk

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<b>Appeal Reference:</b>	2016/A0095
<b>Appeal by:</b>	J and J Mc Kibben
<b>Appeal against:</b>	Refusal of Outline Planning Permission
<b>Proposed Development:</b>	Dwelling and garage
<b>Location:</b>	Lands 40m SE of 181 Moyadd Road Kilkeel
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2016/0556/O
<b>Procedure:</b>	Informal Hearing on 8 <sup>th</sup> December 2016
<b>Decision by:</b>	Commissioner Helen Fitzsimons on 3 <sup>rd</sup> January 2017

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## Decision

1. The appeal is allowed subject to conditions.

## Reasons

2. The main issue in this appeal is whether the proposed development would be acceptable in principle in the countryside.
3. The proposed development lies outside any settlement limit or commitment in the Banbridge Newry and Mourne Area Plan 2015. There are no plans or policies within the plan pertaining to the appeal site. The appeal site lies within the Mourne Area of Outstanding Natural Beauty (AONB). The policy framework for the determination of this appeal is therefore Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a new dwelling in an existing cluster in accordance with Policy CTY 2a.
4. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of six stated criteria are met. The Planning Authority raised objections under the requirements of criteria three that the cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads; four that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster; and five the dwelling if permitted would significantly alter the existing character of the cluster.

5. At the hearing the Planning Authority said because of a previous appeal decision 2012/A00120 and two recent granted planning permissions one of which is in its own jurisdiction (LA08/2015/0056/F and LA 07/2015/0135/) that if the appeal proposal met all of the other requirements of Policy CTY 2a the requirements of criterion three could be disapplied as the appeal proposal would then be comparable to those cases.
6. That being so I turn first to criterion four. The existing cluster of development comprises six dwellings and two mushroom sheds. The appeal site lies on lower ground within the cluster, there is some vegetation along its south-eastern boundary and both of these factors along with rising land to the north would provide a backdrop and a suitable degree of enclosure for a new dwelling on the appeal site when seen from Dougans Road. Views of it from other vantage points would be obscured by other development within the cluster. The triangular shaped identified site which includes the access lane to the appeal site is bounded; on its western side by the dwelling on site 3; its north-eastern side by a dwelling on site 1 and on its south-eastern side by No 3 Dougans Road all as identified on the Planning Authority's planning history map. Criterion four of Policy CTY 2a is met.
7. The existing development within the cluster arcs around the appeal site and protrudes further into the countryside than it. A dwelling on the appeal site would lie into and consolidate the cluster at this location and its character would not be harmed. I disagree that the appeal site forms an important visual break as it is surrounded by development. Criterion five is met.
8. As the proposal meets all of the other criteria in Policy CTY 2a I agree with the Planning Authority that in the interests of fairness the requirements of criterion three should be set aside. The Planning Authority has not sustained its first reason for refusal based on Policy CTY 2a of PPS 21.
9. Policy CTY 14 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. It sets out five criteria where a new building will not be acceptable. The Planning Authority argued that the proposal offended criteria (b) it results in a suburban style build-up of development when viewed with existing and approved buildings and (c) it does not respect the traditional pattern of settlement exhibited in the area. I agree with the Planning Authority that the area around the appeal site is built up and that rural character has in my view been significantly eroded. However, given that the appeal proposal will lie into the existing cluster within which it is located and that other development within the cluster protrudes further into the open countryside I do not agree that development of the appeal site would further unacceptably erode rural character. Given the extent of proposed and new development within the existing cluster it exhibits no traditional settlement pattern but rather appears as a suburban style sprawl of buildings within the landscape. No 181 Moyadd Road has frontage onto Moyadd Road and has recently constructed dwellings along the laneway which runs south of it. The appeal proposal would also use and front this laneway and be located to the rear of site No. 1 which fronts Moyadd Road. I see nothing to distinguish the appeal proposal from this new pattern of



development. Criterion (c) of Policy CTY 14 of PPS 21 is met and the Planning Authority has not sustained its second reason for refusal.

10. A ridge height restriction is necessary to ensure that the new dwelling and garage are not prominent features in the landscape. A landscaping scheme will assist with enhancing integration into the landscape. The appeal site does not lie within a flood plain and it is not necessary to require a minimum underbuild height. The requirements for the provision of visibility splays at the junction of the access with Moyadd Road are already in place by virtue of the constructed dwellings on sites numbered 2 and 3. Permitted development rights were not withdrawn on sites 2 and 3 to protect the amenities of the AONB and I have been given no persuasive reason why such a restriction is necessary in respect of the appeal proposal.

### **Conditions**

1. Except as expressly provided for by Condition 2 the following reserved matters shall be as approved by the planning authority – the siting, design and external appearance of the buildings and the means of access thereto.
2. The ridge height of the dwelling and garage shall not exceed 6.1m above the lowest existing ground levels within their footprints.
3. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing trees and hedgerows to be retained and their augmentation new native species planting; and new native species planting along the north eastern and southern boundaries of the appeal site. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
4. Application for approval of the reserved matters shall be made to the planning authority before the expiration of three years from the date of this decision.
5. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the 1:2500 scale site location plan.

**COMMISSIONER HELEN FITZSIMONS**

**List of Documents**

**Planning Authority:-** PA 1 - Written Statement

**Appellant:-** A 1 - Written Statement

**Appearances**

**Planning Authority:-** Mrs L Grant  
Ms L Duffy

**Appellant:-** Mr S Turbitt (Counsel for the Appellant)  
Mr R O Toole (MBA Planning)