



December 16th, 2016

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 21st December 2016** at **10:00 am** in the **Boardroom Monaghan Row Newry**.

The Members of the Planning Committee are:-

**Chair: Councillor W Clarke**

**Vice Chair: Councillor J Macauley**

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

# Agenda

## 1. Apologies.

## 2. Declarations of Interest.

---

*Minutes for Adoption*

---

## 3. Minutes of Planning Committee Meeting held on Wednesday 7 December 2016. (Attached).

*Planning Mins - 7 December 2016.pdf*

*Page 1*

---

*For Discussion/Decision*

---

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

*Addendum list - 21-12-2016.pdf*

*Page 13*

---

*Development Management - Planning Applications for determination*

---

## 5. LA07/2015/0093/F - Maurice Walsh - change of use of existing shed from light industrial use for storage and distribution associated with oyster/mussel farming (retrospective) - 14a Belfast Road, Dundrum. (Case Officer report attached).

Rec: REFUSAL

*LA07-2015-0093-F - Maurice Walsh.pdf*

*Page 14*

## 6. LA07/2015/0273/F - Drew Henry - conversion of existing outbuilding with alterations and extension to provide ancillary habitable accommodation (retrospective) linked to existing dwelling by means of extension approved under LA07/2015/0387/F (amended) - 51 Ardigon Road, Killyleagh, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Michael Smith, Building Design, in support of the application. **(Submission attached)**.
- A statement of support has been received from Councillor D Curran. **(Attached)**.

[LA07-2015-0273-F - Drew Henry.pdf](#)

Page 18

[Item 6 - submission of support \(Henry\).pdf](#)

Page 25

[Item 6 - submission of support \(Cllr Curran\).pdf](#)

Page 44

**7. LA07/2015/0406/F - Mr N Kirkwood - a single 250kw wind turbine with a base height of 40m and a blade length of 22 m - approx 687 m NE of 7 Lisinaw Road, Derryboye. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-0406-F - Mr N Kirkwood.pdf](#)

Page 45

**8. LA07/2015/0639/F - Mr & Mrs P McMillan - replacement dwelling and conversion of former mill to ancillary accommodation - site 45m E of 55 Rossglass Road, Killough. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from David Montgomery, 8a Architects, along with Joe Walsh and Ewart Davis, in support of the application. **(Submission attached)**.

[LA07-2015-0639-F - Mr and Mrs P McMillan.pdf](#)

Page 57

[Item 8 - Submission of support \(McMillan\) Part1.pdf](#)

Page 65

[Item 8 - Submission of support \(McMillan\) Part2.pdf](#)

Page 78

**9. LA07/2015/1230/F - Mr Ciaran O'Hare - dwelling to the rear of 125 Ballylough Road, Ballywillwill, Castlewellan. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-1230-F - Ciaran O'Hare.pdf](#)

Page 91

**10. LA07/2015/0185/F - Joyce Graham - proposed dwelling and garage in substitution of planning approval R/20111/0001/F for a dwelling on a farm under Policy CTY10 - 70m SE of 1 Rowallane Close, Saintfield. (Case Officer report attached).**

Rec: REFUSAL

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

**11. LA07/2016/0736/F - Noel Ritchie - retrospective application for retention of timber frame domestic dwelling on site of storage shed - to the rear of 102 Drumsnade Road, Drumaness. (Case Officer report attached).**

Rec: REFUSAL

- **Note due to personal information this item is deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, be resolution, be excluded during this item of business.**
- An addition to the Case Officer's report, which contains personal information, has been forwarded to Members under separate cover.
- A request for speaking rights has been received from Sean Ritchie and Angela Ritchie objecting to the application. (5 minutes). **(Please note the objector's submission has been forwarded to Members under separate cover).**
- A request for speaking rights has been received from Noel Ritchie, applicant, and his wife in support of the application. (5 minutes). **(Please note the applicant's submission has been forwarded to Members under separate cover).**

**12. R/2014/0444/F - Colin Jones - 4 no dwellings (2 pairs of semis) with shared parking to the front - 14-18 Lisburn Road, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

**13. LA07/2015/0087/F - Martin Ward Rockmount Convenience Complex Rathfriland Road - Varying of condition 3 of P/2010/0171/F which currently reads "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays" to read "The premises shall not be open for business outside the hour**

Rec: REFUSAL

- A request for speaking rights has been received from Mr David Cunningham to speak on behalf of residents objecting to the application. **(Submission attached). (5 minutes).**

- A request for speaking rights has been received from Barney Dinsmore, Agent, in support of the application. **(Submission attached). (5 minutes).**
- A representative from the Environmental Health Department will be attendance.

[LA07-2015-0087-F - Martin Ward.pdf](#)

Page 130

[Item 13 - submission of objection \(Ward\).pdf](#)

Page 135

[Item 13 - submission of support \(Ward\).pdf](#)

Page 136

**14. LA07/2015/0402/F - Glyn Mitchell - proposed erection of a dwelling - opp and 25m E of 16 Chancellors Hall, Chancellors Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Glyn Mitchell, Architectural Design, in support of the application. **(Submission attached).**

[LA07-2015-0402-F - Glyn Mitchell.pdf](#)

Page 140

[Item 14 - submission of support \(Mitchell\).pdf](#)

Page 145

**15. LA07/2015/0669/F - Mr Rodney Devine - agricultural shed (retrospective permission) - 150m SE of 3 Desert Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

- This application has been formally withdrawn by the agent.

[LA07-2015-0669-F - Mr Rodney Devine.pdf](#)

Page 153

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

Rec: REFUSAL

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

[LA07-2016-0523-F - Naiomh Morgan.pdf](#)

Page 161

[Item 16 - submission of support \(Morgan\).pdf](#)

Page 170

**17. LA07/2015/0148/F - Owen Murphy - new vehicular access to existing dwelling - to the rear of 36 Chapel Road with access off Chapel Lane Meigh. (Case Officer report attached).**

Rec: REFUSAL

**18. LA07/2016/0296/F- Sean Markey - domestic garage/shed with loft - 76 Maytown Road, Bessbrook. (Case Officer report attached).**

Rec: REFUSAL

LA07-2016-0296-F - Sean Markey.pdf

Page 179

**19. LA07/2015/0303/F - Arthur Kenny - erection of dwelling and garage on farm - 45m south of 19 Aghadavoyle Road, Jonesborough. (Case Officer report attached).**

Rec: REFUSAL

- **Note due to personal information this item is deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, be resolution, be excluded during this item of business.**
- A request for speaking rights has been received from Stephen Hughes, agent, in support of the application. **(Please note the agent's submission has been forwarded to Members under separate cover).**
- A request for speaking rights has been received from DEA Councillor Terry Hearty, in support of the application. (Councillor Hearty will be speaking on the health and safety risks for the family if forced to live in the danger zone of the farm yard).

LA07-2015-0303-F - Arthur Kenny.pdf

Page 184

**20. LA07/2016/0226/F - Mark Devlin - erection of residential development comprising 19 dwellings - lands adjacent and SE of Nos 16 & 19 Lisbeg Park, Lismore Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road, Crossmaglen. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Terry Hearty on behalf of objectors, objecting to the application. **(Submission attached). (5 minutes).**
- A request for speaking rights has been received from Michael Martin, Architect, in support of the application. **(Submission attached). (5 minutes).**

LA07-2016-0226-F - Mr Mark Devlin.pdf

Page 189

CO LA07.2016.0226.F Housing 19 Dwellings Final.pdf

Page 190

Items 20, 21 and 22 - submission of support (Devlin).pdf

Page 201

Item 20, 21, 22 - objection from Cllr. Hearty (Devlin).pdf

Page 203

**21. LA07/2016/0227/F - Mark Devlin - erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) - lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road). (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from DEA Councillor, Terry Hearty, objecting to the application. **(5 minutes)**.
- A request for speaking rights has been received from Michael Martin, Archirtect, in support of the application. **(5 minutes)**.

[LA07-2016-0227-F - Mr Mark Devlin.pdf](#)

Page 204

[CO LA07.2016.0227.F Housing 2 Dwellings Final.pdf](#)

Page 205

**22. LA07/2016/0228/F - Mark Devlin - erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) - lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road). (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from DEA Councillor, Terry Hearty, objecting to the application. **(5 minutes)**.
- A request for speaking rights has been received from Michael Martin, Archirtect, in support of the application **(5 minutes)**

[LA07-2016-0228-F - Mr Mark Devlin.pdf](#)

Page 221

[CO LA07.2016.0228.F Housing 2 Dwellings Final.pdf](#)

Page 222

**23. LA07/2016/0988/F - Gaye Ferris & Jim Hannan - change of use and alterations of redundant building and extension to form dwelling - opposite 9 Searce Lane, Jerrettspass, Newry. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-0988-F - G Ferris & J Hannan.pdf](#)

Page 238

**24. LA07/2016/1014/F - Seamus McKinley - Erection of replacement dwelling**

**and detached garage 30m north of No 3 Cashel Road to be replaced off site on land immediately adjacent to and east of No 2 Cashel Road, Silverbridge. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2016-1014-F - Seamus McKinley.pdf](#)

Page 243

[Item 24 - submission of support \(McKinley\).pdf](#)

Page 258

**25. LA07/2015/0369/F - Newry and Mourne District Council - Proposed redevelopment of the Warrenpoint Baths including refurbishment and extension of existing Adventure Centre, Community Function Room, Seaweed baths/ spa, Coffee shop and external venue space, Public toilets and all associated site works - Warrenpoint Baths 35m NE of 6 Radharc na Mara, Warrenpoint. (Case Officer report attached).**

Rec: APPROVAL

[LA07-2015-0369-F - Newry & Mourne District Council.pdf](#)

Page 260

**26. LA07/2016/0500/F - Newry, Mourne and Down District Council - bridge on pedestrian path/mountain bike trail, over the Yellow Water river approx 1000m east of the Newtown Road, Rostrevor. (Case Officer report to follow).**

Rec: APPROVAL

[LA07-2016-0500-F - Newry, Mourne and Down District Council.pdf](#)

Page 269

---

*For Discussion/Decision*

---

**27. Department for Infrastructure - planning application LA07/2015/0702/F - Farm Shed, Newcastle Road, Castlewellan. (Attached).**

[Letter re Planning Application for Farm Shed, Castlewellan to Liam Hannaway 1 Dec 2016.pdf](#)

Page 277

---

*Conferences/Events*

---

**28. Planning reform in Northern Ireland: Progress Economic Development and Forward Strategy (Conference).**



---

For Noting

---

**29. November 2016 Planning Committee Performance Report. (Attached).**

NOVEMBER 2016 Planning Committee Performance Report.pdf

Page 285

**30. Record of meetings between Planning Officers and Public representatives. (Attached).**

Record of Meetings (Public Representatives).pdf

Page 291

**31. November 2016 Appeals and Decisions. (Attached).**

NOVEMBER 2016 APPEALS AND DECISIONS.pdf

Page 294

**32. Correspondence re: regionally significant planning applications by SONI Limited. (Attached).**

PAC letter 1.pdf

Page 330

PAC letter 2.pdf

Page 331

PAC letter 3.pdf

Page 332

# Invitees

Cllr Terry Andrews	<a href="mailto:terry.andrews@downdc.gov.uk">terry.andrews@downdc.gov.uk</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@downdc.gov.uk">stephen.burns@downdc.gov.uk</a>
Lorraine Burns	<a href="mailto:lorraine.burns@newryandmourne.gov.uk">lorraine.burns@newryandmourne.gov.uk</a>
Cllr Pete Byrne	<a href="mailto:pete.byrne@nmandd.org">pete.byrne@nmandd.org</a>
Cllr Michael Carr	<a href="mailto:michael.carr@newryandmourne.gov.uk">michael.carr@newryandmourne.gov.uk</a>
Cllr charlie casey	<a href="mailto:charlie.casey@newryandmourne.gov.uk">charlie.casey@newryandmourne.gov.uk</a>
Cllr William Clarke	<a href="mailto:william.clarke@downdc.gov.uk">william.clarke@downdc.gov.uk</a>
Cllr Garth Craig	<a href="mailto:garth.craig@downdc.gov.uk">garth.craig@downdc.gov.uk</a>
Cllr Dermot Curran	<a href="mailto:dermot.curran@downdc.gov.uk">dermot.curran@downdc.gov.uk</a>
Ms Alice Curran	<a href="mailto:alice.curran@nmandd.org">alice.curran@nmandd.org</a>
Cllr Laura Devlin	<a href="mailto:laura.devlin@downdc.gov.uk">laura.devlin@downdc.gov.uk</a>
Ms Louise Dillon	<a href="mailto:louise.dillon@newryandmourne.gov.uk">louise.dillon@newryandmourne.gov.uk</a>
Cllr Sean Doran	<a href="mailto:sean.doran@newryandmourne.gov.uk">sean.doran@newryandmourne.gov.uk</a>
Cllr Sinead Ennis	<a href="mailto:sinead.ennis@nmandd.org">sinead.ennis@nmandd.org</a>
Cllr Cadogan Enright	<a href="mailto:cadogan.enright@downdc.gov.uk">cadogan.enright@downdc.gov.uk</a>
Cllr Gillian Fitzpatrick	<a href="mailto:gillian.fitzpatrick@newryandmourne.gov.uk">gillian.fitzpatrick@newryandmourne.gov.uk</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@newryandmourne.gov.uk">valerie.harte@newryandmourne.gov.uk</a>
Cllr Harry Harvey	<a href="mailto:harry.harvey@newryandmourne.gov.uk">harry.harvey@newryandmourne.gov.uk</a>
Cllr Terry Hearty	<a href="mailto:terry.hearty@newryandmourne.gov.uk">terry.hearty@newryandmourne.gov.uk</a>
Cllr David Hyland	<a href="mailto:david.hyland@newryandmourne.gov.uk">david.hyland@newryandmourne.gov.uk</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@newryandmourne.gov.uk">kate.loughran@newryandmourne.gov.uk</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@newryandmourne.gov.uk">collette.mcateer@newryandmourne.gov.uk</a>
Cllr Declan McAteer	<a href="mailto:declan.mcateer@newryandmourne.gov.uk">declan.mcateer@newryandmourne.gov.uk</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@newryandmourne.gov.uk">eileen.mcparland@newryandmourne.gov.uk</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@newryandmourne.gov.uk">aisling.murray@newryandmourne.gov.uk</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@newryandmourne.gov.uk">brian.quinn@newryandmourne.gov.uk</a>
Cllr Henry Reilly	<a href="mailto:henry.reilly@newryandmourne.gov.uk">henry.reilly@newryandmourne.gov.uk</a>
Cllr Michael Ruane	<a href="mailto:michael.ruane@newryandmourne.gov.uk">michael.ruane@newryandmourne.gov.uk</a>
Cllr Gareth Sharvin	<a href="mailto:gareth.sharvin@downdc.gov.uk">gareth.sharvin@downdc.gov.uk</a>
Cllr Gary Stokes	<a href="mailto:gary.stokes@nmandd.org">gary.stokes@nmandd.org</a>
Sarah Taggart	<a href="mailto:sarah-louise.taggart@downdc.gov.uk">sarah-louise.taggart@downdc.gov.uk</a>
Cllr David Taylor	<a href="mailto:david.taylor@newryandmourne.gov.uk">david.taylor@newryandmourne.gov.uk</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 Wednesday 7 December 2016 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
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Manager
Ms C McAteer	Democratic Services Officer

**P/134/2016: APOLOGIES/CHAIRMAN'S REMARKS**

There were no apologies.

**P/135/2016: DECLARATIONS OF INTEREST**

**Councillor Ruane** declared an interest in planning application P/2015/0018/RM – Mr Francis Morgan – and advised he would be withdrawing from the discussion/decision on this application.

**P/136/2016: MINUTES OF PLANNING COMMITTEE MEETING  
- WEDNESDAY 23 NOVEMBER 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 23 November 2016. **(Copy circulated)**

**AGREED: On the proposal of Councillor McAteer, seconded by Councillor Craig, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 23 November 2016 as a true and accurate record, subject to Council Officers checking the accuracy of the recording of the vote in relation to planning application LA07/2016/0217/F – Mr Kieran Kelly.**

**P/137/2016: ADDENDUM LIST**

Read: Addendum list of planning applications with no representations received or requests for speaking rights – Wednesday 7 December 2016. **(Copy circulated)**.

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

- Item No. 12 – LA07/2016/0821/F – Mr C Canning – the Planning Department advised this application is being removed from the addendum list as an amended scheme has been received.
- Item No. 16 – LA07/2015/0087/F – Martin Ward, Rockmount Convenience Complex, is being removed from the addendum list at the request of the Planning Department to allow Environmental Health to attend the Committee and also to give the opportunity for objectors and agents to speak if requested.
- Councillor Macauley requested that item No. 32 – P/2012/0457/F – Mr Tom Fletcher, be removed from the addendum list for a full presentation at a future Planning Committee Meeting.
- Councillor McAteer requested that item No. 22 – LA07/2016/0226/F; item No. 23 LA07/2016/0227/F and item No. 24 LA07/2016/0228/F for Mr Mark Devlin, be removed from the addendum list for a full presentation at a future Planning Committee Meeting.
- Councillor W Clarke requested that item No. 25 – LA07/2016/0401/F – Margaret Kane, be removed from the addendum list for a full presentation at a future Planning Committee Meeting.

**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor Craig, 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 10** – LA07/2015/1326/F – Mr B Boyd – retrospective permission for amendments to previous approval R/2014/0235/F to include an extension to the existing micro-distillery with elevation changes, visitor area, public bar, bottling area/storage, café, sales area, toilets, mezzanine floor for offices, treatment plan and associated works with access onto Church Road and 3 passing bays along Church Road – 360m south of Rademon House, 60 Ballynahinch Road, Crossgar. **APPROVAL**
- **Item 15** – R/2014/0658/F – Mr J McMullan – installation of a wind turbine on a tubular tower of up to 40m height with blades up to 59.5m (to tip height) – lands 340m south west of No. 22 Slievegrane Road, Saul. **REFUSAL**
- **Item 17** – LA07/2015/0364/F – Lindsay Martin – retention of existing building for light industrial purposes (storage and repair of farm plant and machinery) as farm diversification project – lands to rear of 23 Ballymaderfy Road, Kilkeel. **REFUSAL**
- **Item 18** – LA07/2015/0519/0 – Gerard McEvoy – proposed infill sites to accommodate 2 No. dwellings – adjacent and directly south of No. 43 Newtown Road, Cloghogue. **REFUSAL**
- **Item 19** – LA07/2015/0611/F – David McKee – erect 7 dwellings in substitution to the approval granted under P/2006/2173/F – 27 Knockchree Avenue, Kilkeel. **REFUSAL**
- **Item 26** – LA07/2016/0516/F – Bernagh Brims and Gill Hindshaw – conversion of existing historical granite barn to 3 bedroom dwelling with associated garden, existing parking spaces and road access (revised address) – lands 10m west of No. 5 Stewarts Road, Annalong. **REFUSAL**
- **Item 33** – LA07/2016/1198/0 – Neil Saward – site for dwelling – 165m SW of 26 Shaughan Road, Belleeks. **REFUSAL**

**P/138/2016: APPLICATIONS FOR DETERMINATION**

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

- **Item 7** - LA/07/2016/0700/F- Neill Jackson - dwelling on farm with retention of temporary living accommodation during construction of

new dwelling in substitution of approval R/2012/0337/0 - 11 Bawn Lane, Crossgar – **application removed from the schedule for further consideration.**

- **Item 8** - LA07/2015/0965/F - East Down Amateur Boxing Club - retrospective change of use (from former poultry house) for retention and approval for current use as amateur boxing club and gym - building No. 2 79 Downpatrick Road, Crossgar – **application removed from the schedule to allow further consideration of roads concerns.**
- **Item 27** - LA07/2016/0677/F - NI Electricity - 11kv overhead to facilitate connection to a wind turbine - approx 40m south east of 35 Ballymoyer Road, Co. Armagh and extending south east towards and east of 15 Cold Brae Road, Co. Armagh – **application removed from the schedule in order that the agent can address additional matters raised by NIEA.**
- **Item 30** - LA07/2016/1124/F - Tesco Stores Ltd - proposal under Section 54 of the Planning Act 2011 to vary Condition 1 of P/2010/1568 and Condition 14 of P/2012/0504 (both relating to permitted servicing hours for food superstore) to permit an additional hours servicing from 06.00hrs to 07.00hrs Monday to Friday and an additional hour and a half from 07.00hrs to 8.30hrs on a Saturday at Tesco Store, 24 Downshire Road, Newry – **application has been withdrawn.**

The following applications were then determined by the Committee:-

**(1) LA07/2016/0732/0 – Mrs Mary Carr**

**Location:**

Lands to the rear and south of No. 6 Railway Road, Meigh, Killeavy, Newry, BT35 8JU

**Proposal:**

Proposed erection of a farm dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr Aiden Cole, Architect and Mary Carr, applicant, presented in support of the application.

(10.15 – Councillor L Devlin joined the meeting).

**AGREED: On the proposal of Councillor Craig, seconded by Councillor Macauley it was agreed to issue a refusal in respect of application LA07/2016/0732/0 for the reasons recommended in the Development Management Officer report.**

**Abstentions: 0**

**(2) LA07/2015/0620/0 – Robert Burgess**

**Location:**

Between 62 and 64 Ballynahinch Road, Saintfield, BT24 7ND

**Proposal:**

One dwelling house and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

David Burgess (agent) presented in support of the application

**AGREED: On the proposal of Councillor Craig seconded by Councillor Macauley, it was agreed to defer application LA07/2015/0620/0 to clarify the issue of the vehicular access with Transport NI.**

**Abstentions: 0**

**(3) LA07/2015/0885/0 – Patrick Murray**

**Location:**

Between 171 and 173 Carrickmannon Road, Crossgar

**Proposal:**

Infill site 2 dwellings

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

David Burgess (agent) and Patrick Murray (applicant) presented in support of the application.

Councillor Murnin proposed and Councillor Devlin seconded that planning application LA07/2015/0885/0 be approved contrary to Officer recommendation, on the basis that the shed and workshop were permanent structures and therefore this was a gap site and that authority be delegated to Officers to impose relevant technical conditions as required.

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

FOR: 6  
 AGAINST: 6  
 ABSTENTIONS: Nil



The Chairman used his casting vote in favour of the proposal which was declared carried.

**AGREED:** On the proposal of Councillor Murnin, seconded by Councillor Devlin, it was agreed approve application LA07/2015/0885/0 contrary to Officer recommendation, on the basis that the shed and workshop were permanent structures and therefore this was a gap site and that authority be delegated to Officers to impose relevant technical conditions as required.

**(4) LA07/2015/1224/F – Mrs E Fitzsimons**

**Location:**

53A Saintfield Road, Crossgar, Downpatrick, BT30 8HY

**Proposal:**

Proposed conversion with extension of vernacular stone outbuilding to form dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

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

**AGREED:** On the proposal of Councillor Murnin, seconded by Councillor Craig, it was agreed to defer application LA07/2015/1224/F and await the outcome of the submission of a Certificate of Lawfulness in relation the use of the application building as a separate dwelling.

**Abstentions: 0**

(Councillor Devlin left the meeting – 11.05 am).

**(5) LA07/2016/0434/F – Mr & Mrs Paul Flanagan**

**Location:**

Adjacent to 27 Ballynahinch Road, Crossgar, BT30 9HS

**Proposal:**

Proposed dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr Gerry Tumelty, Agent, and Mr Paul Flanagan, applicant, presented in support of the application.

**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to approve application LA07/2016/0434/F contrary to the Officer recommendation on the basis that the applicant had agreed to submit amended drawings to remove the overlooking windows, thereby removing the refusal reason of overlooking on existing properties and also to remove the garage to reduce the massing and appearance of the buildings. If Planning Officers were satisfied with the amended drawings the decision to approve would issue under delegated authority.

**Abstentions:** 0

(6) LA07/2016/0836/F – Kings Castle Nursing Home  
LA07/2016/0837/LBC – Kings Castle Nursing Home

**Location:**

Kings Castle Nursing Home, Kildare Street, Ardglass

**Proposal:**

Proposed single storey extension to accommodate 5 No. single bedrooms  
Listed building consent for single storey extension to accommodate 5 No. single bedrooms

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

- Michael Bailie, Agent, presented in support of the application.
- Councillor Curran has advised of his support for this application.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Craig, it was agreed to defer applications LA07/2016/0836/F and LA07/2016/0837/LBC for a site visit and to give the applicant an opportunity to present evidence on the issues raised during the discussion i.e. the findings of the RIQA inspection and their impact on the operation of the nursing home; a viability report on the impact on the business if this planning application was not granted and what other similar type accommodation is available in the area.

It was also agreed that a site visit be organised for the Members of the Planning Committee and that a representative from NIEA attend the next Planning Committee Meeting at which these applications will be determined.

**Abstentions:** 0

(Councillor Devlin returned to the meeting – 12.15 pm)

**(7) LA07/2015/0910/F – Mr Kieran O’Callaghan****Location:**

Site adjacent to and south of 20 Chapel Road, Camlough

**Proposal:**

2 storey farm dwelling & double garage (amended plans)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Siobhan Olarte, applicant and Paul McAllister presented in support of the application.

**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor Craig, it was agreed to defer application LA07/2015/0910/F for further discussions between Planning Officers and the agent/applicant on issues raised including the location of a septic tank in a proposed alternative site and to explore the view that the gap between the proposed house and the road will not contribute to frontage development.

**Abstentions:** 0

**(8) LA07/2016/0005/F – Mr Adrian Sherry****Location:**

No. 55 and part of Garden at No. 59 Newry Road, Killeel, BT34 4DT

**Proposal:**

Change of house type to site No. 5 in on-going approved development at Newry Road, Killeel

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

- A request for speaking rights had been received from Joe Lynan, Architect, in support of the application but Mr Lynan was not present at the meeting.

**Noted:** Mr Pat Rooney, Principal Planning Officer, presented the case officer report on application LA07/2016/0005/F and advised whilst the opinion was to refuse the applicant could still make an application for renewal of planning permission.

**AGREED:** On the proposal of Councillor Murnin, seconded by Councillor Macauley, it was agreed to issue a refusal in respect of planning application LA07/2016/0005/F for the reasons recommended in the Development Management Officer report.

**(9) LA07/2016/0883/F – WBR Credit Union****Location:**

21-23 Church Street, Warrenpoint

**Proposal:**

Demolition of existing bar/restaurant with 2 floors of residential use over. Relocation of existing credit union from 14 Church Street. New 3 storey building (Class A2: financial, professional and other services) with ground floor pedestrian access off Church Street and King's Lane

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Eamon Larkin, Milligan Reside Larkin and Mr Tony Mackle presented in support of the application.

Councillor McAteer proposed and Councillor Hanna seconded to refuse the application for the reasons recommended in the Development Management Officer report.

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

FOR:	7
AGAINST:	5
ABSENTIONS:	Nil

The proposal was declared carried.

**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to issue a refusal in respect of planning application LA07/2016/0883/F for the reasons recommended in the Development Management Officer report.

**(10) LA07/2016/1142/0 – Mr Paul Gribben****Location:**

Site immediately north of and adjacent to No. 23 Drumsesk Road, Rostrevor

**Proposal:**

Dwelling & domestic garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

John Taylor, Collins & Collins, presented in support of the application

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Macauley, it was agreed to issue a refusal in respect of planning application LA07/2016/1142/0 for the reasons recommended in the Development Management Officer report.

**Abstentions:** 0

Councillor Ruane withdrew from the discussion/decision on the following application (2.25 pm).

**(11) P/2016/0018/RM – Mr Francis Morgan**

**Location:**

Approx 80m east of 51 Rostrevor Road, Warrenpoint

**Proposal:**

Proposed dwelling (amended plans received)

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

- Dermot Monaghan, MBA Planning and objectors Rory McShane and Mark Reynolds spoke in objection to the application.
- Colin D'Alton, Agent and Mr Francis Morgan, applicant, spoke in support of the application.

Councillor Devlin left the meeting (2.55 pm).

Councillor Larkin proposed and Councillor Hanna seconded that an approval be issued in respect of planning application P/2016/0018/RM.

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

FOR:	5
AGAINST:	4
ABSTENTIONS:	1

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application P/2016/0018/RM with the conditions recommended in the Development Management Officer report.

Councillor Ruane returned to the meeting (3.05 pm).

**(12) P/2015/0230/F – Mr Stephen Collins**

**AGREED:** On the proposal of Councillor Macauley, seconded by Councillor Hanna, it was agreed to exclude the public and press from the meeting during discussion on these matters which related to exempt information under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to an individual.

**Location:**

10 Cloughreagh Park, Cloughreagh, Bessbrook, BT35 7EJ

**Proposal:**

Retention of 2 storey rear extension & new baby window & canopy on front elevation (revised description)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

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

It was unanimously agreed to come out of closed session.

**AGREED:** When the Committee was out of closed session, the Chairman reported it had been agreed on the proposal of Councillor Murnin, seconded by Councillor Macauley, to issue a refusal in respect of planning application P/2015/0230/F for the reasons recommended in the Development Management Officer report.

**Abstentions:** 0

**P/139/2016: UPDATE RE: PLANNING APPLICATION P/2015/0218/F  
- GRUGGANDOO WIND FARM**

Mr McKay advised that the Minister had recently issued a Notice of Opinion to refuse the above planning application. He said the applicant had a right to request an appeal before the Planning Appeals Commission.

**P/140/2016: REVISION OF SCHEME OF DELEGATION AND  
OPERATING PROTOCOL FOR THE PLANNING COMMITTEE**

It was noted that following on from a Planning Workshop where it had been agreed to revise the Scheme of Delegation and the Operating Protocol of the Planning Committee, that the revised version was to be tabled for consideration at the Strategy, Policy and Resources Committee Meeting on 15 December 2016 and that all Members of the Planning Committee would be invited to attend for discussion on this item.

There being no further business the Meeting concluded at 3.30 pm

For adoption at the Planning Committee Meeting to be held on Wednesday 21 December 2016.

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 21 December 2016.

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

- **Item 5** - LA07/2015/0093/F - Maurice Walsh - change of use of existing shed from light industrial use for storage and distribution associated with oyster/mussel farming (retrospective) - 14a Belfast Road, Dundrum. **REFUSAL**
- **Item 7** - LA07/2015/0406/F - Mr N Kirkwood - a single 250kw wind turbine with a base height of 40m and a blade length of 22 m - approx 687 m NE of 7 Lisinaw Road, Derryboye. **REFUSAL**
- **Item 9** - LA07/2015/1230/F - Mr Ciaran O'Hare - dwelling to the rear of 125 Ballylough Road, Ballywillwill, Castlewellan. **REFUSAL**
- **Item 12** – R/2014/0444/F – Colin Jones – 4 No. dwellings (2 pairs of semis) with shared parking to the front – 14-18 Lisburn Road, Ballynahinch. **REFUSAL**
- **Item 17** - LA07/2015/0148/F - Owen Murphy - new vehicular access to existing dwelling - to the rear of 36 Chapel Road with access off Chapel Lane Meigh. **REFUSAL**
- **Item 18** - LA07/2016/0296/F- Sean Markey - domestic garage/shed with loft - 76 Maytown Road, Bessbrook. **REFUSAL**
- **Item 23** - LA07/2016/0988/F - Gaye Ferris & Jim Hannan - change of use and alterations of redundant building and extension to form dwelling - opposite 9 Searce Lane, Jerrettspass, Newry. **REFUSAL**
- **Item 25** - LA07/2015/0369/F - Newry and Mourne District Council - Proposed redevelopment of the Warrenpoint Baths including refurbishment and extension of existing Adventure Centre, Community Function Room, Seaweed baths/ spa, Coffee shop and external venue space, Public toilets and all associated site works - Warrenpoint Baths 35m NE of 6 Radharc na Mara, Warrenpoint. **APPROVAL**
- **Item 26** - LA07/2016/0500/F - Newry, Mourne and Down District Council - bridge on pedestrian path/mountain bike trail, over the Yellow Water river approx 1000m east of the Newtown Road, Rostrevor. **APPROVAL**

\*\*\*\*\*



<b>ITEM NO</b>	<b>2</b>			
<b>APPLIC NO</b>	LA07/2015/0093/F	Full	<b>DATE VALID</b>	2/27/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Maurice Walsh 16 Belfast Road Dundrum BT33 0NG		<b>AGENT</b>	
				NA
<b>LOCATION</b>	14A Belfast Road Dundrum Newcastle BT33 0NG			
<b>PROPOSAL</b>	Change of use of existing shed from light industrial for storage and distribution associated with oyster/mussel farming. (retrospective)			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	3	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy PED 9 of PPS 4: Planning and Economic Development, in that if permitted, it would the harm the amenity of Nos. 14 and 16 Belfast Road, Dundrum, by reason of noise



**Application Reference:** LA07/2015/0093/F

**Date Received:** 27.02.2015

**Proposal:** Change of use of existing shed from light industrial use to storage and distribution associated with oyster / mussel farming.

**Location:** 14a Belfast Road, Dundrum.

**Site Characteristics & Area Characteristics:**



The site is located along the Belfast Road Dundrum, on land outside the settlement limits of Dundrum. The site is comprised of an agricultural shed, which has previously been extended and now measures 19m x 7.6m (144.4sqm) in its entirety. The shed is used for the storage and distribution of mussels / oysters and appears to contain washing machine and storage containers.

The building is accessed via an existing private lane, which serves a number of private dwellings Nos. 14, 16, 18 & 20 Belfast Rd. To the front (north and east of the site) there is a concrete yard which provides a parking and turning area for the shed, and dwellings Nos. 14 and 16, this land is not included within the site outlined in red.

The surrounding area is typically rural and comprised predominantly of agricultural land with single dwellings dispersed throughout the immediate area. The topography of the land immediately surrounding the site is relatively flat with land rising in the distance to the west. To the east the land is also flat stretching out to the shore area of Dundrum Bay.

**Site History:**

Previous history on the site relates to R/2010/0298/F which sought planning permission for the change of use of a farm building to light industrial use. This application was approved on 23.11.2010.

**Planning Policies & Material Considerations:**

In assessment of the proposal, regard shall be given the RDS 2035, Strategic Planning Policy Statement and Planning Policy Statement 21: Sustainable Development in the Countryside and PPS 4: Planning and Economic Development.

**Consultations:**

In consideration of the proposal a consultation was carried out with Newry, Mourne & Down District Council Environmental Health Department.

A consultation was not carried out with Transport NI given the sites previous approval for light industrial (class B2) use. It is considered that the use of the site by a tractor and trailer would be acceptable under its current use and therefore further consultation on this issue was not considered necessary.

**Objections & Representations**

A number of objection letters have been received from Dennis & Jennifer Constable 18 Belfast Rd, Dundrum. They have raised concerns about the operation of the business during unsocial hours i.e. 0030 - 0100am and 0430-0500am and the consequential disturbance they experience from noise, flood lights, engine fumes and water.

**Consideration and Assessment:**

In consideration of the proposal CTY 1 of PPS21 states that planning permission will be granted for non-residential development in the countryside for industry and business use in accordance in PPS4.

As the proposal is for storage and distribution Policy PED 4 of PPS 4 is applicable. This policy states that the redevelopment of an established industrial or business site for storage and distribution purposes will only be permitted in exceptional circumstances. The proposal is considered exceptional given its small scale nature and its requirement to be near to the source of the material to be stored and distributed i.e. the shore for the mussels / oysters. The scheme will not involve any changes to the building,

Given the close proximity to residential properties, Environmental Health requested the submission of a noise impact assessment and clarification on the relationship between the business at Nos. 14 and 16 Belfast Road. The applicant confirmed that the above dwellings have no association with the business.

In consideration of the noise report and the above information regarding the neighbours, Environmental Health have serious concerns regarding the impact that the proposed development may have on nearby residential properties (14 and 16 Belfast Rd) due to noise, this is due to the close proximity of the residential properties and the fact that the activities would be carried out during night time hours.

In addition to the above policy requirements, PED 9 is also applicable in this case and all criteria (a) – (m) should be met. In consideration of this and in light of the above comments by Environmental Health, it is noted that the proposal would not comply with criterion (b) in that the proposal would harm the amenities of nearby residents.

**Recommendation:**

Refusal

**Refusal Reasons**

The proposal is contrary to Policy PED 9 of PPS 4: Planning and Economic Development, in that if permitted, it would the harm the amenity of Nos. 14 and 16 Belfast Road, Dundrum, by reason of noise.

Signed .....

Date .....

Signed .....

Date .....

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

---

<b>ITEM NO</b>	<b>4</b>			
<b>APPLIC NO</b>	LA07/2015/0273/F	Full	<b>DATE VALID</b>	5/11/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Drew Henry 51 Ardigon Road Killyleagh Downpatrick BT30 9TB		<b>AGENT</b>	Michael Smith Building Design 139 Ballydugan Road Downpatrick BT30 8HG 07802671577

**LOCATION** 51 Ardigon Road  
Killyleagh  
Downpatrick.

**PROPOSAL** Conversion of existing outbuilding with alterations and extension to provide ancillary habitable accommodation (retrospective) linked to existing dwelling by means of extension approved under LA07/2015/0387/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>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			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 CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that 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.
- 3 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland in that the building presented for conversion is not locally important and the works carried out do not represent minimal intervention
- 4 The proposal is contrary to Addendum to PPS 7 Residential Extensions and Alterations EXT 1 as the scale, massing and design is not sympathetic with the built form and appearance of the existing property and the ancillary accommodation provided is not subordinate to the main dwelling and not supplementary to the use of the existing residence.



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

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2015/0273/F**

**Date Received: 11<sup>th</sup> May 2015**

**Proposal: Conversion of existing outbuilding with alterations and extension to provide ancillary habitable accommodation (retrospective) linked to existing dwelling by means of extension approved under LA07/2015/0387/F (amended)**

**Location: 51 Ardigon Road, Killyleagh, Downpatrick.**

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

The site in question is located off the Ardigon Road, the site sits back from the road and is a two storey dwelling with an out building adjacent to the side of the dwelling. There are agricultural lands to the front and side and a yard to the rear of the site with buildings. The outbuilding adjacent to the main dwelling has already been converted so an exact description of the existing barn relies on photographic evidence, the barn from pictures is a simple structure with a slate roof and rough dash render and limited openings and sits adjacent to the main dwelling and looks like an agricultural out building.

The area is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is within the rural area and is in close proximity to Ardigon House. The site is flat at the dwelling and slopes down towards out buildings.



**Site History:**

LA07/2015/0387/F – 51 Ardigon Road, killyleagh – 2 storey side extension at rear of dwelling with conservatory side extension – Granted  
 LA07/2015/0043/LDE – 51 Ardigon Road, Ballytrim – retention of existing agricultural barn – considered acceptable (previous occupier application)  
 R/2012/0041/RM – lands approx. 77m NW of 51 Ardigon Road – proposed two storey dwelling and associated site works – granted – 8-05-2012  
 R/2010/0912/O – lands approx 77m NW of 51 Ardigon Road – site for erection of a two storey dwelling and garage and associated site works – 9-11-2011 – granted  
 R/2010/0346/F – 51 Ardigon Road, killyleagh – single storey front porch extension to dwelling – granted – 07-06-2010  
 R/2005/0729/F – 51 Ardigon Road – extension and alteration to dwelling – granted – 22-07-2005  
 R/2006/0093/F – 51 Ardigon Road – new pitched roof and canopy over existing stable block – 20-04-2006 – granted  
 R/2003/0917/F – 51 Ardigon Road – extension to rear of dwelling and alterations to existing barn – 09-09-2003 – granted.  
 R/1984/0281- 51 Ardigon Road – hoarding sign – granted – 11-07-1984

**Planning Policies & Material Considerations:**

The application is considered under Ards and Down Area Plan 2015, PPS 21, addendum to PPS 7 Residential Extensions and Alterations and SPPS.

**Consultations:**

NIEA - consulted in error  
 Transport NI – no objections  
 Rivers Agency – No objections  
 NI Water – no objections

**Objections & Representations**

The application was advertised which expired 10/06/2015 and neighbour notifications were sent to 4 properties which expired 05/10/2015 and no objections have been received. While the proposal description has changed it was not considered necessary to re advertise or re neighbour notify.

**Consideration and Assessment:**

The application is considered under Ards and Down Area Plan 2015, Addendum to PPS 7 Residential Extensions and Alterations and PPS 21 Sustainable Development in the Countryside and also SPPS.

The agent submitted a supporting statement in relation to the proposal and the policy referred to is CTY 4.

The existing building is 17m long and is 5.9m in height from finished floor level and consists of a utility and two stores, all of which are not internally linked at present.

The proposal includes a front and rear porch to be added and 1st floor accommodation to be provided with the introduction of walled dormers, the drawings do not match what has been carried out on site as there are 3 dormers proposed to the front on paper but there are two constructed. Not all of the 1st floor is to be occupied as a section is a vaulted ceiling however walled dormers have been provided to an area that is vaulted which is a strange situation.

As this proposal is described as ancillary accommodation to the host dwelling Addendum to PPS 7 Residential Extensions and Alterations would be considered however this proposal clearly fails EXT 1 as it is not ancillary to the main dwelling and would be a self contained unit which is not acceptable. This application does not demonstrate an internal link and whilst a loose link has been proposed under a latter application LA07/2015/0387/F there is no way of conditioning that this is ever carried out as it is not within the remit of this particular application.

The works do not remain ancillary to the main dwelling and the proposed works do not respect the existing dwelling.

As mentioned previously the agent considers the application to be in conformity with CTY 4 of PPS 21 and consideration is given to this.

The building appears to have been of a permanent construction however as works have been carried out prior to the site inspection reliance is on photographs submitted to identify what was previously on site.

It is not considered that the reuse/conversion of the barn would enhance the form, character and architectural features of the existing building. The previous building had limited architectural features to comment on however the works carried out do not retain the previously existing features of the barn, the barn has been extended to 1st floor and the openings have been altered considerably. The building has been changed beyond recognition therefore part b of CTY 4 has not been met.

The extensions to provide dormer windows does not respect the character of the building, losing the linear form of the building, there is also the introduction of a chimney and a plinth end to the gable, the roof covering appears to be new as a more detailed slate has been used. The building has also been re rendered smooth instead of the previous rough cast render usually found on out buildings in the area. The works do not respect the character or previously existing form of the building. The building is in extremely close proximity to no 51 Ardigon Road, although the accommodation is noted as being in association with the main dwelling under CTY 4 no condition that this would have to remain ancillary would be attached. The proposal is in extremely close proximity however and if not associated it would likely impact negatively on no 51 in terms of loss of private amenity however it is also noted that previous conversions have been allowed in restricted circumstances. Necessary services are available to without significant adverse impact on the environment or character of the locality and access to the public road can be achieved via an existing access.

The application is also considered under Strategic Planning Policy Statement for NI which is to be applied in conjunction with existing policy in the transitional period. Development in the countryside is addressed under this policy and it states that a building for conversion should be locally important such as former school houses and older traditional barns and outbuildings, this building, set in an existing yard of a dwelling is not considered to be locally important and would not be considered to be a locally important older traditional out building.



The agent was made aware on 25th February 2016 that there were issues with the application, the agent advised that this application was essentially an extension which is not in accordance with the supporting statement submitted which referred to CTY 4 conversions.

The agent was advised that the application would appear to fail CTY 4 of PPS 21 and EXT 1 of Addendum to PPS7 Residential Extensions and Alterations.

The application was again discussed with the agent on 3rd March 2016 and it was agreed that the proposal description needed amended as this application is retrospective and the link needs to be shown on the plan so can be conditioned. The drawings also need amended as they are not accurate to what is on site in terms of dormers.

The agent submitted the additional information and stated in a letter that the accommodation is to be ancillary accommodation and shall not be for independent living or commercial letting.

The proposal description has changed from  
Proposed conversion of non-listed vernacular out building/store/garage with minor alterations and extensions to habitable accommodation for use in association with host dwelling. To Conversion of existing outbuilding with alterations and extension to provide ancillary habitable accommodation (retrospective) linked to existing dwelling by means of extension approved under LA07/2015/0387/F

Amended drawings were submitted showing the extension to the main dwelling and steps down into the converted building providing an internal link. The dormers have also been corrected and notably the 1st floor plan has been omitted however there are still dormer windows at 1st floor and a staircase shown and section AA shows a 2nd bedroom upstairs.

Consideration is given to EXT 1 of Addendum to PPS 7 in relation to dealing with this application as ancillary accommodation.

The design of the converted barn is not the same as the main dwelling, when travelling along Ardigon Road the barn, at present, appears as a separate dwelling, the character of the converted building differs to the main dwelling and although there are similarities in terms of finishes the two design styles give the appearance of two separate dwellings, the link when put in place is not likely to overcome this issue and therefore it is not considered that the scale, massing and design of the conversion is sympathetic with the built form and appearance of the existing property.

In terms of ancillary accommodation while, following the submission of amendments there is an internal link the overall function of the converted and extended (upwards) accommodation is not supplementary to the use of the existing residence and does not function as part of the main dwelling and the both can function independently. The level of accommodation provided is excessive is not considered ancillary and the extension, alteration and conversion is not subordinate to the main dwelling. The agent outlined the reasons behind the need for the additional accommodation but given the amount of accommodation already available, the fact there is a recent approval to extend the main dwelling and also the level of accommodation requested

is far more than what is considered necessary and therefore there was no point in requesting any further evidence with this regard.

The proposal is considered ancillary to EXT 1 and having already advised the agent of the issues it is now recommended that the application is refused.

A further meeting was held with the Agent on 30<sup>th</sup> August in order to provide an opportunity to amend the proposal in order for it to provide a level of accommodation and also visually for it to appear as an ancillary extension, it was requested that the following is provided:

- Front dormers to be removed, can be replaced with velux windows if desired but simple type only, not including ones that drop into the wall plate.
- Any reference to 1<sup>st</sup> floor accommodation should be removed including the removal of the internal stair case, the reasoning behind this is ancillary accommodation should be limited as detailed in Addendum to PPS 7 Residential Extensions and Alterations and clearly ancillary to the main dwelling.
- The link between the dwelling and the conversion to be a highly glazed link only, thus reducing the overall bulk of the works which would help the overall scheme integrate more successfully.

The agent provided amended drawings on 9<sup>th</sup> November 2016 with only an amendment to section D-D to remove annotation of a first floor, second bedroom. No other changes have been submitted. A letter accompanied the amendments highlighting personal circumstances for the reasoning behind the works, these can be viewed on file however given that there is an existing permission on site for an extension to the dwelling and also that accommodation could remain but with works required for it to comply with policy. As the proposal stands it is clearly contrary to policy and does not reflect the style and design of the main building, on this basis a recommendation of refusal is made.

**Recommendation:**

Refusal on the above grounds.

**Refusal Reasons/ Conditions:**

The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that 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.

The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland in that the building presented for conversion is not locally important and the works carried out do not represent minimal intervention

The proposal is contrary to Addendum to PPS 7 Residential Extensions and Alterations EXT 1 as the scale, massing and design is not sympathetic with the built form and appearance of the existing property and the ancillary accommodation

provided is not subordinate to the main dwelling and not supplementary to the use of the existing residence.

**Case officer:**

**Authorised by:**

**Date:**

## Prepared Statement

For

**Conversion of Existing Outbuilding with  
Alterations and Extension to Provide Ancillary  
Accommodation (Retrospective) Linked to Existing  
Dwelling by Means of extension approved under  
LA07/2015/0387/F  
51 Ardigon Road  
Killyleagh Downpatrick.**

**NMDDC Planning Ref;- LA07/2015/0273/F**

for

**Mr Drew Henry (Deceased)**

*Michael Smith Building Design  
Chartered Building Consultants  
139 Ballydugan Road  
Downpatrick  
Co Down  
BT30 8HG*

*Tel 028 44615818*

*Email; [info@mscbc.co.uk](mailto:info@mscbc.co.uk)*

*Website; [www.mscbc.co.uk](http://www.mscbc.co.uk)*



Planning Chairman & Committee

This Planning application was deposited **11<sup>th</sup> May 2015**.

A sister planning application for a Link Extension LA07/2015/0387/F was subsequently deposited **2<sup>nd</sup> June 2015** with Planning Permission being Granted **8<sup>th</sup> March 2016**.

I would refer you to my correspondence of **7<sup>th</sup> November 2016** in the matter which outlines the personal circumstances prevailing at both the time of the applications being deposited and in the intervening 19 months.

While these circumstances are relevant to the need they are not solely relied upon for justification in this instance.

I intend illustrating that the reasons for refusal are not justified in themselves.

In describing the Site Characteristics the Planning Officer's Report is considered vague and misleading as to just how far back the site sits from the road.

This is compounded by the photograph incorporated in that report illustrating the buildings in full frame and taken from merely 20M in

front of the subject building. A view never to be observed from the public road!!

The actual set back distance from Ardigon Road is approximately **160M**.

This distance is considerable and when taken in context of the existing building position and mature vegetation is vastly different from that suggested in the Planning Case Officers Report.

Application of Addendum to PPS7 EXT1 is incorrect in this case.

Addendum to PPS7 makes no reference at all to “conversion” proposals.

I contend that this proposal is primarily a “conversion” project that meets the criteria relevant and stated in PPS21 Policy CTY4.

I contend that the extension aspect of the combined proposal and therefore Addendum to PPS7 was dealt with in granting planning permission LA07/2015/0387/F in March 2016.

Referring to the meeting of 30<sup>th</sup> August 2016 I would reconcile my response and argue against the specific reasons listed for refusal thus;

- *Front Dormers to be removed and velux added* ...is taken to refer to the first reason for refusal citing Policy CTY4 in that the new

extensions are not sympathetic to the scale, massing, architectural style and finishes of the existing building.

The fact that an existing similar dormer is found on the RHS Elevation of the existing dwelling must account for an acceptance that the proposed dormers are indeed sympathetic to the architectural style and finishes of the existing dwelling.



Existing Dormer Window.

The proposed front and rear porch extensions to the conversion were not referred to and so must be considered as having been accepted.

Reason for refusal No1 should be dismissed.

- The second reason for refusal cites the proposal as contrary to SPPS for Northern Ireland.

Considering the planning application was deposited 11<sup>th</sup> May 2015 it would be reasonable in normal circumstances to expect a planning application such as this to be processed within a three month period thereby avoiding the SPPS effective September 2015.

I therefore contend that in the event of dismissing reason for refusal Nos 1 & 3 reason No 2 should automatically be dismissed



- *Any reference to 1<sup>st</sup> Floor accommodation should be removed including the removal of the internal staircase ...reasoning... is ancillary accommodation should be limited as detailed in Addendum to PPS7...and clearly ancillary to main dwelling....is taken to refer to the third reason for refusal citing the proposal as Contrary to Addendum PPS 7 EXT 1.*

The preamble to Addendum to PPS7 states *“Proposals for a domestic garage or an outbuilding, or **other built** development ancillary to a residential property will also be considered under the provisions of this Addendum.”*

The context refers in my opinion to new build ancillary development and not conversions.

PPS21 Policy CTY 4 states *“Planning Permission will be granted to proposals for the sympathetic conversion, with adoption if necessary, of a single building for **a variety of alternative uses**, including use as a single dwelling, where this would secure its upkeep and retention.”*

Such variations in use are not prescribed but it is reasonable to assume the proposed (retrospective) use is acceptable in isolation

provided it meets criteria (a) to (g) and naturally without need to satisfy Addendum to PPS7 at all.

Therefore such features as the first floor Gallery and associated staircase are indeed feasible given the converted accommodation is not required to be subordinate to the main dwelling.

Planning also requested the link extension between the existing dwelling and barn granted planning approval on 8th March 2016 be redesigned to incorporate a high level of glazing.

Again Addendum to PPS7 was addressed in granting approval for the Link Extension

Reason for refusal No3 should be dismissed.

The proposal and in particular the dormers both proposed and existing are barely visible from Ardigon Road and so shall not have an adverse visual impact on the landscape in any case.

The conversion portion of the combined schemes clearly meet the criteria of PPS21 CTY 4 The Conversion & Reuse of Existing Buildings.

Any attempt albeit erroneous in this case to apply Addendum to PPS 7 by way of restricting the accommodation so that it would be subordinate to the main dwelling will have absolutely no impact on reducing any visual aspect of the buildings that form No51 Ardigon Road.

Ends.

I have appended copies of my letter 7<sup>th</sup> November 2016 together with views toward No51 Ardigon Road taken before and after the development all for ease of reference.

# Appendix A

# Michael Smith Building Design

Chartered Building Consultant • Architectural & Planning Consultant • Project Management

139 BALLYDUGAN ROAD • DOWNPATRICK • CO. DOWN BT30 8HG

TEL/FAX (028) 44615818 • MOBILE: 078 0267 1577

e-mail: info@mscbc.co.uk

www.mscbc.co.uk

Divisional Planning Manager  
Newry Mourne & Down District Council  
Planning  
Downshire Civic Centre  
Downshire Estate  
Ardglass Road  
Downpatrick  
Co Down  
BT30

7<sup>th</sup> November 2016.

Our Ref Mgen/msbdcorr/dhenry/planning02

Dear Sir / Madam,

**RE; Proposed Conversion of a non listed vernacular out building / store / garage with minor alterations and extensions to habitable accommodation for use in association with host dwelling at 51 Ardigon Road Crossgar.  
Planning Ref;- LA07/2015/0273/F**

Further to our meeting of the 30<sup>th</sup> August 2016 and subsequent emails in the above matter I would confirm that I have met with Mrs Henry to discuss the points raised by you as issues to be changed with a view to making the proposal acceptable.

Firstly, with the permission of Mrs Henry I would confirm the personal circumstances prevailing in this case.

Mrs Henry suffered a stroke in November 2013 and this led to major brain surgery in January 2014 followed by a considerable hospitalised intensive care period and continuing convalescence and family caring since her return to home.

Mr & Mrs Henry were married in August 2015. Mrs Henry had been widowed previously and has a relatively young family from that marriage.

NMDDC Planning

page 2

7<sup>th</sup> November 2016.

Mr Henry owner of a commercial interior fit out company was involved in the design process and was also responsible for carrying out the construction works associated with the subject conversion project. Very regrettably Mr Henry died suddenly in June 2016.

The current planning application LA07/2016/0273/F deposited on 11<sup>th</sup> May 2015 was preceded by pre-application discussion between the undersigned and Mark Keane of NMDDC Planning whereby then personal circumstances were outlined together with the urgent need for the accommodation for immediate family and extended family who continue attending to provide care and support following Mrs Henry's diagnosis, operation, treatment and recovery. Mr Henry's sudden passing has increased the importance of such family attendance to care and support.

I would confirm that the pre-application discussion referred to above also outlined the proposed linking of the above conversion to the main dwelling as submitted subsequently under application reference LA07/2015/0387/F deposited 2<sup>nd</sup> June 2015 and approved 8<sup>th</sup> March 2016.

The planning applications were prepared separately because the applicant was extremely anxious to provide accommodation for the family given the urgent circumstances.

Indeed, as part of the design and build process a further enquiry by way of discussion with NMDDC Planning took place with particular regard to the dormer window feature. The set back distance and obscured view of the building from Ardigon Road was considered and as such the dormer feature was considered acceptable.

At the date of the applications it would be a further 4 and 3 months respectively before the Strategic Planning Policy Statement (SPPS) 2015 would be introduced.

NMDDC Planning

page 3

7<sup>th</sup> November 2016.

It would have been reasonable in normal circumstances to expect the planning applications LA07/2015/0273/F and LA07/2015/0387/F to be processed within a three month period thereby avoiding the SPPS. It seems the applicant's exceptional circumstances coincided with NMDDC Planning's abnormal circumstances in terms of legacy planning application numbers.

Notwithstanding the above facts I have discussed the points raised by NMDDC Planning at our meeting of the 30<sup>th</sup> August 2016 with Mrs Henry and I am instructed to confirm the following;

1. The dormer windows as designed and built to be retained as they are considered in line with design guidance for Dormers in a rural area; i.e. positioned above external wall. In this particular instance due to the considerable set back distance and obscured view of the dwelling / conversion the dormers are not prominent and are not considered to be visually detrimental to the rural character of the development.
2. The proposed Bedroom designation has been removed as the space is not enclosed and has been constructed as a gallery open to and overlooking the stairwell and Living Room space respectively. Such a gallery feature is considered appropriate and can be used as an ancillary living space.
3. The link design shall remain unaltered. It is indeed peculiar that the planning application (LA07/2015/0387/F) for the link having been deposited with NMDDC Planning on 2<sup>nd</sup> June 2015 and approved merely 8 months ago is now essentially the subject of a redesign request. I would respectfully suggest that the revision to the link as requested by NMDDC will not be visible from Ardigon Road for the same reasons mentioned in point 1 above and as such is not considered to be visually detrimental to the rural character of the development.

I have attached the following for your consideration;

- a. 4 x copies of revised drawing 15-13-02B
- b. 4 x copies of pre-application views of the existing dwelling & building from Ardigon Road taken on Google Earth.

NMDDC Planning

page 4

7<sup>th</sup> November 2016.

- c. 4 x copies of current views of the dwelling and building (conversion) from Ardigon Road

On the basis of the above and attached information I would ask that the matter is reconsidered.

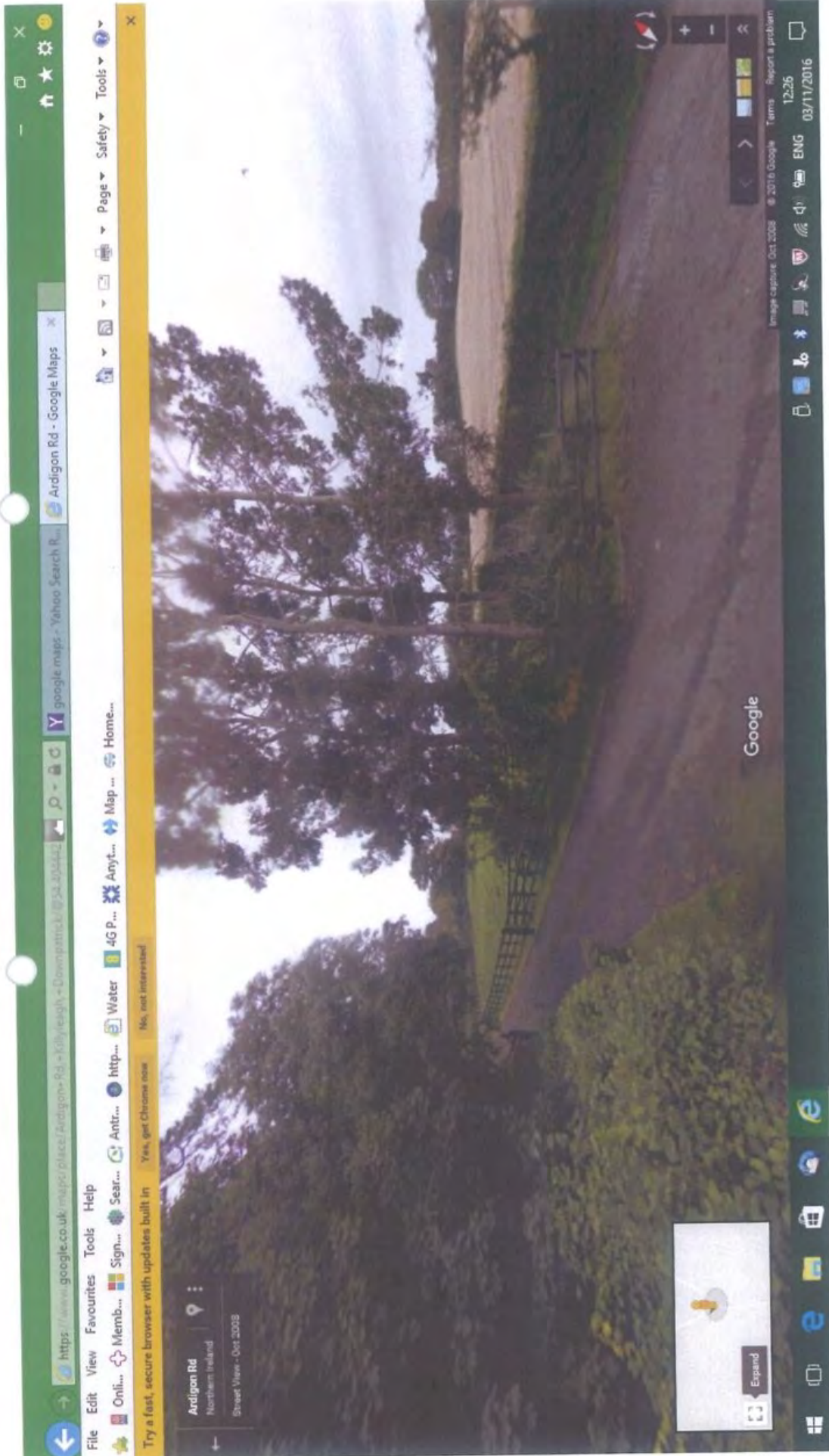
I am furthermore instructed to inform you that if NMDDC Planning is still of an opinion to recommend refusal of planning permission then the matter should progress to NMDDC Planning Committee stage where that recommendation will be resisted by means of representations etc.

Should you require any clarification or further information please do not hesitate to contact me.

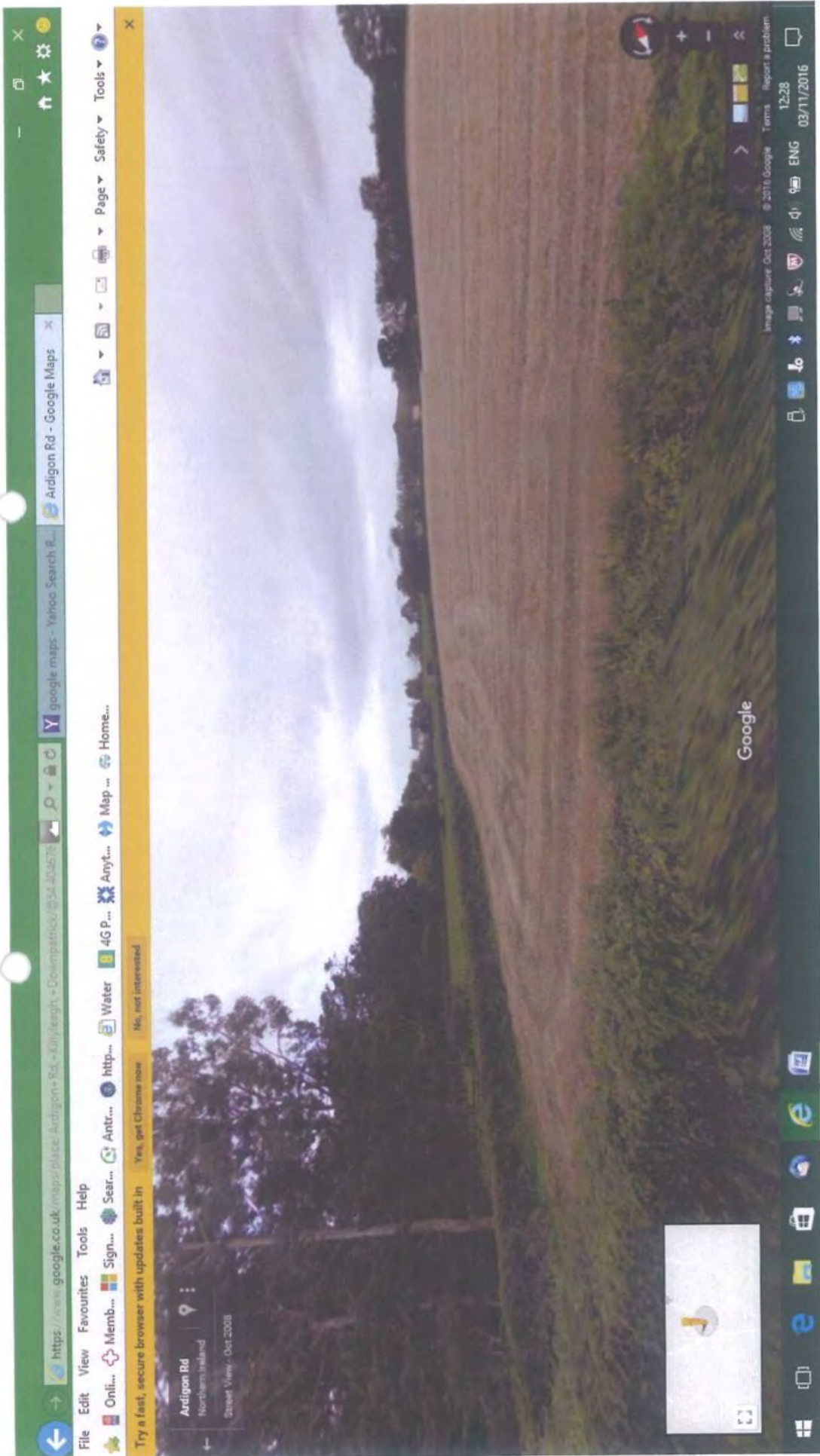
Yours faithfully,

Michael Smith MASI MCIQB MRICS

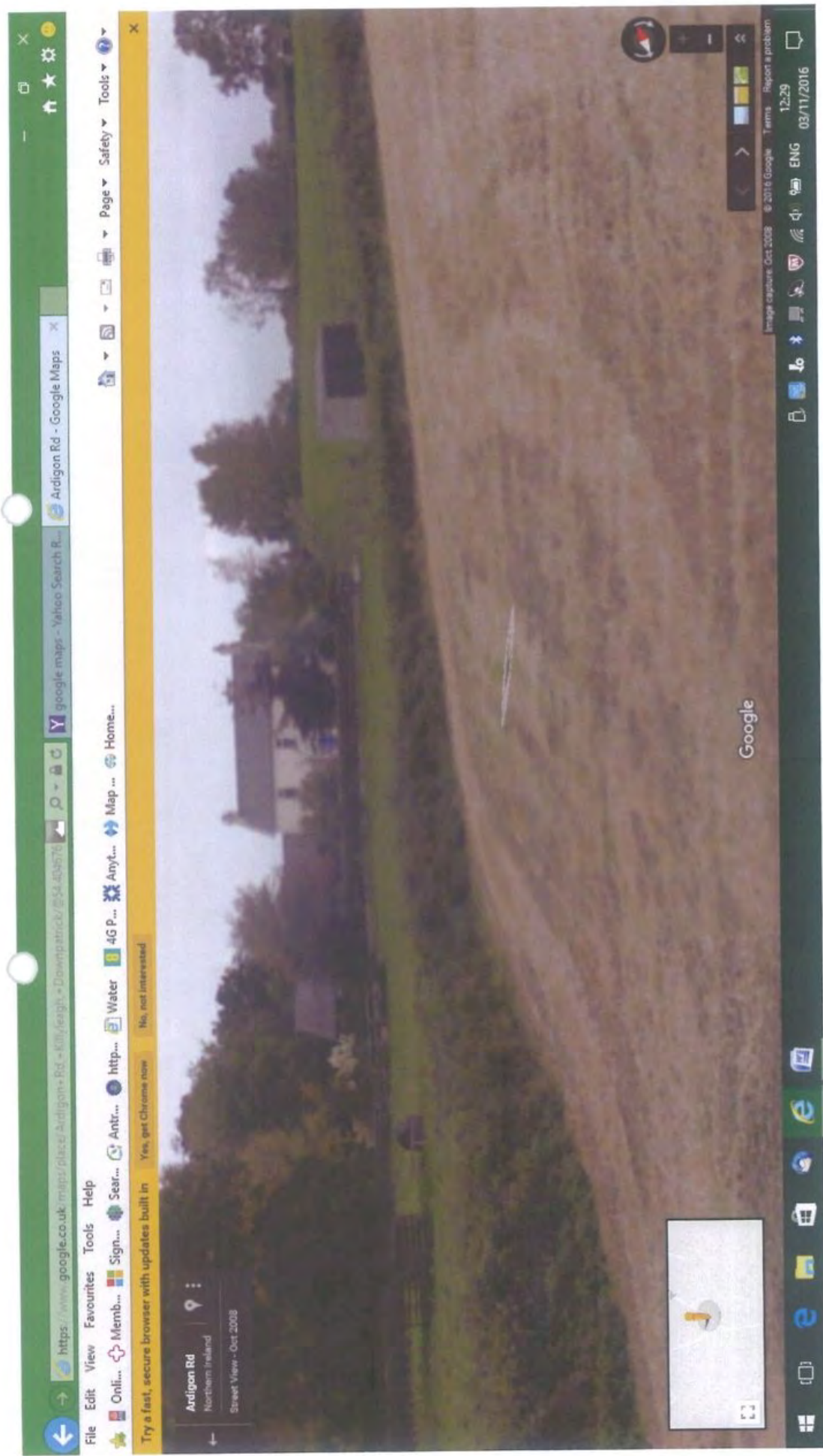




VIEW TOWARDS NO 51 ARDIGON ROAD FROM ENTRANCE POSITION  
 PRIOR TO WORKS



VIEW TOWARDS S1 ARDIGON ROAD APPROX 25m NORTH OF THE VEGETATE ENTRANCE PRIOR TO WORKS



*Reviews Res. now - Zoned -*



VIEW TOWARDS NO 51 ARDIGNON ROAD FROM  
ENTRANCE POSITION POST WORKS.



View Towards No. 51 Ard-Gow Road  
 at this access immediately North  
 Post works



VIEW TOWARDS HO 51 ARDIGN ROAD  
APPROX 25M NORTH OF VEHICULAR ENTRANCE  
POST WORKS

Item 6 – submission of support from Councillor Curran

**LA07/2015/0273 – Drew Henry**

I am writing in support of the above planning application the main points as follows

1. This is a conversion not an extension and the and the provision of the first floor with not externally affect the barn appearance
2. I have visited the premises and as it sits far back from the road and is surrounded with mature trees it will not have a detrimental visual impact to the area.
3. The dormers are similar to the existing dormers in the main dwelling

I would hope you look favourably on this application and grant planning permission

Regards  
Councillor Dermot Curran

<b>ITEM NO</b>	<b>8</b>			
<b>APPLIC NO</b>	LA07/2015/0406/F	Full	<b>DATE VALID</b>	6/3/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr N Kirkwood 7 Lisinaw Road Derryboye BT30 9LT		<b>AGENT</b>	Wind NI Ltd 20 Upper Main Street Larne BT40 1SX 08454751001
<b>LOCATION</b>	Approx 687m North East of 7 Lisinaw Road Derryboye.			
<b>PROPOSAL</b>	A single 250kw wind turbine with a base height of 40m and a blade length of 22m.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	21	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 RE1 of the Departments Planning Policy Statement 18, in that the development would, if permitted, have an unacceptable adverse impact on the visual amenity and landscape character of the area through the scale, siting and size of the turbine.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1 of the Departments Planning Policy Statement 18, in that the development would, if permitted, have an unacceptable adverse impact on the residential amenity of neighbouring residents of 150 and 152 Clay Road, Downpatrick, arising from shadow flicker.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2015/0407/F**

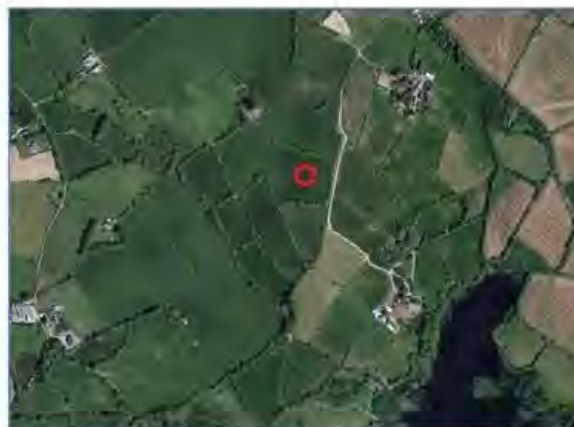
**Date Received:** 6<sup>th</sup> February 2015

**Proposal:** A single 250kw wind turbine with a base height of 40m and a blade length of 22m.

The site is 10miles North of Downpatrick, 4.6 miles north and east of Crossgar, and 3 miles north and west of Killyleagh. The site is within the Rowallane Council Ward.

**Location:** Approx 687m North East of 7 Lisinaw Road Derryboye

The site is approx. 2miles west of Strangford and approx. 7miles north east of Downpatrick.



**Site Characteristics & Area Characteristics:**

The site is located within the middle of a large agricultural field. It is an elevated site a short distance from the summit of a drumlin. The field has mature boundaries and appears to be used to facilitate agricultural grazing although no animals were present on day of site inspection. The site is accessed from the Lisinaw Road through the lane serving No 17 Lisinaw Road and the agricultural buildings to the rear of No 17 before following agricultural field boundaries; there is no clear path or lane to serve the site at present. The site is located approx. 570m west of No 17 and the access detailed on the site location follows along several field boundaries and crosses a small waterway before following another field boundary to access the site.

The site is on higher ground level than No 17 and the access lane would vary in levels due to the undulating topography.

The site is located approx. 40m to an access lane which serves the properties at 152a and 152b Clay Road. This lane does not provide pedestrian or vehicular access to the site proposed and due to the mature hedge coupled with the topography, it is not visible from the site. This lane also serves properties at 148, 150 and 152 Clay Road.

The area is typified by drumlins with detached dwellings and agricultural buildings dotted within the landscape. The land use of the area is largely agricultural.

**Site History:**

No site specific history.

Note wind turbine application approx. 450m NNE of the site considered under separate planning application LA07/2015/0399/F has been WITHDRAWN (1.08.2016).

**Planning Policies & Material Considerations:**

The proposal will be assessed paying attention to the Ards and Down Area Plan 2015, the Regional Development Strategy, the Strategic Planning Policy Statement (SPPS) for Northern Ireland, PPS18 Renewable Energy and its associated Best Practice Guidance Wind Energy Development in Northern Ireland's Landscapes, PPS2 Natural Heritage, PPS6 Planning Archaeology and the Built Heritage, PPS3 Access, Movement and Parking

**Consultations:**

National Air Traffic Service

22.6.2015 no safeguarding objection to the proposal.

NI Water Windfarms

Considered it in relation to fixed radiolinks and ST radiolinks that NIW operate and provided no objection to the proposal.

Belfast International Airport

24.6.2015 the proposal does not conflict with Belfast International Airports safeguarding criteria, however in the interests of aviation safety recommends the developer install a Low/Medium Intensity, Omni-directional, Night Vision Compatible, Steady red Obstacle light at the highest point of the hub. If the proposal is considered acceptable, this can be conditioned as part of the planning approval.

Transport NI

29.6.2015 no objection to the proposal.

Arqiva

21.8.2015 no objection to the proposal as an entity responsible for providing the BBC and ITV's transmission network and ensuring the integrity of Re-Broadcast Links.

Defence Infrastructure Organisation  
29.1.2016 no objection to the proposal.

BT Radio masts  
29.1.2016 the proposal would not result in any interference to BT's current and presently planned radio networks.

Westica  
8.2.2016 offered no technical safeguarding objection to the proposal.

NIE  
11.2.2016 notes there are existing NIE Networks high voltage overhead lines in close proximity to the site of the proposed turbine and are presently to remain and developer should maintain statutory clearance from NIE's Network in the area to ensure safety.

Joint Radio Company Ltd  
Note no potential problems as a result of the proposal.

OFCOM responded with no objections

Environmental Health (NM and D)  
27.7.2015 response details the applicant is preparing a Noise Assessment and when this is received request re-consultation.  
10.5.2016 responded to the noise impact assessment stamp received 17.02.2016 for the proposal and that it included a cumulative impact assessment to include LA07/2015/0399/F. However Env Health have requested further information on LA07/2015/0399/F and reserve making comments until this is received.  
NOTE: LA07/2015/0399/F was withdrawn and Env Health reconsulted.  
5.9.2016 response from Environmental Health noted the withdrawal of LA07/2015/0399/F and assessed the details submitted with this application (LA07/2015/0406/F) commenting with assumptions that there is no cumulative impact on properties detailed within the Noise Impact Assessment and there is no other development ie wind turbine/residential property in the area other than that identified within the Noise Impact Assessment. Their response concluded with suggested conditions relating to level of noise immissions from the proposed turbine and their enforcement and detailing noise limits on the properties at 17, 11 and 12 Lisinaw Road as well as 148, 150, 152, 161 and 171 Clay Road as well as the replacement dwelling approved under planning reference R/2011/0240/F. See the file for full details of response and conditions.

NIEA  
7.7.2015 Land Soil and Air – responded detailing standing advice and recommending the applicant supplies a desktop study identifying the potential risks to potential receptors.  
7.7.2015 Natural Heritage and Conservation Areas – responded that a biodiversity checklist should be completed by the applicant and that consultation with Shared Environmental Services in relation to the proximity of a European Site to the application.  
NOTE biodiversity checklist returned by applicant, signed and dated 04.02.2016 by the planning agent, did not identify any areas of concern. Reconsultation with the

NIEA (now falls under the Department of Agricultural, Environment and Rural Affairs) was not considered necessary.

Shared Environmental Services (SES)

22.2.2016 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) The Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. The SES response included a Habitat Risk Assessment received via email on 22.2.2016 and is attached to the file

### **Objections & Representations**

The site was advertised in Mourne Observer and Down Recorder on 8<sup>th</sup> of June 2015.

A total of 14 neighbouring dwellings were notified.

A total of 21 Objections have been received.

The objections are detailed in full on the planning application. I have included a summary of the issues outlined below. Please note many objections also referenced the now withdrawn planning application LA07/2015/0399/F (withdrawn on 1.08.2016). The objections include:

- Objection received from Stud Farms I the area at 148 Clay Road and 171 Clay road (which details it is owns the lands adjacent to the site and a new facility is under construction) and the impact the proposal would have on this business which has been established since 1997. The business owners described the Stud Farm as breeding horses for international export. The business considers that the proposal would have a detrimental impact on in terms on the thoroughbred horses which are detailed as nervous and highly strung and impacting the business. Additional information dated February 2014 in form of an article from Irish Times entitled 'Thoroughbred horse bodies warn wind turbines could affect investment', and The British Horse Society advice on wind turbines and horses guidance for planners and developers.
- Objections have highlighted disagreement with the biodiversity statement as submitted by the applicant. Cumulative impact in relation to the wind turbine proposed 450m NNE of the site under reference LA07/2015/0399/F. Please note this application has been withdrawn.
- Recent planning refusal for a smaller wind turbine R/2011/0250F, which is located within the same Landscape Character Area as that of the proposed and the refusal reasons are applicable to this proposal.
- Impact on Residential Amenity of neighbouring residents in terms of noise highlighting that best practice guidance relating to noise noise
- Impact of Shadow Flicker on neighbouring residents

- Detrimental impact on the visual amenity of the area, landscape character of the area detailed as 'Highly Sensitive' and its close proximity of the Strangford and Lecale AONB
- Impact on wildlife and Lough Roach.
- Impact the height would have on the landscape as it would be significantly higher than the tip of the drumlin
- Access for construction and maintenance would be problematic
- The potential impact the proposal would have on TV signals
- The impact the proposal may have on health

Inaccuracies of the maps provided were detailed within the representations, however the council notes that dwellings are under construction and some have been recently completed therefore we accept that the site location map may not detail recently constructed dwellings however they have been included within the Noise Assessment as submitted by the applicant.

A representation raised concern that relating to a cottage in the adjacent field that is uninhabited. There is no approved or pending planning applications or planning appeals relating to this site. The dwelling was noted during site inspection but there no address associated with the dwelling and it appears to be in a derelict state.

During the processing of the application the planning section received letters of representation querying NIE infrastructure that would be needed to facilitate the proposal and its location. This is not a detail that is included within the planning application and no applications for such a proposal at or adjacent to the proposal have been approved or are currently before the Council for consideration. The Officer advised the persons concerned that it may be helpful to contact the applicant's agent for this detail if they require information such as that.

Representations also queried the ability of the electricity grid to accept any further connections to the grid. This is not for the consideration of this planning application. The application will be considered in relation to current planning policy, the current area plan, site constraints, planning issues raised through representations received and consultation responses. The SPPS refers to this within paragraph 6.323 (Page 94) where it states the grant of planning permission does not guarantee grid connection which falls within the remit of Northern Ireland Electricity (NIE).

Representation received from W Walker Cllr for Newry, Mourne and Down District Council to state his support for the local residents in the area that have objected to the proposal, email received 16.6.2016.

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

The proposal was screened by EIA and as it is a single turbine that the Council considered the proposal could be considered through consultee responses and policy no Environmental Impact Assessment was requested. A copy of the EIA determination has been attached to the file.

The proposal is not within the Strangford and Lecale AONB.

The proposal is a full application for a single wind turbine with a hub height of 40m and blade diameter of 44m (blade length of 22m). From ground to tip the turbine (including moveable blades) would be 62m. The turbine will be white in colour.

PPS18 Renewable Energy and Best Practice Guidance provides policy and guidance relating to wind turbines and renewable energy. Policy RE1 of PPS18 states that development, such as the wind turbine proposed, will be permitted provided the proposal, and its associated buildings and infrastructure, will not result in adverse impact on the following;

- (a) Public safety, human health or residential amenity
- (b) Visual amenity and landscape character
- (c) Biodiversity, nature conservation or built heritage interests
- (d) Local natural resources, such as air quality or water quality
- (e) Public access to the countryside.

Where the proposal would result in unavoidable damage during installation, operation or decommissioning, the application will need to demonstrate how this can be minimised and mitigated against and must be assessed prior to approval.

Policy advises that the wider benefits ie economic, environmental and social benefits are material considerations when considering renewable projects. The supporting information highlights the proposal will facilitate approx. 320 homes with electricity.

Wind energy development has additional criteria listed within Policy RE1 that must be considered.

- (i) That the development will not have an unacceptable impact on the visual amenity or landscape character through number, size, scale and siting or turbines
- (ii) That the development has taken into consideration the cumulative impact or existing turbines, approved and pending applications
- (iii) That the development will not create a significant risk of landslide or bog burst
- (iv) That no part of the development will give rise to unacceptable electromagnetic interference to communications installations
- (v) That no part of the development will have an unacceptable impact on roads, rail or aviation safety
- (vi) That the development will not cause significant harm to the safety or amenity of sensitive noise receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light
- (vii) The above ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

The wind turbine approval referred to in representations received refers to a wind turbine:

R/2011/0250/F Proposed 11kw Gaia wind turbine (18.4m tubular tower construction) to support existing farm business (Amended proposal/plans) at approx 192m Nw of 71 Ballymorran Road Killinchy Newtownards GRANTED 29.08.2012

This turbine is located over 3km to the North and East of the site and when using the road network is approx. 7km away.

R/2011/0250/F was approved within the same LCA (94) the proposed wind turbine is located within. However the proposed turbine is not located within the designated AONB while R/2011/0250/F is within the AONB.

The SPPS also considers Renewable Energy and offers no conflict with PPS18 and guidance.

The access route to the site was queried by the Council due to the identified access crossing a river. The agent Wind NI supplied confirmation relating to the construction of a suitable bridge to facilitate the construction of the development and provide access once a year for service vehicle for the length of time the wind turbine will be operative. The letter, which was stamp received 22 FEB 2016, states that within 12 months of the cessation of the electricity generation at the site or expiration of the permission all structures and access tracks will be removed and land restored in accordance with a scheme to be submitted to and approved by the Council prior to commencement of development. This can be conditioned should the principle of the proposal be considered acceptable. It is noted that Shared Environmental Services were made aware of this crossing and offered no objections to the proposal in relation to designated sites, full details of their response and Habitats Risk Assessment is detailed on the planning file.

Objections received have highlighted concerns relating to the use of the Lisinaw Road during construction phase. Transport NI have raised no concerns relating to the proposal. The construction phase and decommissioning phase would only be a short time scale, however Transport NI have no concerns relating to road safety or the access proposed. Shared Environmental Services did not raise any concerns in relation to the crossing of the river to access the site. The construction of a bridge would not result in loss of any priority habitats and a Biodiversity Checklist was returned by the applicants agent which raised no concerns.

The Council has completed a series of consultations with bodies that consider impact of potential wind turbines on communications interference and no concerns have been raised.

The SPPS advises the ability of the landscape to absorb development must be considered. The site is not within an AONB. The Landscape Character of the Area (94) Wind Energy Development in Northern Ireland's Landscapes: SPG which accompanies PPS18 identifies the site within landscape character of the area is Strangford Drumlins and Islands (94) which is a small scale intimate landscape of drumlins and loughs, some areas of marshy pasture between drumlins and agricultural land use. The landscape is described as very highly sensitive to wind energy development and could be out of scale with the much smaller drumlin landform. This site is inland of the AONB and the landscape character assessment highlights a high degree of enclosure. However the site is near the tip of a drumlin and measures at a 40m hub height and 62 m to tip of blade. The Council is concerned that the proposal is out of scale with the drumlin topography and SPG states wind turbines should reflect the scale of groups of buildings or trees.

This area has a drumlin landscape and while the proposed turbine is not at the summit of the Drumlin, the summit is a short distance, therefore the proposal would dominate the skyline as the location would not facilitate any integration within the landscape for the 40m hub. As correctly identified within an objection received, the SPG advises wind turbines should not exceed the average drumlin height and would ideally be no taller than half the average drumlin height. At this site the drumlin measures approx. 25m. This would result in a wind turbine with a height of 12-13m. The proposal would have a total height (to tip) of 62m with a fixed hub height of 40m. As previously highlighted the LCA describes the landscape as contained with the very high sensitivity to wind energy development which could easily be out of scale with the smaller drumlin landform. The LCA also recommends that any turbine development to reflect the scale of groups of buildings or trees. It is therefore inevitable that this large turbine would be highly visible within the landscape with limited backdrop or enclosure. It is likely to be intrusive and have an adverse impact on the character of the area with the potential to be a highly prominent feature on the sensitive drumlin skyline.

There is a turbine on the Ballymorran Road as highlighted by comments received from objections. The wind turbine approved under planning reference R/2011/0250/F would not be inter-visible with the proposed turbine and is a considerable distance of over 3km to the NE of the site. The adjacent planning application LA07/2016/0399/F appears to have been located further from residential dwellings and would have had a significant impact on the determination of this application in terms of cumulative impact for visual and residential amenity. However this application has been withdrawn and has no potential to impact the determination of this proposal.

The agent submitted a completed biodiversity checklist. This raised no concerns and the mitigation paragraph within the checklist stated the proposal would have minimal effect on local biodiversity and the access/service lane would be partially restored to its original state. Due to the details of the biodiversity checklist, distance of the turbine from nearby hedges (60m at its closest point) where the separation distance is more than 50m, coupled with the response from Shared Environmental Services, it was not considered necessary to re-consult with NIEA Natural Heritage and Conservation Areas (now known as Department for Agricultural, Environment and Rural Affairs ie DAERE).

Representations have been received from neighbouring landowners and residents which have disagreed with the details of the biodiversity checklist. While the representation refers to concerns, the checklist has been completed and features referred to within the representation are 400m away from a priority habitat, the site is not within 50m of a priority habitat, the impact on woodland 0.5km away are at a distance, the proposal is not adjacent to or within the woodland referred to within the representation that Council consider acceptable and the proposal does not involve the modification, conversion or removal of buildings as identified within this representation.

Letters of representation highlighted that the noise report didn't include neighbouring dwellings at 152A and 152B Clay Road which measure approx. 380m and 285m respectively (this is measuring approximate locations from the site location map). It



must be noted that these dwellings are outside of the Shadow Flicker zone due to their location to the SSE of the site.

The submitted noise info and subsequent letter of clarification from the agent received in August 2016 highlights that the noise report refers to planning approval for a replacement dwelling reference R/2011/0240F granted 500m S of 148 Clay Road. The letter from agent stamp received 01 AUG 2016 refers to this and advises the planning approval included within the report R/2011/0240/F has been built and is addressed as 155a Clay Road ie receptor H9 within noise report (stamp dated 22 FEB 2016) and 152b Clay Road is further from the turbine than H9 ie 152a Clay Road. Environmental Health provided response

Dwellings of 152, 148, 150 and equestrian business site approved under R/2013/0254/F on 28.3.2016 are within the Shadow Flicker zone identified within the site location plan stamp dated 03 JUN 2015. The proposal was submitted with a Supplementary Shadow Flicker Assessment which was stamp received 03 JUN 2015. Shadow Flicker is referred to within policy and best practice guidance. The guidance states that Shadow Flicker has the potential to affect properties within 130degrees either side of north of the turbine. This proposal has a hub height of 40m and a blade diameter of 42m. The guidance refers to a series of circumstances that could result in shadow flicker at periods of the year relating to proximity of the properties within 130degrees north of the turbine whereby the sun is at a low angle within the sky. The guidance states that at distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. This would be a distance of 420m within 130degrees north of turbine. The Shadow Flicker zone as detailed by the agent within the site location plan details 420m within 130degrees N of turbine.

The Shadow Flicker Assessment highlights properties of 152 Clay Road, 150 Clay Road and 148 Clay Road. The approved equestrian stables (R/2013/0254/F) have not been included.

The Shadow Flicker Assessment considers the position of 150 Clay Road, to the rear of farm buildings would block the potential of the wind turbine to affect the residential dwellings.

The shadow flicker from the wind turbine could result in No 152 Clay Road has the potential to be affected by shadow flicker on 57 days of the year where 34 days could potentially be more than 30mins per day. The report concludes that the turbine could potentially result in 28.1 hours of flicker a year.

The wind turbine has the potential to impact on the dwelling of 148 Clay Road by way of shadow flicker for 52 days of the year. Of these 52 days, 21 days could have more than 30 mins of shadow flicker affecting the residential amenity of the dwelling. The report concludes that this property could be subject to 22.4 hours of flicker per year.

The Best Practice Guidance for PPS18 recommends that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day (paragraph 1.3.77 page 29).

While the Shadow Flicker Assessment concludes that the turbine would have less than 30 hours of flicker per year on dwellings at 152 and 150 Clay road the guidance states that shadow flicker at such properties should not exceed 30 minutes per day.

The Noise Impact Assessment has been considered and Council is mindful that Environmental Health Unit is satisfied that the noise levels generated by the turbine can be conditioned and have not identified neighbouring dwellings within the vicinity as having adverse impact as a result of noise caused by the proposal. Best Practice further states that noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be masked by wind-generated background noise comparative to a quiet bedroom (35 Indicative Noise Level dB(A)).

While the Council is mindful that the Shadow Flicker Assessment highlights the possible worst case scenarios the results of the assessment cannot be easily set aside. It is clear that the turbine has the potential to cause significant harm to the amenity of receptors at 152 and 150 Clay Road. The proposal is contrary to PPS18 Policy RE 1 in that it the proposal has the potential to cause significant harm to the amenity of sensitive receptors at 152 and 150 Clay Road due to its potential to result in shadow flicker that may exceed 30 minutes per day contrary to best practice guidance.

Representations have been received from neighbouring businesses which include advice from The British Horse Society. The Council notes the guidance and would advise that it has been considered, however would not have determining weight as it is guidance from a third party and not planning policy.

The guidance from The British Horse Society recommends a minimum separation distance of 200m or 3 times the blade tip height between a turbine and any route used by horses or a business with horses. This would measure at 200m or (3 x 62m) 186m. Hill Head Stud Farm is addressed as 148 Clay Road which is sited at approx. 360m from the proposed turbine. A detached dwelling at 152 Clay Road, is located at a distance of 280m from the turbine and it would be sited between the turbine and No 148 Clay Road. The guidance details that horses are sensitive to wind turbine due to the noise and shadow flicker they can cause. However considering the guidance provided by the representative the proposal is a suitable distance from the established horse business.

The planning approval referred to by Harron Eakin Farms, also an equine business refers to R/2013/0254/F approved 28.3.2014 for Stable block and associated wash area on lands approx. 130m NW of 150 Clay Road and referred to within the representation received as 'under construction'. This site measures at 360m N of the proposed wind turbine. Therefore considering the distance from the turbine and the guidance as detailed by The British Horse Society the separation would be considered appropriate.

The proposal includes a Groundwater Impact Statement. This includes consideration of the turbine and its proximity to Clea lakes tributary, designated wetland and springs and wells. There are no water features identified within the clearance areas. See report for more information. There are no concerns relating to

impact on groundwater sources. There has been no evidence supplied that would highlight the proposal would have the potential to cause landslide or bog burst.

The fall distance for an individual turbine is the height to the tip of the turbine, which is 62m plus 10% ie 69m. This distance has been considered and if the turbine were to fall it would be contained within the agricultural field.

Having discussed the building measuring at a distance of 130m SSE of the turbine and referred to within representations received has been discussed internally and as the building is in a derelict state and is uninhabited with no proposals approved or currently before the council for consideration for possible residential development it would not form part of our consideration. It must be noted that should an application for a conversion or replacement dwelling be received it would need to comply with planning policy.

**Recommendation:**

*Refusal*

**Refusal Reasons/ Conditions:**

*Refusal reasons as recommended by case officer and can be subject to change;*

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1 of the Departments Planning Policy Statement 18, in that the development would, if permitted, have an unacceptable adverse impact on the visual amenity and landscape character of the area through the scale, siting and size of the turbine.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy RE1 of the Departments Planning Policy Statement 18, in that the development would, if permitted, have an unacceptable adverse impact on the residential amenity (PUBLIC SAFETY, HUMAN HEALTH) of neighbouring residents of 150 and 152 Clay Road arising from shadow flicker.

\_\_\_\_\_  
Case Officer DATE

\_\_\_\_\_  
Appointed Officer DATE

<b>ITEM NO</b>	<b>9</b>			
<b>APPLIC NO</b>	LA07/2015/0639/F	Full	<b>DATE VALID</b>	7/15/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr and Mrs P McMillan 22 Rosemount Crescent Newtownabbey BT37 ONH		<b>AGENT</b>	8a Architects Ltd 8a Catherine Street Killyleagh BT30 9QQ  NA
<b>LOCATION</b>	Site 45metres East of 55 Rossglass Road Killough			
<b>PROPOSAL</b>	Replacement Dwelling and conversion of former mill to ancillary 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 SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside,
  - in that all external structural walls are not substantially intact.
  - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building,
  - the design of the proposed replacement dwelling is not of high quality appropriate to its rural setting and
- 2 The proposal is contrary to the SPPS and Policies CTY1 and CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be a locally important building.
- 3 The proposal is contrary to the SPPS and Policies CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
  - (a)it is a prominent feature in the landscape;
  - (b)the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
  - (c)it relies primarily on the use of new landscaping for integration;
  - (d)ancillary works do not integrate with their surroundings;
  - (e)the design of the building is inappropriate for the site and its locality; and
  - (f)it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is
  - (a) unduly prominent in the landscape;
  - (b) results in a suburban style build-up of development when viewed with existing and approved buildings; and
  - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
- 5 The proposal is contrary to the SPPS 2015 and Planning Policy Statement 2 Natural Heritage policy NH6 Areas of Outstanding Natural Beauty in that the proposal is inappropriate in terms of design; size and scale for the locality and is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

<b>Application Reference:</b>	<b>LA07/2015/0639/F</b>
<b>Date Received:</b>	<b>15.07.2015</b>
<b>Proposal:</b>	<b>Replacement Dwelling and conversion of former mill to ancillary accommodation</b>
<b>Location:</b>	<b>Site 45metres East of 55 Rossglass Road Killough</b>

### Reconsideration

The application was withdrawn from the Planning Committee agenda of the 3 August 2016 to allow for the consideration of further information that had been submitted on 27 July 2016. This information was reviewed and concerns remained in relation to the completeness of the existing walls of the dwelling in compliance with CTY3 of PPS21.

The agent offered to cut back the vegetation from the dwelling to allow for a closer analysis of the extent of the walls. This was carried out and a further site visit was carried out. Photographs from the site inspection are included below.

The agent submitted further information on the 27 October 2016, including a re-survey of the dwelling to be replaced, photomontages and minor amendments to the design of the proposal.

The requirement of PPS 21 policy Replacement Dwellings is that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling **and as a minimum all external structural walls are substantially intact.**

From a site inspection, the building to be replaced while it does have characteristics of a dwelling, ie remains of internal divisions evident, windows/door on rear elevation, remains of internal chimney breast, fireplace, however the front wall of the building is almost completely absent. In this regard the proposal fails this policy test which requires that as a minimum ***all*** (my emphasis) external structural walls are substantially intact.

The replacement is proposed to be in-situ, there are no concerns in this regard, however the size and scale of the proposed replacement causes concerns in terms of its greater visual impact. The proposed replacement will necessitate cut/fill and under build which is inappropriate to this site. It is considered that the proposed replacement will have a greater visual impact than the existing building. The design of the proposal is not sympathetic and does not respect the site and its attributes. Design changes made to the proposal include the inclusion of a wall linking the proposed replacement with the converted ancillary accommodation, roof finish amended to slate from concrete tile, changes to fenestration and the removal of the upper gable window. Whilst these changes are noted, the scale and mass of the proposal still represents a significantly greater visual impact than the existing building.





An integral part of the proposal is the conversion of the separate building referred to as a mill building. Policy clearly states that provision will be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building, examples are provided such as older traditional barns and outbuildings. It is not considered that this is a locally important building. It does not appear as an important building in the landscape and fails to exhibit any special characteristics of a old traditional outbuilding. There are many examples of such outbuildings in the countryside.

A recent PAC judgement in the NMD Council area 2015/A0150 has provided clarity on what can be considered as a locally important building, the commissioner acknowledged that the



“SPPS did not define “locally important” but listed examples such as former school houses, churches and older traditional barns and buildings. I consider that these cited examples typically to relate to buildings that generally have some design, architectural or historic merit”



It is considered that the conversion of this building in its own right would create the appearance of a separate dwelling and therefore the proposal as a whole would contribute to a build-up of development at this location to the detriment of rural character.

The proposed internal layout of this conversion would also allow it to function as a separate residential unit which is unacceptable. The inclusion of a part wall linking the proposed replacement and the mill would not be considered sufficient to provide for the integral linking of the two elements of built development as one.

Following consideration of the additional information submitted, the original concerns with the application remain valid and for this reason the same reasons for refusal are recommended.

**Recommendation:** Refusal

**Signed** .....

.....

### Refusal Reasons

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that all external structural walls are not substantially intact and the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the proposed replacement dwelling is not of high quality appropriate to its rural setting.
2. The proposal is contrary to the SPPS and Policies CTY1 and CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is not considered to be a locally important building.
3. The proposal is contrary to the SPPS and Policies CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
  - (a) it is a prominent feature in the landscape;
  - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
  - (c) it relies primarily on the use of new landscaping for integration;
  - (d) ancillary works do not integrate with their surroundings;
  - (e) the design of the building is inappropriate for the site and its locality; and
  - (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
  - (a) unduly prominent in the landscape;
  - (b) results in a suburban style build-up of development when viewed with existing and approved buildings; and
  - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
5. The proposal is contrary to the SPPS and Planning Policy Statement 2 Natural Heritage NH6 Areas of Outstanding Natural Beauty in that the proposal is

inappropriate in terms of design; size and scale for the locality and is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of

**LA07/2015/0639/F: Replacement Dwelling and Conversion of former Mill to Ancillary Accommodation at Rossglass, Co Down**

**Site:** 45 Metres East of 55 Rossglass Road, Rossglass.

Firstly, please view photomontages in Appendix 1 before reading .....

This proposal is for a single dwelling, but has two elements:

1. Replacement dwelling, and
2. Restoration of existing Threshing Mill for ancillary use.



Material factors in preparation of scheme:

- a) Replacing existing dwelling, old farmhouse with **essential characteristics** of dwelling,
- b) Heritage ... conservation of significant **Threshing Mill** with horse walk and machinery,
- c) Site lies within **Rossglass cluster** of development .... focused on **Chapel and Graveyard**,
- d) Site on two levels rising from existing dwelling at (almost) shore level to existing Mill on height,
- e) Area is **AONB**.



The scheme now before Council has been amended in response to Planning comments and suggested reasons for refusal .....

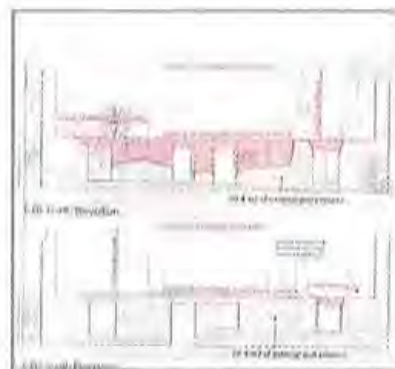
Planning, however, continues to find it unsatisfactory on the following grounds:

1. Contrary to CTY 3 - Replacement Dwellings

- a) External structural walls not substantially intact, Analysis requested by Planning shows over 90% original walls in place

This is extract from analysis of existing built fabric ..... over 90% remaining.

See Appendix 2 for full analyses and Drawing PL-03



- b) Visual impact greater than existing, Inevitably, a new dwelling to today's standards will have greater 'visual impact'. Real test should be, *"Does the new integrate satisfactorily?"*

The sloping site allows for underbuilding without changing single storey public view.

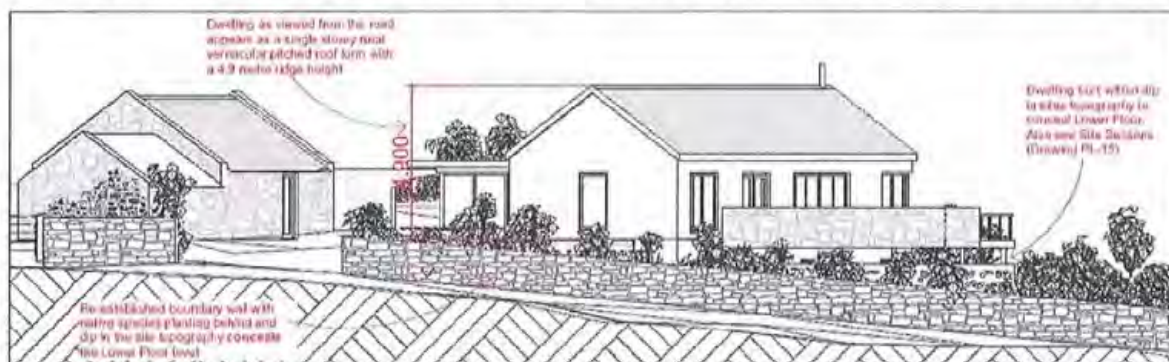
- o New ridge level same as that of the existing Mill building (left)
- o Re-instatement of stone wall frontage

- c) Design lacking quality and character for Rural Setting.

The body of the new build takes on traditional form and character, matching that of the Mill (left). With perimeter and connecting stone walling and ancillary works all work to create a sense of unity and understatement.

Below is amended scheme from neighbouring carriageway showing the conserved Threshing Mill (left) and the replacement house (right).

- o The Mill retains all its visual, vernacular and heritage qualities.
- o The replacement exhibits traditional form, scale, proportion typical of the vernacular and addresses the roadway in a similar manner,
- o Layout and ancillaries complement the relationship between Mill and House, creating a unity.



2. The proposal is contrary to the SPPS and Policies CTY1 and CTY4 of Planning Policy Statement 21 Sustainable development in the countryside, in that the building is to be a locally important building.

This refers to the former Mill, a building whose 'local importance' is self evident .....

- o A genuine vernacular building dating to pre-1860 ... displays all PPS 21 criteria.
- o Unusual traditional stone work.
- o Readily accessible and visible from local road network.
- o Threshing machine still in-situ ..... see right →
- o Horse walk and drive mechanism in-situ.
- o Such building served as focus for local social and cultural activity in past.



This is unquestionably a '*locally important building*', a genuine example of past agricultural industrial heritage, clearly vernacular, with work and social focus which merits conservation .... Is this to be a missed opportunity ?

3. Contrary to CTY 13 – Integration and Design, and

4. Contrary to CTY 14 – Rural Character

No lack of **integration**

- o bounded on one side by the Mill on the higher ground,
- o by existing hedgerows and laneway to lower side
- o by house on opposite side of road
- o by virtue of being part of the Rossglass development cluster
- o All open views – from West and North-West – site is backed by rising ground and Mill

**Design**

- o Architect designed
- o Conservation of vernacular threshing Mill
- o Traditional rural farm layout, form, materials, etc., provided cue for design of new build

**Rural Character**

- o All of the above with sympathetic touches like re-instatement of roadside perimeter wall combine to ensure appropriate rural character impact
- o Whole exercise has been to provide a scheme to integrate effectively and seamlessly into rural environment

5. The proposal is contrary to the SPPS and Planning Policy Statement 2 Natural Heritage NH6 Areas of Outstanding Natural Beauty.

The whole scheme has been devised to protect and conserve the values inherent in an AONB

- o Conservation of historic vernacular building ... the old Mill
- o Minimum impact in terms of AONB
- o To complement and enhance AONB ... in contrast to development opposite, the replacement of an iconic building with lacklustre suburban-type dwelling.

The design and planning process was informed by the DOE's, "*Building On Tradition - A Sustainable Design Guide for the Northern Ireland Countryside*", PPS 21, "*Sustainable Development in the Countryside*", PPS 6, "*Planning, Archaeology and the Built Heritage*", PPS 2, "*Planning and Nature Conservation (AONB)*." It is felt that a very positive outcome has been achieved.

## Appendix 1 Visual Impact

The illustrations below show two things;

**First**, the general nature and character of the countryside around Rossglass, including the extent of the local development'

**Secondly**, the manner in which the landscape – the terrain, tree and hedgerow cover and existing built development at Rossglass – can absorb the proposed conservation and replacement building without detriment to the visual qualities and character of the area

**View of Rossglass from Ballylig Road, West .....** Site arrowed. Note same ridge height as Mill to left and rising backdrop.



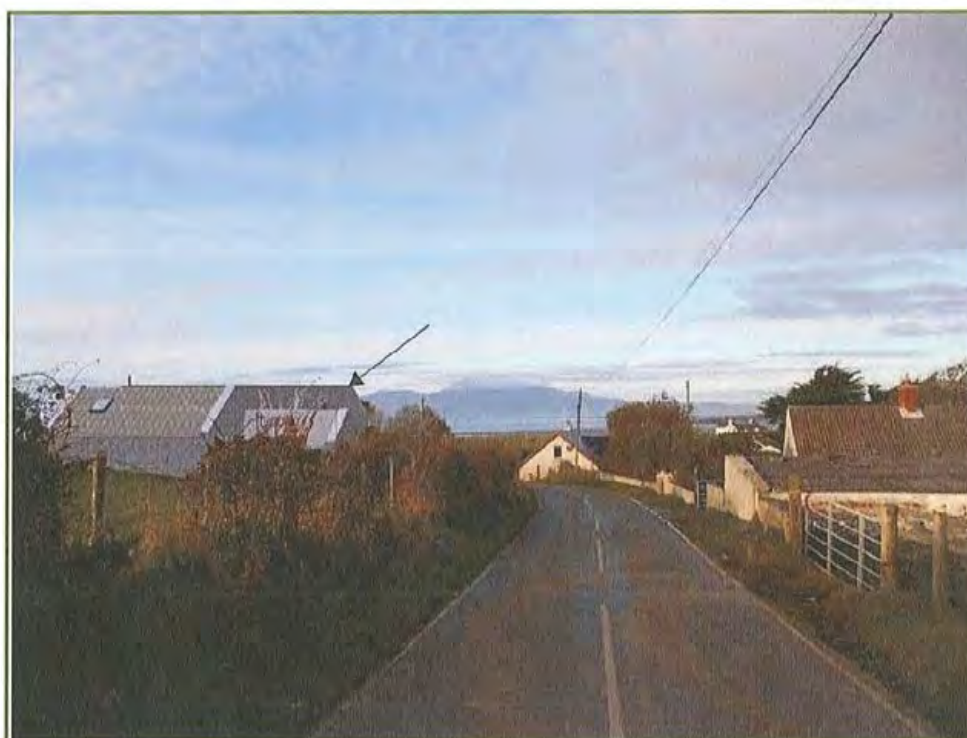
**Closer view from West coast approach ...** development arrowed behind tree cover. Note roadside wall and hedge row re-instated and proliferation of buildings that is Rossglass



**View from East ..... Proposal arrowed**

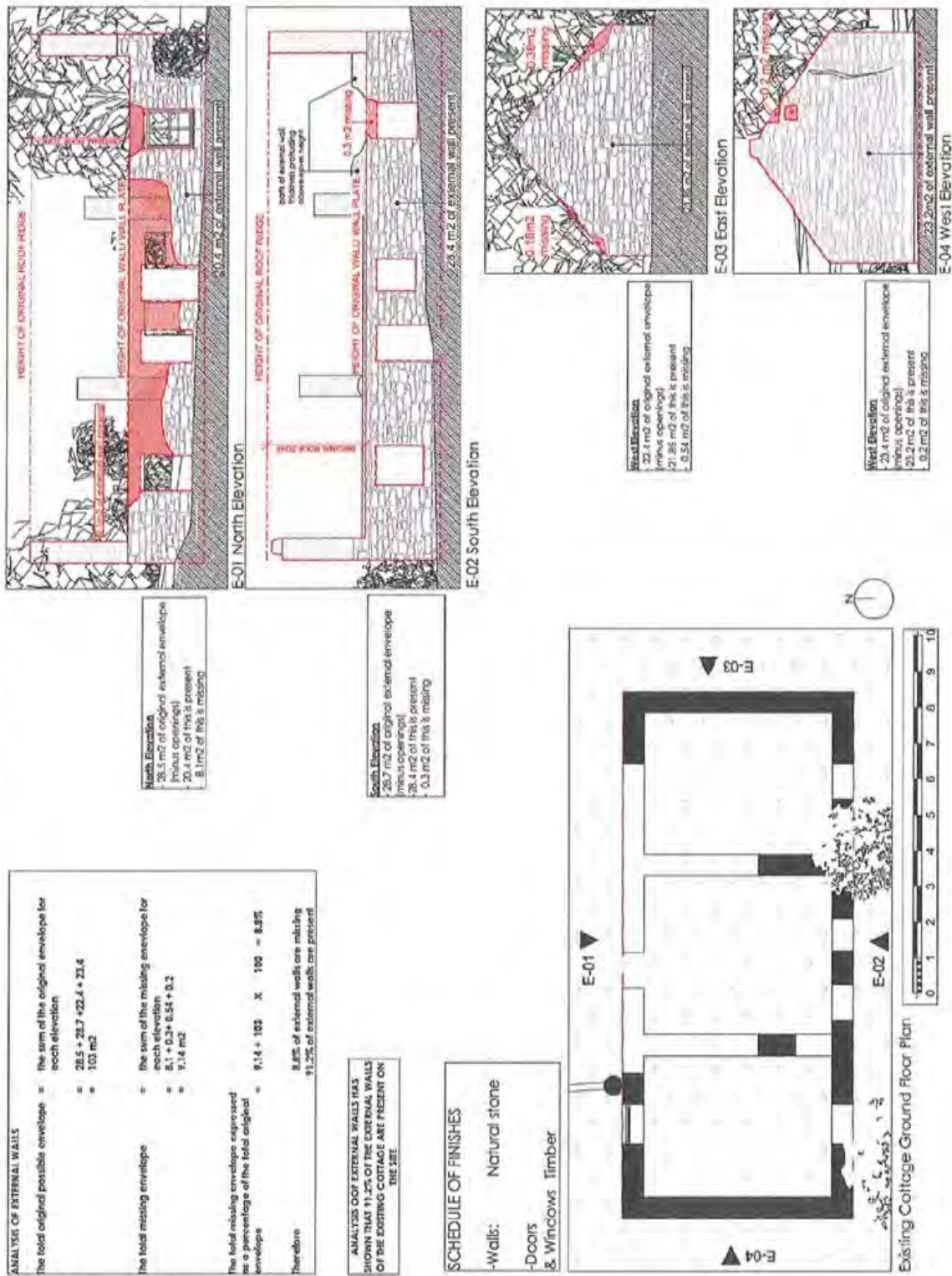
A once iconic view before traditional vernacular cottage in middle distance replaced by white gabled house .

First on left is the subject of conservation, old Mill building with two levels of roof, behind which is the new replacement dwelling.





**Appendix 2: Analysis of existing cottage showing over 90% of walls remain on site. (Also See Drawing PL-03)**





SITE LOCATION PLAN



**Replacement dwelling and conversion of former mill to ancillary accommodation**

Status: Planning

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein

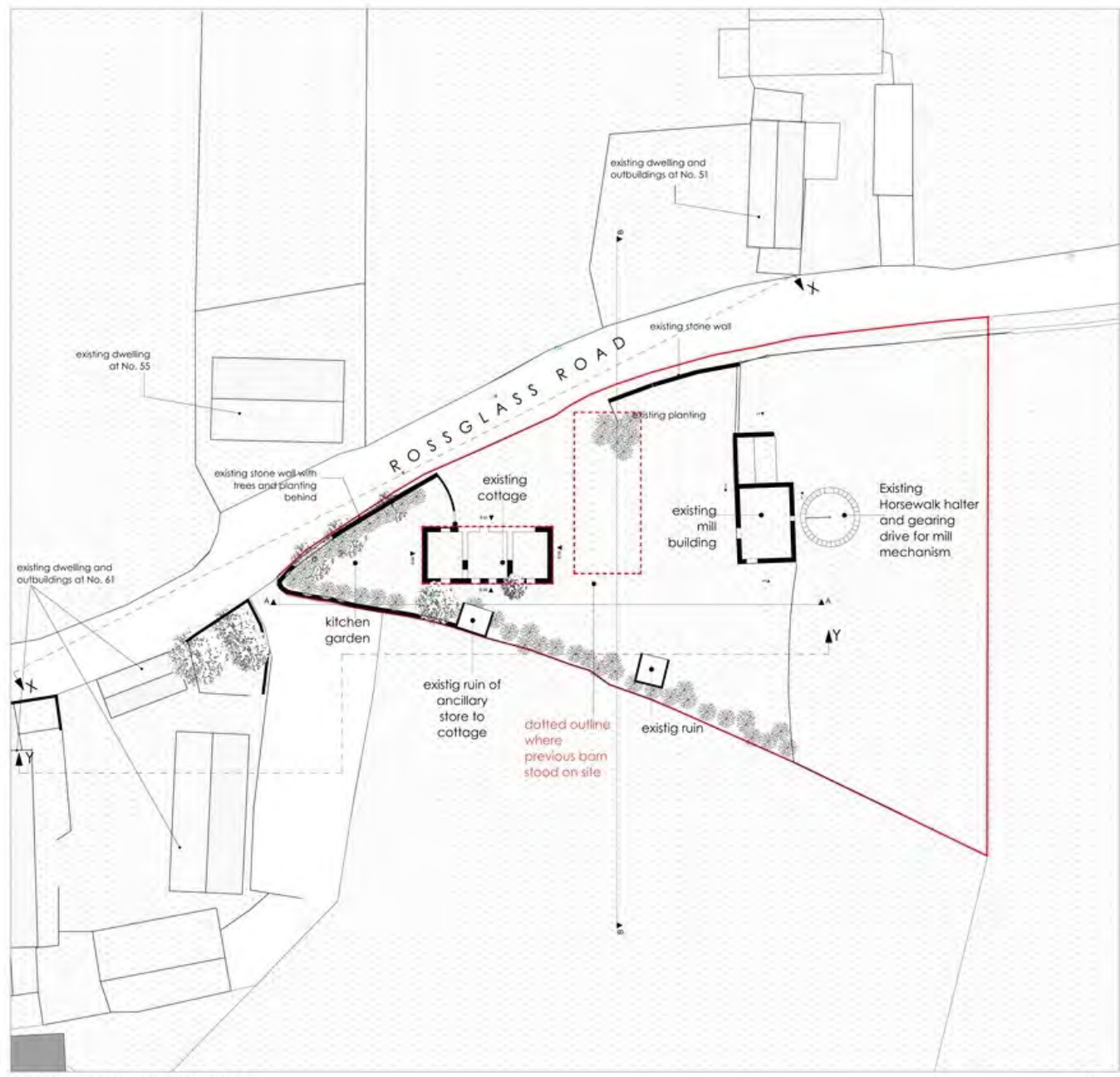


8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

JOB No. 14.036 drawing scale 1:2500  
Client Mr & Mrs P McMillan drafted DM  
Address Rossglass Road checked JW  
Downpatrick DWG issue 6/12/2016

PL-01





EXISTING SITE LAYOUT PLAN



**HEALTH & SAFETY**  
 The contractor shall be responsible for the safety of all workers on site. The contractor shall be responsible for obtaining and maintaining all necessary permits, licenses, and approvals. The contractor shall be responsible for ensuring that all workers are trained and qualified for their work. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant codes of practice. On a domestic project the contractor will be responsible for informing the Health & Safety Executive for Northern Ireland (HSE) with a Notification of Project (NIP) Form, which informs the Executive of details of the client, the contractor, the proposed site and specific details in relation to this site. On a commercial project, the contractor shall submit information to access the contractor's competence out their duties under Construction Design & Management (CDM) Regulations N.I. 1995 (CDM) and Approved Code of Practice for Health and Safety, prior to the start of work. The contractor shall also produce a Construction Health & Safety Plan to address the implications of these works and the construction, design and management of these works. This information is to be submitted and received by the Health & Safety Consultant at least two weeks in advance of the contract commencing on site. On completion of the works the Contractor shall produce two copies of the Health and Safety file to the complete satisfaction of the Health & Safety Consultant, enclosing details of all relevant documentation. One copy shall be retained by the client, the other by the Health & Safety Consultant.

**NOTE:** All building sites to be treated as high risk areas.

**GENERAL NOTES - (IMPORTANT)**  
 Client, Contractor and/or Designer, to ensure the project is built in accordance to the approved planning and Building Control drawings and approval notices, otherwise they may be in contravention of planning approval and non-compliance with Building Regulations for carrying out unauthorised works and be subject to an enforcement procedure, resulting in fines and/or removal of unapproved works.

Any work commencing on site prior to the issue of Planning Permission or Building Control approval is not advised and will be done at total risk to applicant and contractor.

The architect will bear no responsibility for any changes made on site by the client or contractor, from that information which has been approved by the local Divisional Planning Office, and/or the local Council Building Control Department, which will result in non-certification of mortgage by the architect due to non-compliance.

Changes made on site will require re-submission to the Planning Section and Building Control, these approvals prior to continuing work.

Contractor / Owner / Purchaser to verify and make themselves aware of all dimensions, boundaries, existing & proposed site levels, site conditions, ground topography, existing services, etc. prior to commencement of any works on site and to be satisfied that footings can be excavated as shown & specified and any discrepancies to be notified to the architect immediately.

All drawings and specifications related to this building project are copyright of the Architect and are not to be copied or reproduced in any way without written consent.

**COMPLETION OF WORKS**  
 Property owner to be aware that if a Building Control Completion certificate has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at risk which is not recommended. The property owner will need to check this with their insurance company prior to completion of construction and any occupation of property.

**INSURANCES**  
 It is the sole responsibility of the property owner to obtain insurance for new building works or renovation / extension works prior to work commencing on site, confirm this with their property insurance company prior to any works commencing on site that insurances are in place before / during and after construction. All contractors and sub-contractors to have insurance prior to starting site.

**NOTE TO PROPERTY / SITE OWNER & REGARDING HEALTH AND SAFETY REQUIREMENTS**  
 Prior to commencing work on site Property / Site owner to make themselves familiar with Health and safety requirements stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and safety executive. Tel: 028 90 223383 or view on their website of [www.hseni.gov.uk](http://www.hseni.gov.uk) <http://www.hseni.gov.uk>

**NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS**  
 The position of the proposed building and levels shown on the approved site plan drawings are where the building / building one to be placed and not to be moved at the discretion of the groundwork / digging contractor or applicant from that which is already approved. If the groundwork contractor moves the position of buildings on site contrary to the approved position, it will be done at risk to client / applicant and the architect / agent will bear no responsibility for these actions.

**NOTE TO CONTRACTOR & SUB-CONTRACTORS**  
 All contractors and sub-contractors to be familiar with Health and safety requirements and obligations as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and safety executive. Tel: 028 90 223383 or view on their website of [www.hseni.gov.uk](http://www.hseni.gov.uk) <http://www.hseni.gov.uk>

Contractors and sub-contractors are to visit the site prior to submitting a final price and to familiarise themselves with the proposed and existing structure, existing services and proposed drainage layouts, identify hazards, boundary locations and conditions, site restrictions and any additional work not identified on the drawings that requires to be undertaken to complete the project. Additional works identified, to be notified immediately to the Architect for further instructions.

Advisory Note: Attention is drawn to the requirements of Regulation A11, to submit to the Council of appropriate times, notices relating to commencement, certain stages, and completion of the work.

Contractor to carry out an asbestos survey prior to any works commencing. Certificates to be provided to architect for plumbing / heating / electrical and gas installation on completion of works.

Builder to check all dimensions on site. All Architects to retain copy and moral rights to this drawing & ideas therein	Revision:	
	A. Amendments made for Planning	27/07/2016

**8 ARCHITECTS**  
 8a ARCHITECTS LTD.  
 8a Catherine Street, Killybegs,  
 Downpatrick, BT20 9QG  
 Ph: 028 4482 1323 F: 028 4482 1732  
 mail@8architects.com  
 www.8architects.com

Replacement dwelling and conversion of former mill to ancillary accommodation  
 Status: Planning  
 JOB No. 14.036 drawing scale 1:500EA11250EA1  
 Client Mr & Mrs P McMillan drafted DM  
 Address Ross Glass Road checked JW  
 Downpatrick DWG issue 4/12/2016

PL-02A

The total original possible envelope = the sum of the original envelope for each elevation  
 = 28.5 + 28.7 + 22.4 + 23.4  
 = 103 m<sup>2</sup>

The total missing envelope = the sum of the missing envelope for each elevation (minus openings)  
 = 8.1 + 0.3 + 0.54 + 0.2  
 = 9.14 m<sup>2</sup>

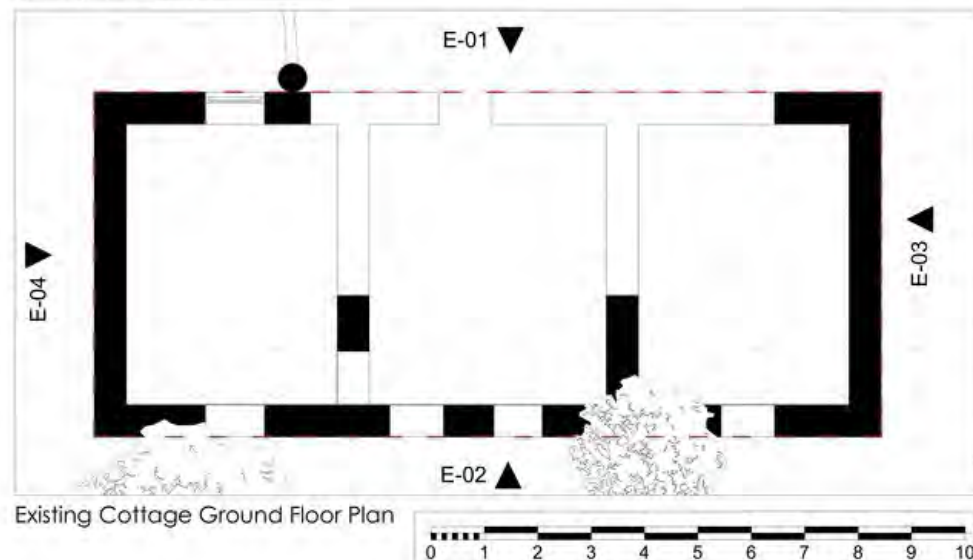
The total missing envelope expressed as a percentage of the total original envelope =  $9.14 \div 103 \times 100 = 8.8\%$

Therefore 8.8% of external walls are missing  
 91.2% of external walls are present

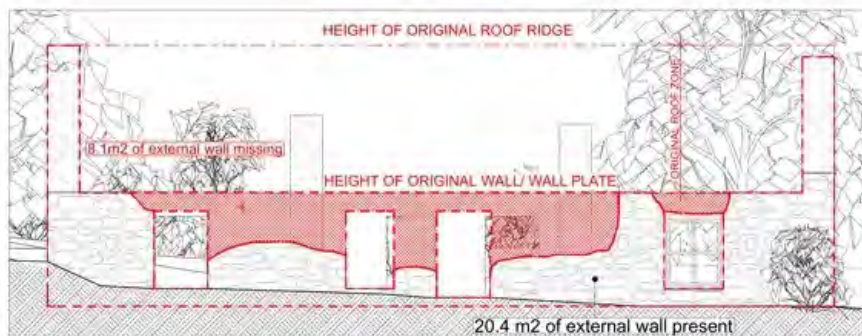
ANALYSIS OOF EXTERNAL WALLS HAS SHOWN THAT 91.2% OF THE EXTERNAL WALLS OF THE EXISTING COTTAGE ARE PRESENT ON THE SITE

SCHEDULE OF FINISHES

- Walls: Natural stone
- Doors & Windows Timber

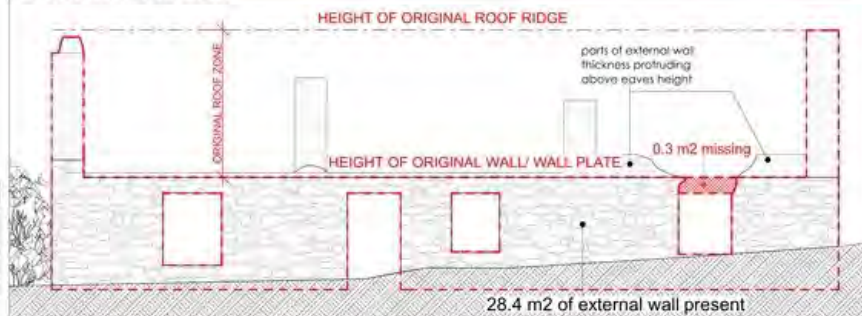


**North Elevation**  
 28.5 m<sup>2</sup> of original external envelope (minus openings)  
 20.4 m<sup>2</sup> of this is present  
 8.1m<sup>2</sup> of this is missing



E-01 North Elevation

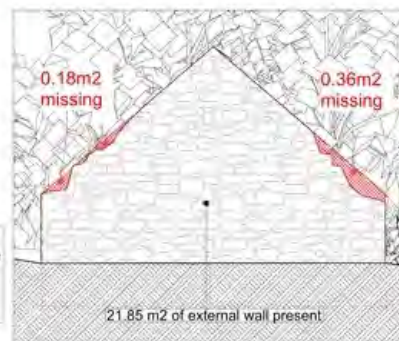
**South Elevation**  
 28.7 m<sup>2</sup> of original external envelope (minus openings)  
 28.4 m<sup>2</sup> of this is present  
 0.3 m<sup>2</sup> of this is missing



E-02 South Elevation

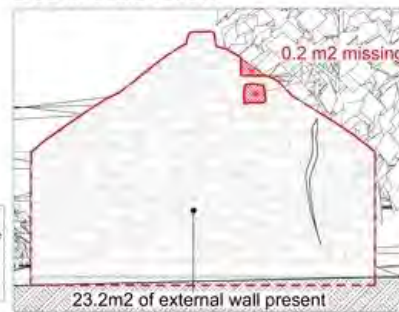
ALSO REFER TO DRAWING PL-04

**West Elevation**  
 22.4 m<sup>2</sup> of original external envelope (minus openings)  
 21.85 m<sup>2</sup> of this is present  
 0.54 m<sup>2</sup> of this is missing



E-03 East Elevation

**West Elevation**  
 23.4 m<sup>2</sup> of original external envelope (minus openings)  
 23.2 m<sup>2</sup> of this is present  
 0.2 m<sup>2</sup> of this is missing



E-04 West Elevation

**HEALTH & SAFETY**  
 The contractor shall be responsible for the health and safety of all persons on the site...  
**GENERAL NOTES - (IMPORTANT)**  
 Client, Contractor and the Designer...  
**COMPLETION OF WORKS**  
 Property owner to be aware that if a Building Control Completion Certificate has not been issued...  
**INSURANCES**  
 It is the sole responsibility of the property owner to obtain insurance for the building works...  
**NOTE TO PROPERTY / SITE OWNER & REGARDING HEALTH AND SAFETY REQUIREMENTS**  
 Prior to commencing work on the property / site owner to make themselves familiar with health and safety requirements...  
**NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS**  
 The position of the proposed building and levels shown on the approved site plan drawings...  
**NOTE TO CONTRACTOR & SUB-CONTRACTORS**  
 All contractors and sub-contractors are to be familiar with health and safety requirements and obligations...  
**Replacement dwelling and conversion of former mill to ancillary accommodation**  
 JOB No. 14.036  
 Client Mr & Mrs P McMillan  
 Address Fossycroft Road  
 Downpatrick  
 Drawing year 1/2024  
 checked DM  
 checked JH  
 DWG issue 4/12/2024

The total original possible envelope = the sum of the original envelope for each elevation  
 = 28.5 + 28.7 + 22.4 + 23.4  
 = 103 m<sup>2</sup>

The total missing envelope = the sum of the missing envelope for each elevation  
 = 8.1 + 0.3 + 0.54 + 0.2  
 = 9.14 m<sup>2</sup>

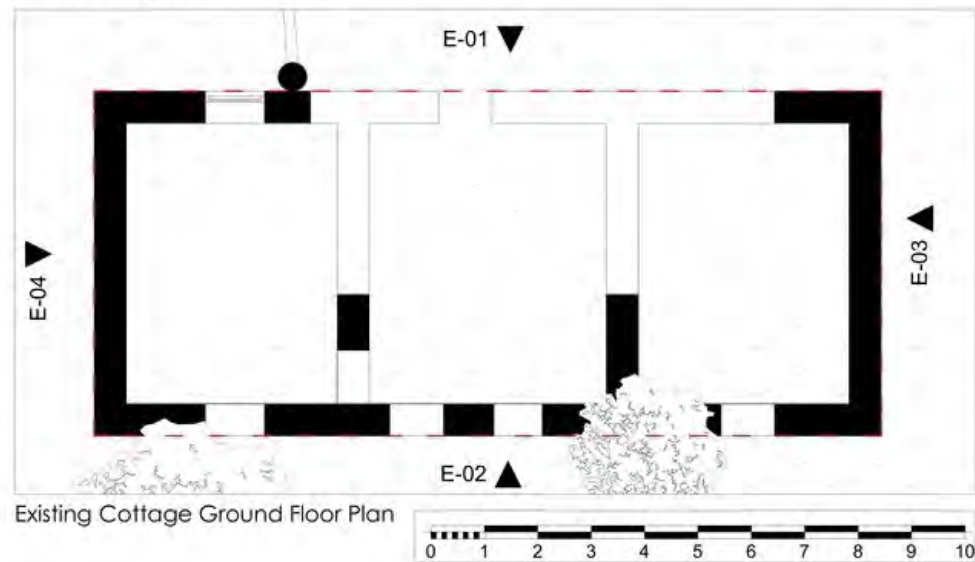
The total missing envelope expressed as a percentage of the total original envelope =  $9.14 \div 103 \times 100 = 8.8\%$

Therefore 8.8% of external walls are missing  
 91.2% of external walls are present

ANALYSIS OOF EXTERNAL WALLS HAS SHOWN THAT 91.2% OF THE EXTERNAL WALLS OF THE EXISTING COTTAGE ARE PRESENT ON THE SITE

SCHEDULE OF FINISHES

- Walls: Natural stone
- Doors & Windows Timber



ALSO REFER TO DRAWING PL-03

**North Elevation**  
 - 28.5 m<sup>2</sup> of original external envelope (minus openings)  
 - 20.4 m<sup>2</sup> of this is present  
 - 8.1m<sup>2</sup> of this is missing



E-01 North Elevation

**South Elevation**  
 - 28.7 m<sup>2</sup> of original external envelope (minus openings)  
 - 28.4 m<sup>2</sup> of this is present  
 - 0.3 m<sup>2</sup> of this is missing



E-02 South Elevation

**West Elevation**  
 - 22.4 m<sup>2</sup> of original external envelope (minus openings)  
 - 21.85 m<sup>2</sup> of this is present  
 - 0.54 m<sup>2</sup> of this is missing



E-03 East Elevation

**West Elevation**  
 - 23.4 m<sup>2</sup> of original external envelope (minus openings)  
 - 23.2 m<sup>2</sup> of this is present  
 - 0.2 m<sup>2</sup> of this is missing



E-04 West Elevation

**HEALTH & SAFETY**  
 The contractor shall be responsible for the health and safety of all workers on site. The contractor shall be responsible for obtaining and maintaining all necessary permits, licenses, and approvals. The contractor shall be responsible for providing all necessary safety equipment and training for all workers on site. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant health and safety regulations. The contractor shall be responsible for providing all necessary safety documentation to the Health and Safety Executive. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant health and safety regulations. The contractor shall be responsible for providing all necessary safety documentation to the Health and Safety Executive. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant health and safety regulations. The contractor shall be responsible for providing all necessary safety documentation to the Health and Safety Executive.

**GENERAL NOTES - (IMPORTANT)**  
 Client, Contractor and Main Contractor, to ensure the project is built in accordance to the approved planning and Building Control drawings and approval notices, otherwise they may be in contravention of planning regulations and non-compliance with Building Regulations for carrying out unauthorised works and be subject to an enforcement procedure, resulting in fines and/or removal of unauthorised works.  
 Any work commencing on site prior to the issue of planning permission or Building Control approval is not advised and will be done at total risk to applicant and contractor.  
 The architect will bear no responsibility for any changes made on site by the client or contractor, from that information which has been approved by the local Planning Department and the local Council Building Control Department, which will result in non-compliance of envelope by the architect due to non-compliance.  
 Changes made on site will result in variations to the Planning Notice and Building Control for the applicant prior to continuing work.  
 Contractor / Client / Purchaser to verify and make themselves aware of all dimensions, boundaries, existing & proposed site, site conditions, ground topography, easements, etc. prior to commencement of any work on site and to be satisfied that the works can be executed as shown & specified and any discrepancies to be notified to the architect immediately.  
 All drawings and specific notes related to this including project copyright of the Architect and are not to be copied or reproduced in any way without written consent.

**COMPLETION OF WORKS**  
 Property owner to be aware that if a Building Control Completion certificate has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at risk which is not recommended. The property owner will need to check this with their insurance company prior to completion of construction and any occupation of property.

**INSURANCES**  
 It is the sole responsibility of the property owner to obtain insurance for new building works or renovation / extension works prior to work commencing on site, confirm this with their property insurance company prior to any work commencing on site that insurance are in place before / during and after construction.  
 All contractors and sub-contractors to have insurance prior to starting site.

**NOTE TO PROPERTY / SITE OWNER & REGARDING HEALTH AND SAFETY REQUIREMENTS**  
 Prior to commencing work on the property / site owner to make themselves familiar with Health and safety requirements as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and safety executive, Tel: 028 90 220383 or on their website of www.hse.gov.uk or http://www.hse.gov.uk

**NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS**  
 The position of the proposed building and levels shown on the approved site plan drawings are where the building / buildings are to be placed and not to be moved at the discretion of the groundwork / digging contractor or applicant from that which is already approved. If the groundwork contractor moves the position of buildings on site contrary to the approved position, it will be done at risk to client / applicant and the architect / agent will bear no responsibility for these actions.

**NOTE TO CONTRACTOR & SUB-CONTRACTORS**  
 All contractors and sub-contractors are to be familiar with health and safety requirements and obligations as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and safety executive, Tel: 028 90 220383 or view on their website of www.hse.gov.uk or http://www.hse.gov.uk  
 Contractors and sub-contractors are to visit the site prior to submitting a bid price and to familiarise themselves with the proposed and existing structure, existing services and proposed drainage routes, identify hazards, boundary locations and obstructions, site restrictions and any existing work not identified on the drawings that requires to be undertaken to complete the project. Additional works identified, to be notified immediately to the Architect for their further notice.  
 Advisory Note: Attention is drawn to the requirements of Regulation A11, to submit to the Council or appropriate times notices relating to commencement, certain stages, and completion of the work.  
 Contractor to carry out an oblique survey prior to any work commencing. Certificate to be provided to architect by Planning / zoning / structural and gas installation on completion of works.

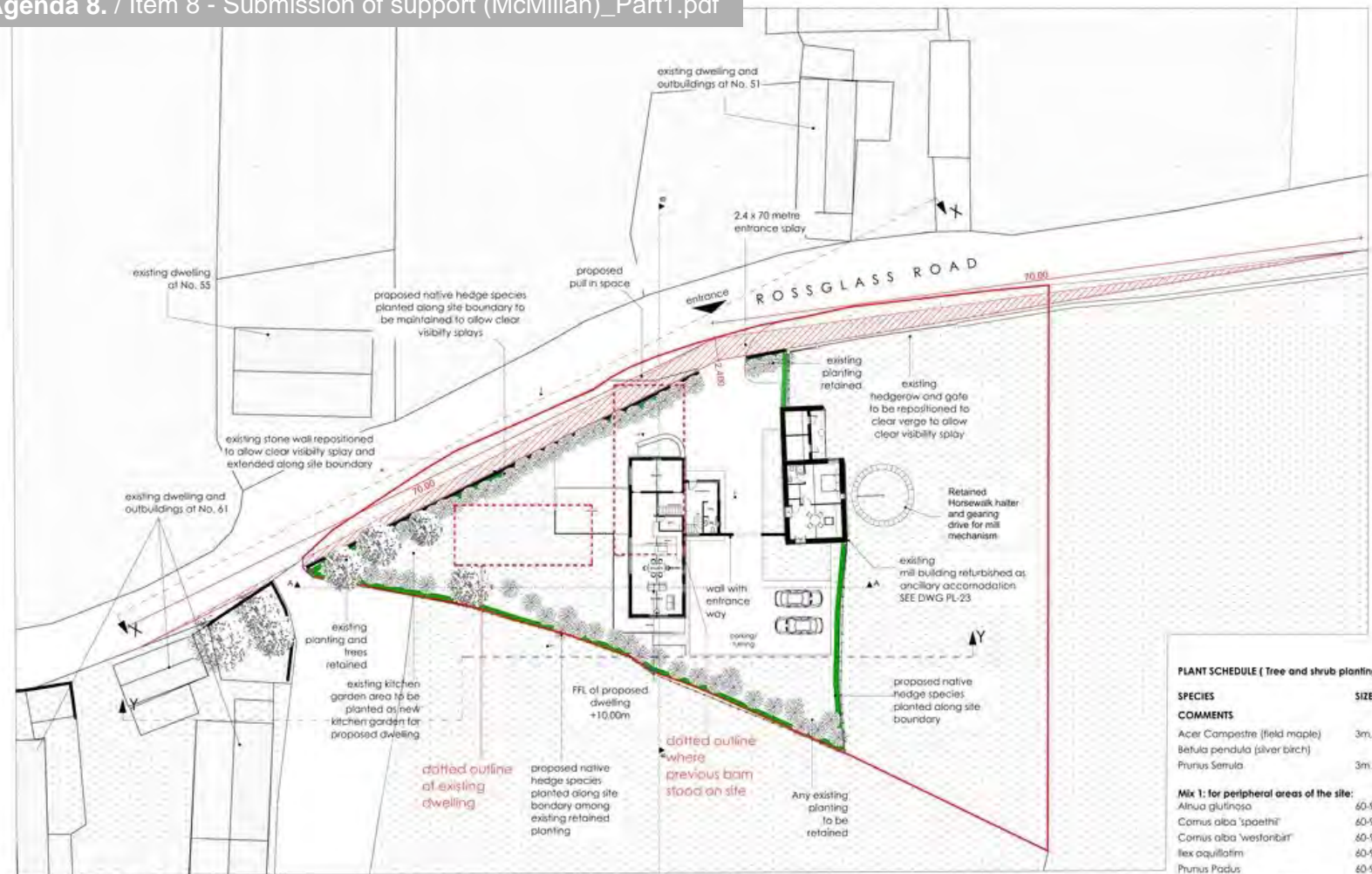
Builder to check all dimensions on site.  
 No architect's liability copy and moral rights in this drawing & ideas therein

8 ARCHITECTS Ltd.  
 No 20th Street, Killybegs,  
 Downpatrick, BT30 9QG  
 Ph: 028 4482 1323 F: 028 4482 1732  
 mail@8architects.com  
 www.8architects.com

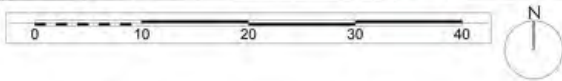
Replacement dwelling and conversion of former mill to ancillary accommodation  
 JOB No. 14.036  
 Client Mr & Mrs P McMillan  
 Address Rosglade Road  
 Downpatrick  
 Drawing date 1/10/24  
 checked DM  
 checked JH  
 DWG issue 4/12/2024

PL-04  
 Status: Planning





PROPOSED SITE LAYOUT PLAN



**VISIBILITY SPLAYS**

The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining road drainage and shall be retained and kept clear thereafter. Any pole or column materially affecting visibility must also be removed. No work shall commence on site until the visibility splays have been provided. The line of any new fence or wall must be positioned behind the visibility splays. It is recommended that any new trees or shrubs be planted at least 3.0 metres back from the visibility splays to allow future growth and some species will require additional soil bank. All existing planting must be kept trimmed behind visibility splays.

**PARKING/TURNING**

The required vehicle parking and turning areas to be provided within the curtilage of the site.

**DRAINAGE**

Drainage shall be provided where necessary to prevent water from the access flowing onto the public road. Similarly the existing road drainage must be accommodated where appropriate and measures must be taken to prevent road surface water from flowing onto the access. The appropriate drainage arrangements must be detailed on the plan. Any open drains in the road verge shall be piped to the satisfaction of DOE Roads Service. Open drains behind the fence/hedge/line shall be piped to the satisfaction of the Department of Agriculture - Watercourse Management Division.

**GRADIENT**

Where vehicular access crosses a footway, the access gradient shall be between 4% (1:25) maximum and 2.5% (1:40) minimum and shall be formed so that there is no abrupt change of slope along the footpath.

**GATES/SECURITY BARRIERS**

Entrance gates, where erected should be sited at least 5.0 metres from the edge of the cartway. Where this is not possible, they shall be sited so that when open they do not project over the footway, verge, sight line or cartway.

In the case of industrial premises or other major accesses, gates or security barriers shall be located at a distance from the edge of the cartway that will allow the largest vehicle likely to use the access to stop clear of the cartway when the gates or barriers are closed.

**PLANT SCHEDULE (Tree and shrub planting to be selected from the following list)**

SPECIES	SIZE	STOCK	DENSITY
Acer Campestre (field maple)	3m, 3.5m high	C/G multi stem	as shown
Betula pendula (silver birch)	3m, 3.5m high	C/G multi stem	as shown
Prunus Serrata	3m, 3.5m high	C/G multi stem	as shown

**Mix 1: for peripheral areas of the site:**

Alnus glutinosa	60-90cm	bareroot	1/sqm	groups to b/bed
Cornus alba 'spathe'	60-90cm	2Lr. C.G	3/sqm	groups to f/bed
Cornus alba 'vestanibar'	60-90cm	2Lr. C.G	3/sqm	groups to f/bed
Ilex aquifolium	60-90cm	2Lr. C.G	1/sqm	groups to b/bed
Prunus Padus	60-90cm	bareroot	1/sqm	groups to b/bed
Pyraegonia 'orange glow'	45-60cm	2Lr. C.G	2/sqm	groups to b/bed
Ribes adoratium 'buffalo cument'	45-60cm	2Lr. C.G	2/sqm	groups to f/bed
Salix alba chermesing	45-60cm	bareroot	2/sqm	groups to f/bed
Sorbus aucuparia	60-90cm	bareroot	1/sqm	groups to b/bed
Viburnum Tinus	60-90cm	2Lr. C.G	2/sqm	groups to b/bed

**Mix 2: for gardens**

Chaenactis speciosa	45-60cm	1.5 Ltr. C.G	4/sqm	groups fom/bed
Escallonia 'darnard seedling'	45-60cm	2Lr. C.G	3/sqm	groups fom/bed
Fuchsia 'riccartonii'	45-60cm	1.5 Ltr. C.G	3/sqm	groups fom/bed
Hebe 'white gem'	30-45cm	1Ltr. C.G	3/sqm	groups to f/bed
Hedera helix 'cochichia'	30-45cm spread	1 Ltr. C.G	4/sqm	groups to f/bed
Lavandula Vera	30-45cm	1 Ltr. C.G	5/sqm	groups to f/bed
Lonicera pileata	30-45cm spread	2Lr. C.G	3/sqm	groups to f/bed
Mahonia aquifolium	45-60cm	2Lr. C.G	3/sqm	groups fom/bed
Potentilla 'elzabeth'	30-45cm	1 Ltr. C.G	4/sqm	groups to f/bed
Pieris japonica 'forest flame'	30-45cm	2 Ltr. C.G	4/sqm	groups fom/bed
Prunus laurocerasus affo lyktem	30-45cm	1.5Lr. C.G	4/sqm	groups fom/bed
Senecio 'sunshine'	30-45cm	1.5 Ltr. C.G	5/sqm	groups to f/bed

**Climbers:**

Clematis montana	60-90cm	2Lr. C.G		
Lonicera petalayerum	60-90cm	2Lr. C.G		

**HEALTH & SAFETY**  
The contractor shall be responsible for the Health & Safety of all workers on site. The contractor shall be responsible for informing the Health & Safety Executive for Northern Ireland, 83 Lodge Drive, Belfast, BT6 7RE, with a Notification of Project (NIP) Form, which returns the Executive of details of the client, the contractor, the proposed site and specific details in relation to the project.  
On a commercial project, the contractor shall be responsible for providing the contractor's complete out their duties under the Construction Design & Management Regulations 1995 (CDM) and Approved Code of Practice (ACOP) and Approved Code of Practice (M) - Managing Construction for Health and Safety, to the Health and Safety Commission.  
The contractor shall also produce a Construction Health & Safety Plan to address the implications of these works and the construction, design and management of these works. This information is to be submitted and approved by the Health & Safety Consultant at least two weeks in advance of the contract commencing on site.  
On completion of the works the Contractor shall produce two copies of the Health and Safety file to the complete satisfaction of the Health & Safety Consultant, enclosing details of all relevant documentation. One copy shall be retained by the client, the other by the Health & Safety Consultant.  
NOTE: All building sites to be treated as hard hat areas.

**GENERAL NOTES - [IMPORTANT]**  
Client, Contractor and/or Designer to ensure the project is built in accordance to the approved planning and Building Control drawings and approved notices. Otherwise they may be in contravention of planning approved and non-compliance with Building Regulations for carrying out unapproved works may be subject to an enforcement procedure, resulting in fines and/or removal of unapproved works.  
Any work commencing on site prior to the issue of Planning Permission or Building Control approval is unapproved and will be liable to total stop to applicant and contractor.

The architect will bear no responsibility for any changes made on site by the client or contractor, from that information which has been approved by the local Divisional Planning Office and/or the local Council Building Control Department, which will result in a non-compliance charge made on site will therefore be submitted to the Planning Service and Building Control for their comment prior to continuing work.  
Contractor / Owner / Purchaser to verify and make themselves aware of all external boundaries, existing & proposed site levels, site conditions, ground topography, existing services, etc. prior to commencement of any work on site and to be satisfied that the works can be executed as shown & specified and any discrepancies to be notified to the architect immediately.  
All drawings and specifications related to this building project are copyright of the Architect and are not to be copied or reproduced in any way without written consent.

**COMPLETION OF WORKS**  
The contractor shall ensure that if a Building Control Completion certificate has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at risk, which is not recommended. The Employer/owner will need to check this with their insurance company prior to occupation of construction and any occupation of property.

**INSURANCES**  
It is the sole responsibility of the property owner to obtain insurance for new building works or renovation / extension works prior to work commencing on site. Confirm this with their property insurance company prior to any work commencing on site and insurances are in place before starting any construction.  
All contractors and sub-contractors to have insurance prior to starting any work.

**NOTE TO PROPERTY / SITE OWNER REGARDING HEALTH AND SAFETY REQUIREMENTS**  
Prior to commencing work on site Property / Site owner to make themselves familiar with Health and safety requirements as stipulated in the HSE Health and Safety in Construction in Northern Ireland booklet, which can be downloaded from the Health and safety executive. Tel: 028 90 25363 or on their website at [www.hse.ie](http://www.hse.ie) or [www.hse.gov.uk](http://www.hse.gov.uk)

**NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS**  
The position of the proposed building and levels shown on the approved site plan drawings are where the building buildings are to be placed and are to be moved at the discretion of the groundwork / signing contractor or applicant from that which is shown on the drawings if the groundwork contractor moves the position of buildings on site contrary to the approved position, it will be done at the risk to client / applicant and the architect / agent will bear no responsibility for these actions.

**NOTE TO CONTRACTORS & SUB-CONTRACTORS**  
All contractors and sub-contractors to be familiar with Health and safety requirements and obligations as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and safety executive. Tel: 028 90 25363 or view on their website at [www.hse.ie](http://www.hse.ie).  
Contractors and sub-contractors are to visit the site prior to submitting a final price and to familiarise themselves with the proposed building structure, existing services and proposed drainage layout, identify hazards, boundary locations and conditions, site restrictions and any additional work not identified on the drawings. It is the responsibility of the contractor to complete the project. Additional works identified, to be notified immediately to the Architect for his / her instructions.  
Advisory Note: Attention is drawn to the requirements of Regulation A11, to submit to the Council at appropriate times, notices relating to commencement, certain stages and completion of the work.  
Contractor to carry out an asbestos survey prior to any work commencing. Certificates to be provided to architect for planning / health & electrical and gas installation on completion of works.

Revisions:

No.	Amendments made to safety transport file	Date
A. <td>Amendments made to safety transport file</td> <td>12/10/2015</td>	Amendments made to safety transport file	12/10/2015
B. <td>Amendments made to safety transport file</td> <td>31/12/2015</td>	Amendments made to safety transport file	31/12/2015
C. <td>Amendments made for Planning</td> <td>27/07/2016</td>	Amendments made for Planning	27/07/2016

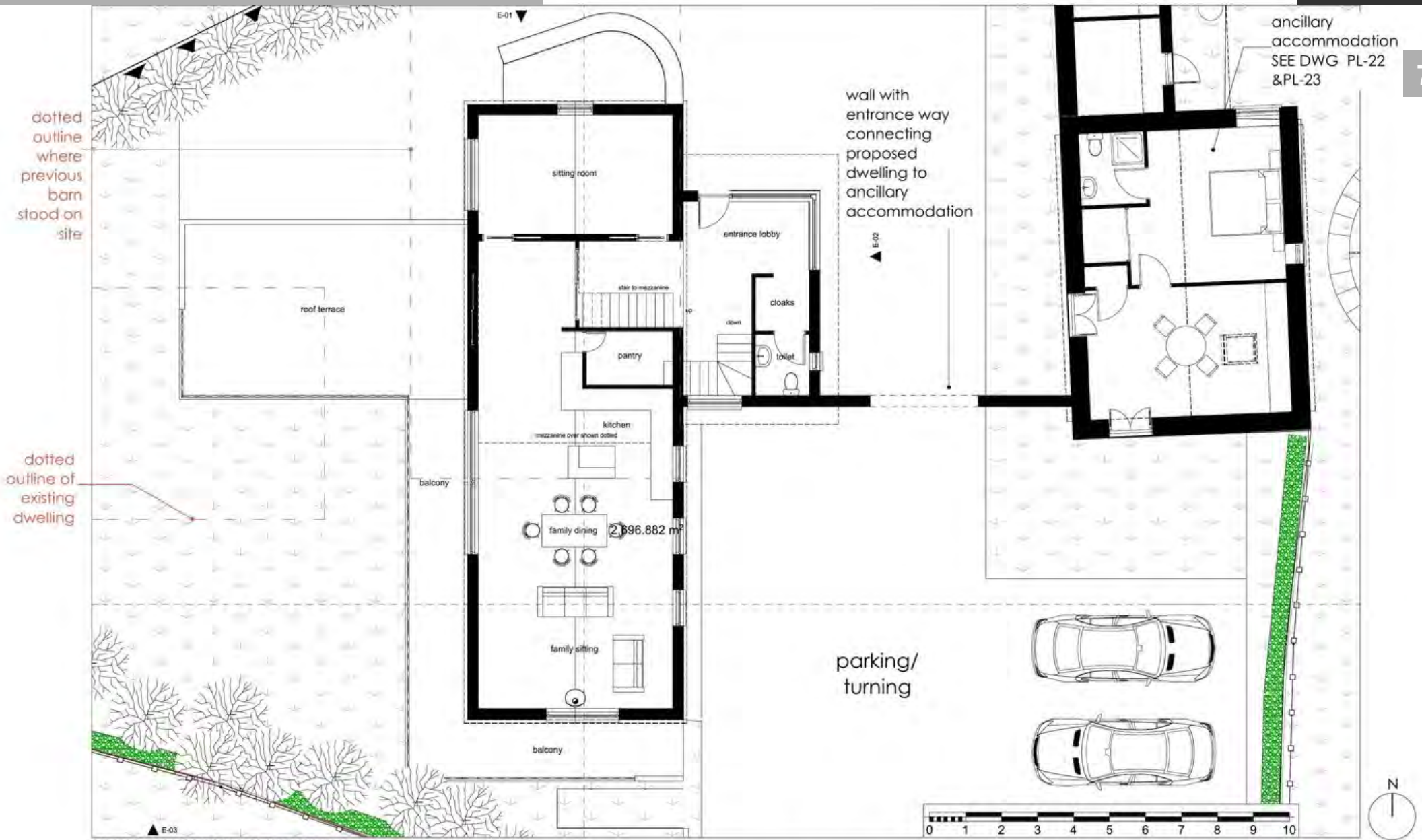
Do not scale from drawings. Builder to check all dimensions on site. Be Architects has retained copy and moral rights to this drawing & ideas therein.

**8 ARCHITECTS LTD.**  
No 10 ARCHITECTS LTD.  
No 10 Coleraine Street, Killybegs,  
Downpatrick, BT20 9QG  
Ph: 028 4482 1323 / 028 4482 1732  
mail@8architects.com  
www.8architects.com

**Replacement dwelling and conversion of former mill to ancillary accommodation**  
JOB No. 14.036 drawing code: 13006A312006A1  
Client: Mr & Mrs P McMillan dotted DM  
Address: Rossglass Road checked: JM  
Downpatrick DWG issue: 04/12/2016

Status: Planning

**PL-06 C**



Builder to check all dimensions on site.  
 8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
 8a Catherine Street, Killyeagh,  
 Downpatrick, BT30 9QQ  
 Ph. 028 4482 1323 F. 028 4482 1752  
 mail@8aarchitects.com  
 www.8aarchitects.com

**Replacement dwelling and conversion of former mill to ancillary accommodation**

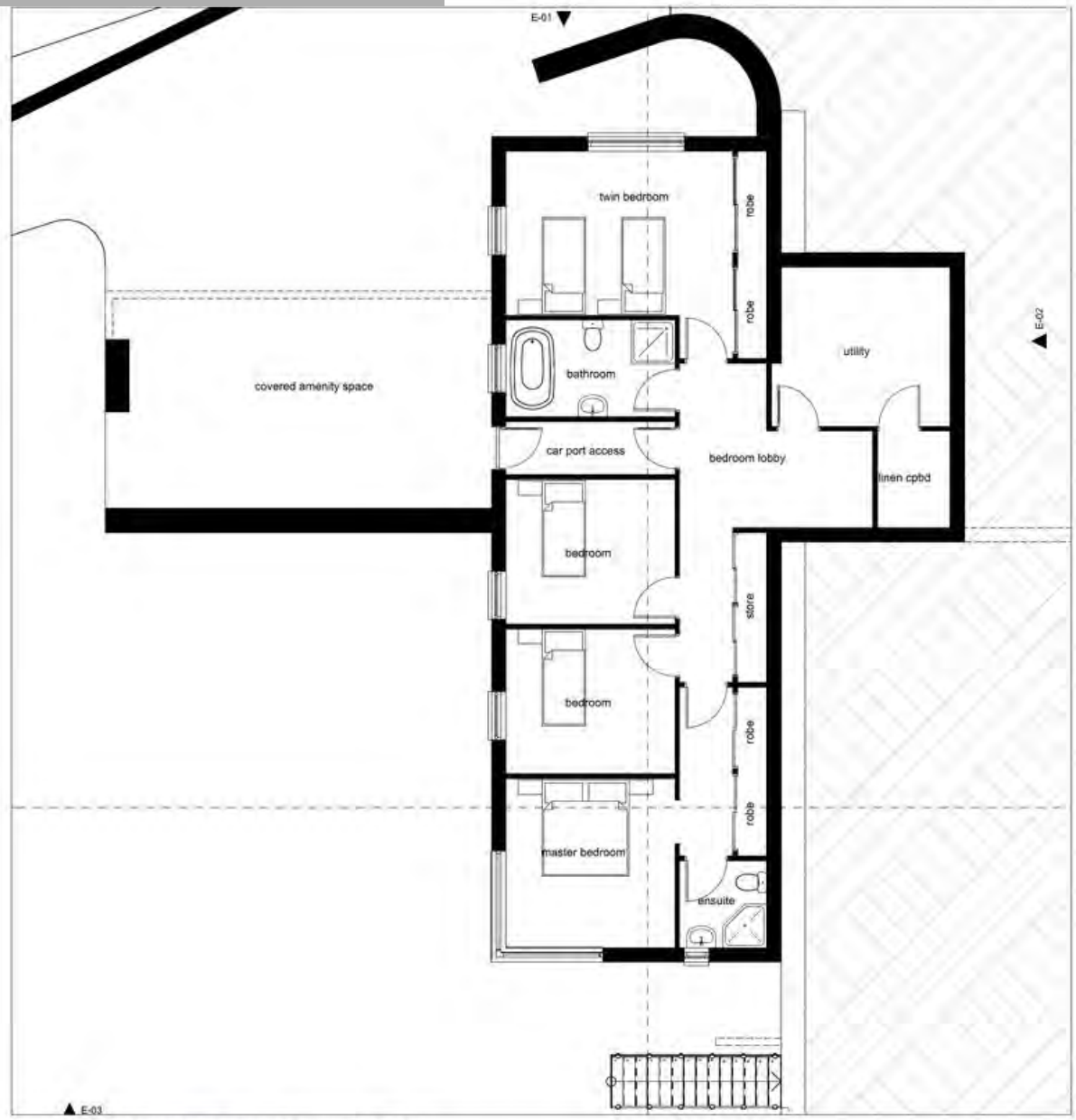
JOB No. 14.036 drawing scale 1:100  
 Client Mr & Mrs P McMillan drafted DM  
 Address Rossglass Road checked JW  
 Downpatrick DWG issue 6/12/2016

Status: Planning

PL-07







PROPOSED LOWER GROUND FLOOR PLAN

Replacement dwelling and conversion of former mill to ancillary accommodation

Status: Planning

Builder to check all dimensions on site. 8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

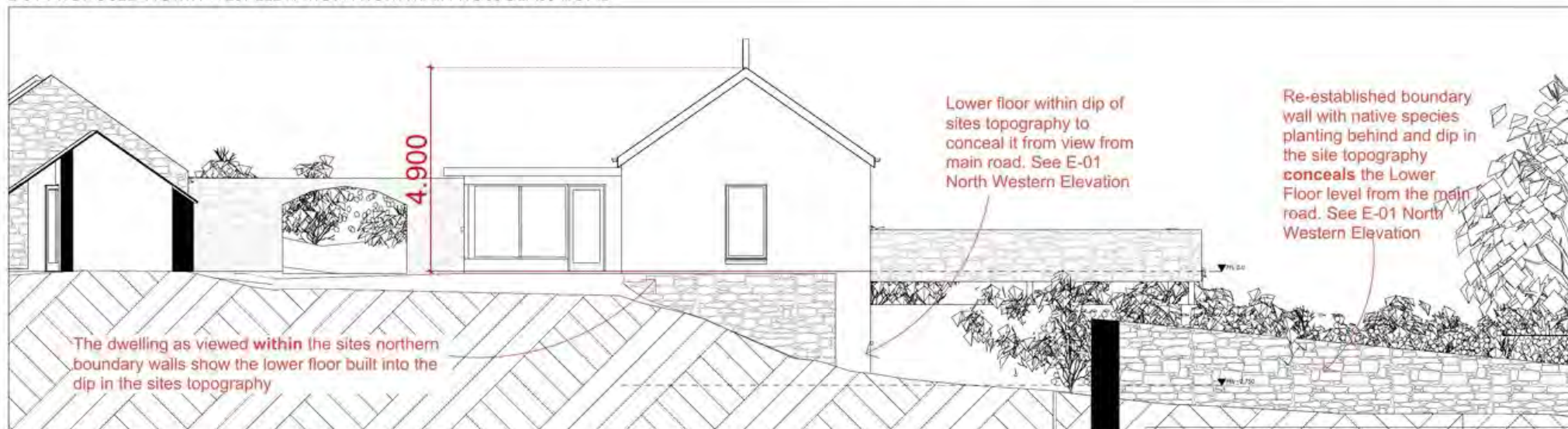
JOB No. 14.036	drawing scale 1:100
Client Mr & Mrs P McMillan	drafted DM
Address Rossglass Road	checked JW
Downpatrick	DWG issue 6/12/2016

PL-08

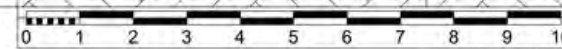




E-01 PROPOSED NORTH WEST ELEVATION FROM MAIN ROSSGLASS ROAD



E-05 PROPOSED NORTH ELEVATION VIEWED FROM WITHIN NORTHERN BOUNDARY WALL



Replacement dwelling and conversion of former mill to ancillary accommodation

Status: Planning

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

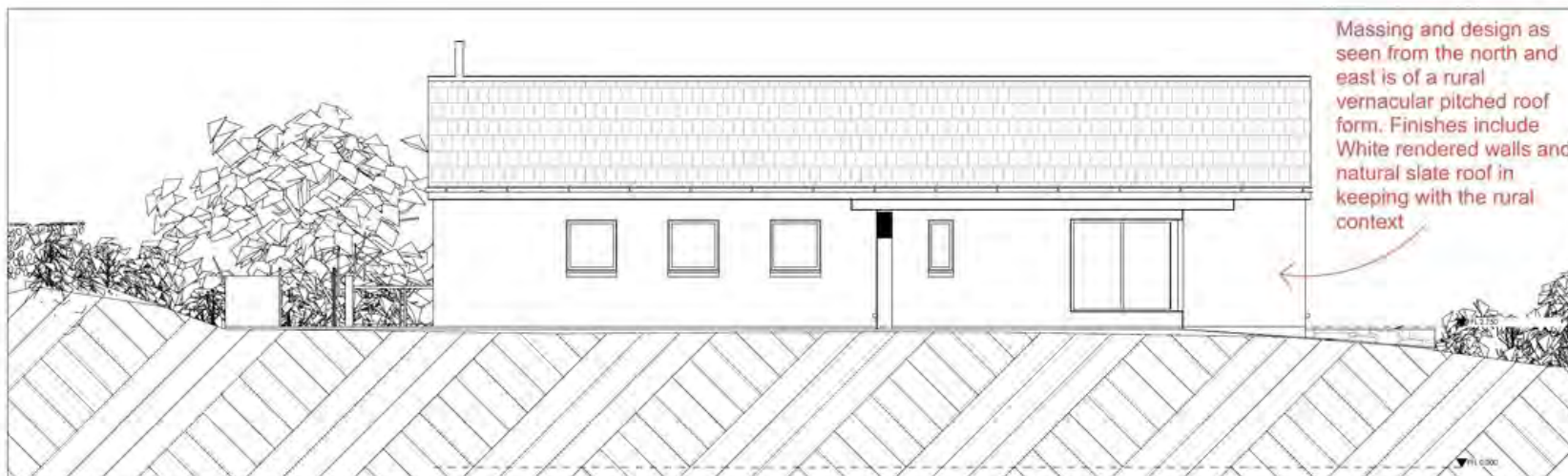
JOB No. 14.036 drawing scale 1:100  
Client Mr & Mrs P McMillan drafted DM  
Address Rossglass Road checked JW  
Downpatrick DWG issue 6/12/2016

PL-09





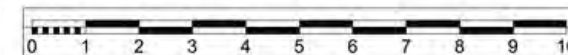
E-03 PROPOSED WEST ELEVATION



E-02 PROPOSED EAST ELEVATION

SCHEDULE OF FINISHES

Roof:	Natural Slate
Chimney	Metal
Rainwater	
Goods:	Aluminium
Walls:	White render, Natural stone
Doors & Windows:	Aluminium



Replacement dwelling and conversion of former mill to ancillary accommodation

Status: Planning

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

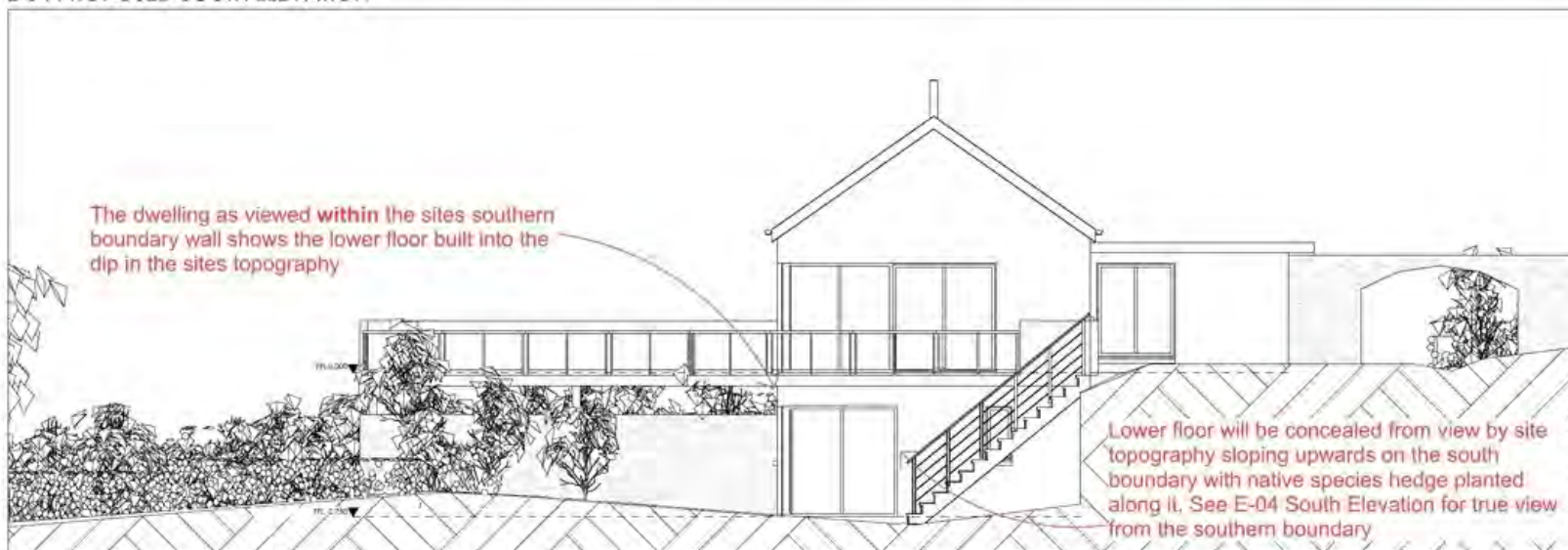
JOB No. 14.036 drawing scale 1:100  
Client Mr & Mrs P McMillan drafted DM  
Address Rossglass Road checked JW  
Downpatrick DWG issue 6/12/2016

PL-10





E-04 PROPOSED SOUTH ELEVATION



E-06 PROPOSED SOUTH ELEVATION VIEWED FROM WITHIN SOUTHERN BOUNDARY

SCHEDULE OF FINISHES

-Roof:	Natural Slate
-Chimney	Metal
-Rainwater	
Goods:	Aluminium
-Walls:	White render, Natural stone
-Doors &	
Windows:	Aluminium



Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killybegh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

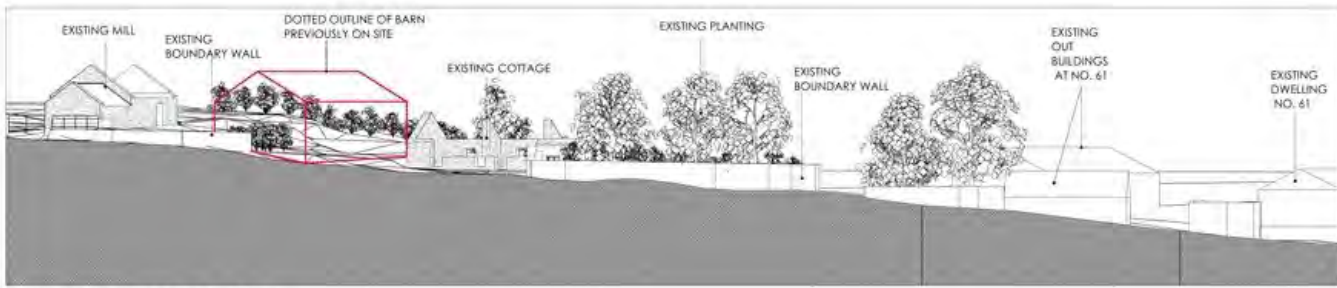
Replacement dwelling and conversion of former mill to ancillary accommodation

JOB No. 14.036 drawing scale 1:100  
Client Mr & Mrs P McMillan drafted DM  
Address Rossglass Road checked JW  
Downpatrick DWG issue 6/12/2016

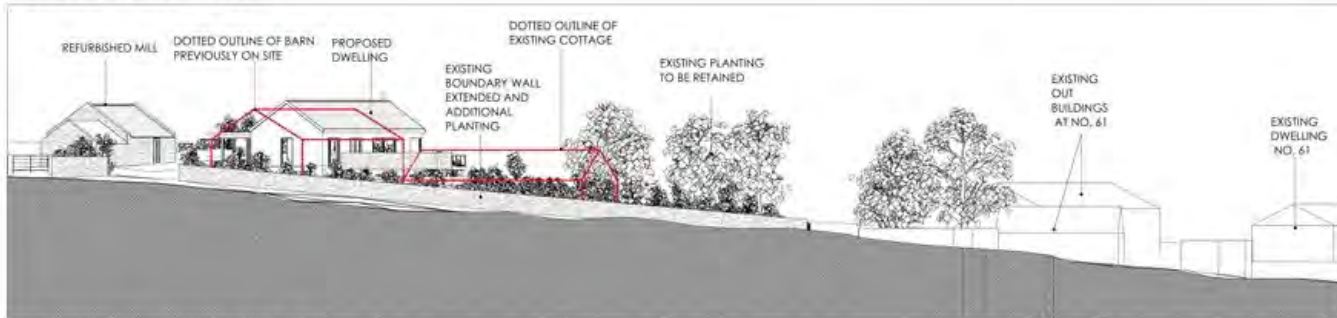
Status: Planning

PL-11

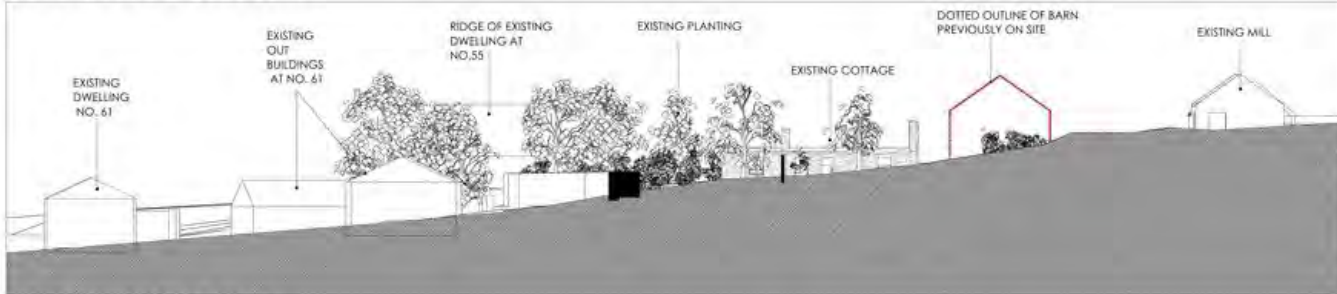




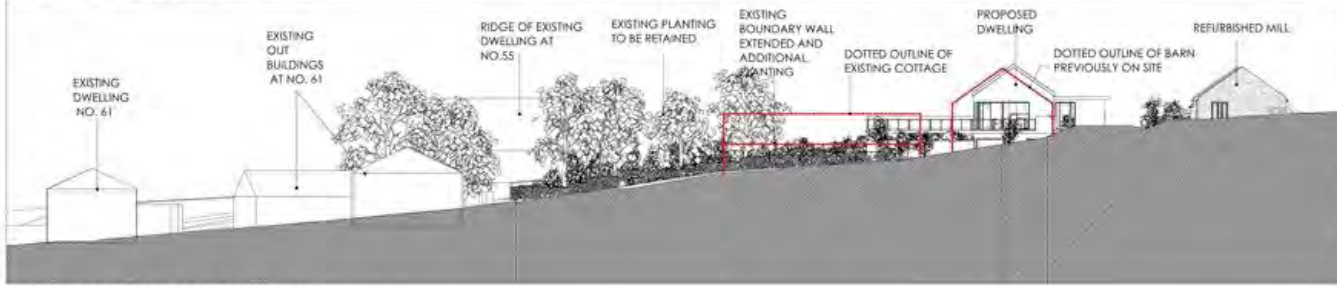
EXISTING SITE SECTION XX



PROPOSED SITE SECTION XX



EXISTING SITE SECTION YY



PROPOSED SITE SECTION YY

**HEALTH & SAFETY**  
 The contractor shall be responsible for the health and safety of all persons on the site. The contractor shall be responsible for obtaining and maintaining all necessary permits, licenses, and approvals. The contractor shall be responsible for providing all necessary safety equipment and training for all workers on the site. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant health and safety legislation. The contractor shall be responsible for providing all necessary safety documentation to the Health and Safety Executive (HSE) and the local authority. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant health and safety legislation. The contractor shall be responsible for providing all necessary safety documentation to the Health and Safety Executive (HSE) and the local authority. The contractor shall be responsible for ensuring that all work is carried out in accordance with the relevant health and safety legislation. The contractor shall be responsible for providing all necessary safety documentation to the Health and Safety Executive (HSE) and the local authority.

**GENERAL NOTES - (IMPORTANT)**  
 Client, Contractor and/or Mainframe, to ensure the project is built in accordance to the approved planning and Building Control drawings and approval notices, otherwise they may be in contravention of planning regulations and non-compliance with Building Regulations. Unauthorised work and unauthorised works, resulting in fines and/or removal of unauthorised works.  
 Any work commencing on site prior to the issue of planning permission or Building Control approval is not advised and will be done at total risk to applicant and contractor.  
 The architect will bear no responsibility for any changes made on site by the client or contractor, from that information which has been approved by the local Planning and Building Control and/or the local Council Building Control Department, which will result in non-compliance of work by the architect due to non-compliance.  
 Changes made on site will result in variations to the Planning and Building Control for the applicant prior to commencing work.  
 Contractor / Client / Purchaser to verify and make themselves aware of all dimensions, boundaries, existing and proposed site conditions, ground topography, easements, etc. prior to commencement of any work on site and to be satisfied that forecasts can be supplied as shown & specified and any discrepancies to be notified to the architect immediately.  
 All drawings and specific notes related to this including project site copyright of the Architect and are not to be copied or reproduced in any way without written consent.

**COMPLETION OF WORKS**  
 Property owner to be aware that if a Building Control Completion certificate has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at risk which is not recommended. The property owner will need to check with their insurance company prior to completion of construction and any occupation of property.

**INSURANCES**  
 It is the sole responsibility of the property owner to obtain insurance for new building works or renovation / extension works prior to work commencing on site, confirm this with their property insurance company prior to any work commencing on site that insurances are in place before / during and after construction.  
 All contractors and sub-contractors to have insurances prior to starting site.

**NOTE TO PROPERTY / SITE OWNER & REGARDING HEALTH AND SAFETY REQUIREMENTS**  
 Prior to commencing work on the property / site owner to make themselves familiar with health and safety requirements as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and Safety Executive. Tel: 028 90 223383 or on their website of [www.hse.gov.uk](http://www.hse.gov.uk) or <http://www.hse.gov.uk>

**NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS**  
 The position of the proposed building and levels shown on the approved site plan drawings are where the building / building are to be placed and not to be moved to the discretion of the groundwork / digging contractor or applicant from that which is already approved. If the groundwork contractor moves the position of buildings on site contrary to the approved position, it will be done at risk to client / applicant and the architect / agent will bear no responsibility for these actions.

**NOTE TO CONTRACTOR & SUB-CONTRACTORS**  
 All contractors and sub-contractors to be familiar with health and safety requirements and obligations as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and Safety Executive. Tel: 028 90 223383 or view on their website of [www.hse.gov.uk](http://www.hse.gov.uk) or <http://www.hse.gov.uk>  
 Contractors and sub-contractors are to visit the site prior to submitting a final price and to familiarise themselves with the proposed and existing structure, existing services and proposed drainage layout, identify hazards, boundary locations and conditions, site restrictions and any adjoining work not identified on the drawing that requires to be undertaken to complete the project. Additional works identified, to be notified immediately to the Architect for further instructions.  
 Advisory Note: Attention is drawn to the requirements of Regulation A11, to submit to the Council or appropriate times notices relating to commencement, certain stages, and completion of the work.  
 Contractor to carry out an oblique survey prior to any work commencing. Certificate to be provided to architect for Plumbing / heating / electrical and gas installation on completion of works.

Builder to check all dimensions on site.  
 No architect's fiducial copy and model rights to this drawing & ideas therein

Revisions:


**8 ARCHITECTS**  
 No ARCHITECTS Ltd,  
 No Catherine Street, Killybegs,  
 Downpatrick, BT30 9QG  
 Ph: 028 4482 1323 / 028 4482 1782  
 mail@8architects.com  
 www.8architects.com

Replacement dwelling and conversion of former mill to ancillary accommodation  
 JOB No. 14.036 drawing year 1/2008/1  
 Client Mr & Mrs P McMillan drafted DM  
 Address Rosgill Road checked JH  
 Downpatrick DWG issue 4/12/2014

Status: Planning  
 PL-12



PHOTOMONTAGE OF PROPOSAL IN CONTEXT FROM THE WEST



PHOTOMONTAGE OF PROPOSAL IN CONTEXT FROM THE EAST

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

**Replacement dwelling and conversion of former mill to ancillary accommodation**

JOB No. 14.036	drawing scale
Client Mr & Mrs P McMillan	drafted DM
Address Rossglass Road	checked JW
Downpatrick	DWG issue 6/12/2016

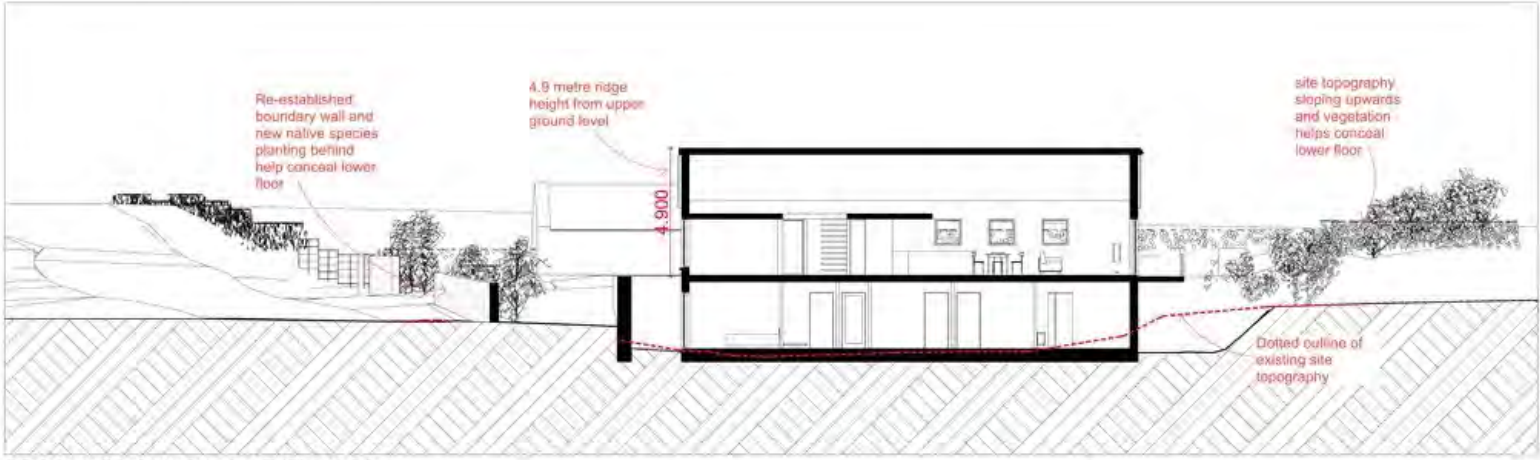
Status: Planning

PL-13





PROPOSED BUILDING SECTION AA



PROPOSED BUILDING SECTION BB

**HEALTH & SAFETY**  
 The contractor shall be responsible for informing the Health & Safety Executive for Northern Ireland, 63 Lanyon Drive, Belfast, BT8 7PH, with a Notification of Project (NIP) Form, which informs the Executive of details of the client, the contractor, the proposed site and specific details in relation to the project.  
 On a commercial project, the contractor shall be responsible for providing the contractor's complete information to access the contractor's complete information to the Health & Safety Commission, the Managing Construction for Health and Safety, the Health and Safety Commission.  
 The contractor shall also provide a Construction Health & Safety Plan to address the implications of these works and the construction, design and management of these works. This information is to be submitted and approved by the Health & Safety Consultant of least two weeks in advance of the contract commencing on site.  
 On completion of the works the Contractor shall produce two copies of the Health and Safety file to the complete satisfaction of the Health & Safety Consultant, including notes of all relevant documentation. One copy shall be retained by the client, the other by the Health & Safety Consultant.  
**NOTE:** Building sites to be located on hard hat areas

**GENERAL NOTES - (IMPORTANT)**  
 Client, Contractor and/or Designer to ensure the project is built in accordance with the approved planning and Building Control drawings and approval notices. Otherwise they may be in contravention of planning approved and non-compliance with Building Regulations for carrying out unauthorised works and be subject to an enforcement procedure, resulting in fines and/or removal of unauthorised works.

Any work commencing on site prior to the issue of Planning Permission or Building Control approval and details and will be done at total risk to applicant and contractor.

The architect will bear no responsibility for any changes made on site by the client or contractor, from that information which has been approved by the Local Discretion Planning Office and/or the Local Council Building Control Department, which will result in non-certification of the project by the architect due to non-compliance. Changes made on site will be at the discretion of the Building Control and Building Control for the location and to continuing work. Contractor / Owner / Purchaser to verify and make themselves aware of all attributes, boundaries, existing & proposed site levels, site conditions, ground topography, existing services, etc. prior to commencement of any work on site and to be satisfied that the works can be executed as shown & specified and any discrepancies to be notified to the architect immediately.

All drawings and specifications related to this building project are copyright of the Architect and are not to be copied or reproduced in any way without written consent.

**COMPLETION OF WORKS**  
 Property owner to be aware that if a Building Control Completion certificate has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at risk which is not recommended. The property owner will need to check this with their insurance company prior to completion of construction and any occupation of property.

**INSURANCES**  
 It is the sole responsibility of the property owner to obtain insurance for new building works or renovation / extension works prior to work commencing on site. confirm this with their property insurance company prior to any work commencing on site and insurance are in place before / during and after construction. All contractors and sub-contractors to have insurance prior to entering site.

**NOTE TO PROPERTY / SITE OWNER REGARDING HEALTH AND SAFETY REQUIREMENTS**

Prior to commencing work on site Property / Site owner to make themselves familiar with Health and safety requirements as stipulated in the HSE Health and Safety in Construction in Northern Ireland: 2006, which can be obtained from the Health and safety executive. Tel: 028 90 235363 or via the website at [www.hse.gov.uk/nir2006/](http://www.hse.gov.uk/nir2006/)

**NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS**

The position of the proposed building and levels shown on the approved site plan drawings are where the building buildings are to be placed and are to be moved at the discretion of the groundwork / digging contractor or applicant from that which is already approved, if the groundwork contractor moves the position of buildings on site contrary to the approved positions, it will be done at risk to client / applicant and the architect / agent will bear no responsibility for these actions.

**NOTE TO CONTRACTORS & SUB-CONTRACTORS**

All contractors and sub-contractors to be familiar with Health and safety requirements and obligations as stipulated in the HSE Health and Safety in Construction in Northern Ireland: 2006, which can be obtained from the Health and safety executive. Tel: 028 90 235363 or view on their website at [www.hse.gov.uk/nir2006/](http://www.hse.gov.uk/nir2006/)  
 Contractors and sub-contractors are to visit the site prior to submitting a final price and to familiarise themselves with the proposed and existing structure, existing services and proposed drainage layout, identify hazards, boundary locations and conditions, site restrictions and any additional work not identified on the drawings that requires to be undertaken to complete the project. Additional works identified, to be notified immediately to the Architect for his / her further instructions.  
 Advisory Note: Attention is drawn to the requirements of Regulation A11, to submit to the Council at appropriate times, notices relating to commencement, certain stages, and completion of the work.  
 Contractor to carry out an asbestos survey prior to any work commencing. Certificates to be provided to architect for planning, fire, heating, electrical, and gas installation on completion of works.

Do not scale from drawings. Builder to check all dimensions on site. No Architects liability for any and moral rights in this drawing & ideas therein.

Revisions:


**8 ARCHITECTS**  
 No 8 ARCHITECTS LTD,  
 No Catherine Street, Killybegs,  
 Downpatrick, BT20 9QG  
 Ph: 028 4482 1323 / 028 4482 1782  
 mail@8architects.com  
 www.8architects.com

Replacement dwelling and conversion of former mill to ancillary accommodation  
 JOB No. 14.036  
 Client Mr & Mrs P McMillan  
 Address Rosglen Road  
 Downpatrick  
 Drawing pack 1-100@A1 1-200@A3  
 checked DM  
 checked JW  
 DWG Issue 4/12/2014

Status: Planning

PL-15



Existing site has a 20 metre wide gap which will be closed up by extending the existing boundary wall and planting in behind with native species vegetation, thus re-establishing the frontage of the site.



Proposed 5.5 metre wide entrance keeps gap in the site frontage to a minimum and ensures site will only be used for one dwelling.

In the general grain of development within the surrounding area entrance openings to properties range from 4 to 6 metres in width. This proposed opening therefore follows this general pattern

Retained Horsewalk halter and gearing drive for mill mechanism

Refurbished Mill ancillary accommodation

Dotted outline of existing cottage

Dotted outline of previous building on site

Parking & Turning

Proposed Dwelling

DIAGRAM SHOWING HOW PROPOSAL WILL CLOSE EXISTING GAP IN SITE BOUNDARY

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

Replacement dwelling and conversion of former mill to ancillary accommodation

JOB No. 14.036 drawing scale N150  
Client Mr & Mrs P McMillan drafted DM  
Address Rossglass Road checked JW  
Downpatrick DWG issue 6/12/2016

Status: Planning

PL-16







DIAGRAM SHOWING PROXIMITY OF PROPOSED HOUSE AND ANCILLARY ACCOMMODATION

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

**Replacement dwelling and conversion of former mill to ancillary accommodation**

JOB No. 14.036 drawing scale N150  
Client Mr & Mrs P McMillan drafted DM  
Address Rossglass Road checked JW  
Downpatrick DWG issue 6/12/2016

Status: Planning

PL-17



# VIEW 1 CRITICAL VIEW FROM THE EAST



EXISTING VIEW



PROPOSED VIEW OF ANCILLARY ACCOMMODATION & DWELLING

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

**Replacement dwelling and conversion of former mill to ancillary accommodation**

JOB No. 14.036	drawing scale
Client Mr & Mrs P McMillan	drafted DM
Address Rossglass Road	checked JW
Downpatrick	DWG issue 6/12/2016

Status: Planning

PL-18



# VIEW 2 CRITICAL VIEW FROM THE WEST



EXISTING VIEW



PROPOSED VIEW WITH DWELLING POSITIONED

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

**Replacement dwelling and conversion of former mill to ancillary accommodation**

JOB No. 14.036	drawing scale
Client Mr & Mrs P McMillan	drafted DM
Address Rossglass Road	checked JW
Downpatrick	DWG issue 6/12/2016

Status: Planning

PL-19



# VIEW 3 GLIMPSE VIEW FROM THE SOUTH



EXISTING VIEW



PROPOSED VIEW WITH DWELLING POSITIONED

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

**Replacement dwelling and conversion of former mill to ancillary accommodation**

JOB No. 14.036	drawing scale
Client Mr & Mrs P McMillan	drafted DM
Address Rossglass Road	checked JW
Downpatrick	DWG issue 6/12/2016

Status: Planning

PL-20



# VIEW 4 CRITICAL VIEW FROM THE NORTH



EXISTING VIEW



PROPOSED VIEW WITH DWELLING POSITIONED

Builder to check all dimensions on site.  
8a Architects Ltd retain copy and moral rights to this drawing & ideas therein



8a ARCHITECTS Ltd.,  
8a Catherine Street, Killyeagh,  
Downpatrick, BT30 9QQ  
Ph. 028 4482 1323 F. 028 4482 1752  
mail@8aarchitects.com  
www.8aarchitects.com

**Replacement dwelling and conversion of former mill to ancillary accommodation**

JOB No. 14.036	drawing scale
Client Mr & Mrs P McMillan	drafted DM
Address Rossglass Road	checked JW
Downpatrick	DWG issue 6/12/2016

Status: Planning

PL-21



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

<b>ITEM NO</b>	<b>11</b>			
<b>APPLIC NO</b>	LA07/2015/1230/F	Full	<b>DATE VALID</b>	11/5/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Ciaran O'Hare 19 Bog Road Attical Kilkeel BT34 4HJ		<b>AGENT</b>	James Cunningham 12 Leestone Road Kilkeel BT34 4NW  NA
<b>LOCATION</b>	At rear of 125 Ballylough Road Ballywillwill Castlewellan			
<b>PROPOSAL</b>	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 and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



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

**Newry, Mourne  
 and Down**  
 District Council

**Application Reference:** LA07/2015/1230/F

**Date Received:** 05.11.2015

**Proposal:** The application is seeking full planning permission for a Dwelling

**Location:** The application site is located off the Ballylough Road which is approx. 1.7miles to the north of the settlement of Annsborough, Castlewellan.



**Site Characteristics & Area Characteristics:**

The site is located along Ballylough Road. It is a relatively flat plot which is set back from the road and accessed past the existing dwelling at No 125. The NE boundary consists partly of a block wall and partly of hedges. A hedge defines the eastern boundary and the southern boundary consists of hedges which are interspersed with mature deciduous trees. The front boundary of the site is defined by a recently constructed wall and also by large mature conifer trees. There is a flat roof shed/outbuilding to the rear of these trees within the site. The site is situated to the rear of No 125 which is a newly constructed dwelling which is single storey to the front elevation with upper floor velux windows to the rear. It is finished in brown dash and slate roof. The site is located adjacent to a row of dwellings on the Ballylough Road, the dwelling is not located within settlement development limits as defined in the Ards and Down Area Plan 2015. The surrounding dwellings are all single storey in height and of the detached properties the styles are all similar. The site is also adjacent to a development at Murphys Close. The area is considered rural in character.

**Site History:**

R/2014/0033/F - 125 Ballylough Road Castlewellan - Replacement dwelling with dark tiled roof and white finished walls externally - 29.04.2014

R/2011/0332/F – 123 Ballylough Road – proposed replacement single storey dwelling and detached garage – granted – 11-10-11

R/2002/1768/F – between 123 and 125 Ballylough Road – replacement dwelling – 11-04-2003 – granted

R/2002/0899/O – between 123 and 125 Ballylough Road – site for dwelling and garage – 8-11-2002 – refused

R/2005/0072/O – 116m SW of 120 Ballylough Road – site for a single storey dwelling and detached garage – 8-04-2006- refused.

**Planning Policies & Material Considerations:**

The application site lies outside the development limits in the open countryside within the AONB and Area of Constraint on Minerals development as designated within the



Ards & Down Area 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21 which are also applicable.

### **Consultations:**

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

### **Objections & Representations**

Six neighbours have been notified 09.12.2015. No letters of objection or support have been received in relation to 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.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside.

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

a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;

a replacement dwelling in accordance with Policy CTY 3;

a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;

a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;

the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or  
a dwelling on a farm in accordance with Policy CTY 10.

The applicant has not put forward case for a single dwelling on the site. There is no dwelling to be replaced therefore it would not comply with CTY 3. The application has not been submitted under special personal or domestic circumstances in line with CTY 6. Nor would it meet Policies CTY 10 or CTY 7 on the basis of a farm dwelling or a non-agricultural business. Therefore the two most likely policies to assess it under are CTY 2a and CTY 8.

Planning permission will be granted for a dwelling at an existing cluster of development provided that all of the criteria of CTY 2A is met.

The proposed site does lie outside of a farm building within a cluster of four or more buildings (three of which need to be dwellings). The site does not lie within the visual entity of a cluster, nor does this proposed cluster area does not have a focal point such as a social/community building/facility and is not located at a crossroads. The site is not bounded on at least 2 sides with other development. The development would not be absorbed into the cluster and could not be considered as rounding off but would visually protrude into the open countryside. The development would adversely impact on residential amenity, given that the existing access passes the existing dwelling at No 125. For this reasons the proposal does not meet the criteria of CTY 2a.

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 any 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.

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'.

While travelling along Ballylough Road from a SW direction towards 123a and No 123b Ballylough Road both dwellings have a road frontage and a curtilage onto Ballylough Road and presents themselves to the road. There is a laneway to the north east of 123B which leads to an agricultural field. Beyond this are a cluster of very tall mature fir trees which screen No 125 from coming in this direction. These trees form the entrance to the site and beyond this is No 125 which has a frontage to

the road and presents itself to the road. Further to the north is the development of Murphys Close, the dwellings here present to the cul de sac and No 1 is forward of the existing building line.

In order to comply with CTY 8 the gap as presented does not have any relationship to the road frontage development that exists in the immediate area, bar its access. The proposed dwelling sits directly to the rear of No 125 and represents tandem development, which is backland development. This type of development would not be a character of the area, with the potential to cause noise and traffic disturbance as the access runs adjacent to and past the garden and access of No 125 leading to a loss of amenity.

Therefore the gap as outlined in red could not be described as a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage nor does it respect the existing development pattern in terms of siting and plot size. The proposal is not in keeping with the general approach to infill sites on pages 70 - 77 of the Building on Tradition design guide.

It is considered that this application does not meet the above criteria and is not therefore a valid infill opportunity.

Policy CTY 14 of PPS 21 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 area's rural character. To this end, proposals must comply with six bullet points. The infilling of the visual gap which presently has mature trees would exacerbate the suburban style of build up development when viewed from both approaches on Ballylough Road.

### **Recommendation:**

Refusal

### **Refusal Reasons:**

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.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

<b>ITEM NO</b>	<b>12</b>		
<b>APPLIC NO</b>	LA07/2016/0185/F	Full	<b>DATE VALID</b> 2/9/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		
<b>APPLICANT</b>	Joyce Graham 55 Peartree Road Saintfield BT24 7JY	<b>AGENT</b>	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT
			NA

**LOCATION** 70m south east of 1 Rowallane Close Saintfield

**PROPOSAL** Proposed dwelling and garage in substitution of Planning Approval R/2011/0001/F (located at Old Belfast Road, Saintfield) for a dwelling on a farm under Policy CTY10

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

- 1 The proposal is contrary to SPPS and Policies CTY1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that a farm dwelling was granted using this farm holding under planning reference R/2011/0001/F on the 01.05.2012 and Planning Permission Granted under CTY10 will only be forthcoming once every 10 years.
- 2 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.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the (building) would, if permitted, be unduly prominent in the landscape.
- 4 The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: The development would if permitted mar the distinction between the defined settlement limit of Saintfield and the surrounding countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2015/0185/F

**Date Received:** 09.02.2016

**Proposal:** The application is for full planning permission for a proposed dwelling and garage in substitution of Planning Approval R/2011/0001/F (located at Old Belfast Road, Saintfield) for a dwelling on a farm under Policy CTY10

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





**Site Characteristics & Area Characteristics:**

The application site is comprised a roughly square plot positioned to the south eastern side of Rowallane Close and to the east of Crossgar Road, Saintfield. The site is cut from a larger agricultural field. Access to the proposed site is taken from the Crossgar Road and extends into the site to the eastern side of no 1 Rowallane Close from the existing road.

Within the application site there are 3 buildings the most southerly of which is partially collapsed with no roof. One of the buildings is comprised of corrugated iron construction - both roof and walls. The remaining building is of block construction with pitched corrugated roof. A 2.4m high block wall encloses the grouping of buildings to the south and east.

The southern boundary of the application site is defined by mature trees and planting. The western boundary of the application site is enclosed by post and wire fencing. Two recently constructed dwellings are located to the west of the site, approved under R/2013/0037/F. The land rises gradually in a north easterly direction.

**Site History:***Adjacent to the Application Site*

R/2013/0037/F- site adjacent to Rowallane Close, Saintfield - Proposed development of 2 no. detached dwellings and garages (amended proposal)

R/2009/0921/F- Proposed single dwelling - Site adjacent to Rowallane Close, Permission Granted.

R/2013/0219/F - Lands adjacent to Rowallane Close Saintfield - Farm Dwelling – application withdrawn.

*Outside the site*

R/2011/0001/F - lands between No. 120 and No. 57 Old Belfast Road Saintfield - Proposed single storey farm dwelling, new vehicular access onto Old Belfast Road, ancillary works and proposed planting. Permission granted. 01.05.2012.

**Planning Policies & Material Considerations:**

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



**Consultations:**

NI water – No objections

Transport NI – no objections in principle, however there would have concerns about farm traffic using this access which is considered unacceptable. The access off Rowallane Close should be designed to accommodate the proposed dwelling only. Plans should be amended accordingly.

NIEA Water management – No objections

DAERA – business est since 2011 and yes SFP or equivalent is claimed

**Objections & Representations**

In line with statutory requirements four neighbours have been notified on 25.02.2016. One letter of objection was received by the neighbour at 1 Rowallane Close. The application was advertised in the Mourne Observer and the Down Recorder on 24.02.2016.

**Consideration and Assessment:**

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

One letter of objection has been received from the neighbour at 1 Rowallane Close. The main points of the letter are:-

- Applicant already has planning approval for two dwellings R/2013/0037/F, application does not comply with CTY 1 or CTY 2a
- Application does not comply with CTY 10 as the adjacent dwellings have been sold off
- Site plan indicates there is an existing farm yard 3 of the 4 buildings are dilapidated while the remaining building operating as a separate mechanic garage and not as an agricultural building, this the site has changed from agricultural to commercial use – contrary to CTY 10 (c)
- New dwelling is not visually linked or sited to cluster and access not via an existing laneway
- Contrary to CTY 13 – site relies on new landscaping, form and massing is not in keeping with the surrounding area, scheme does not enhance the rural area not in keeping with design guide for rural farm buildings. The orientation does not relate to main road, or farm buildings. Scale of building will mean it is a prominent feature in the surrounding landscape.

- Contrary to CTY 15
- Roads issues
- Environmental issues

The main issues to consider in the determination of this planning application are:

Principle of Development

Design and scale

Access and Parking

Impact on Residential Amenity

All other material considerations

Principle of Development

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a dwelling on a farm in accordance with policy CTY 10 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

Policy CTY 10 - Dwellings on farms

Planning permission will be granted for a dwelling on a farm where all of the criteria can be met. As part of this application a P1, P1C form and farm maps, site location plan, site plan, and proposed floorplans and elevations have been submitted.

The SPPS contains a Regional Strategic Policy entitled 'Dwellings on Farms'. Of relevance to this application, the SPPS replaces the definition of agricultural activity given in paragraph 5.39 of the Justification and Amplification to Policy CTY10. In line with the transitional arrangements set out in the SPPS, any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's (DARD) business ID number along with other evidence to prove active farming over the required period.

The application is for a proposed dwelling and garage in substitution of Planning Approval R/2011/0001/F (located at Old Belfast Road, Saintfield) whereby full planning permission was granted for a dwelling on a farm under Policy CTY10. This permission was granted in 7 June 2012, with the standard 5 year time limit condition, thus remains extant. This current application was received in March 2016.

This application seeks to substitute the previous approval however, the red line is in a different location approx. 2 miles to the south east of where the current approval is located. Notwithstanding the consideration of the application, a revocation would have to occur, not a substitution as both applications have two different red lines. This previously approved dwelling was located in a rectangular roadside plot and comprised a single storey detached dwelling which is laid out in a U-formation including an attached garage. The walls painted render and slate roof and oak uPVC windows.

Since the proposal is a separate site located 2 miles away, it is important to establish that the group of buildings located at lands off Crossgar Road are part of the same established and active farm business as that previously approved.

It is important to firstly establish that the farm is currently both active and established for 6 years. Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal they state that the business ID listed has not been established for more than 6 years, only since 2011 and yes it does make a SFP return to DARD. On the processing of the previous application R/2011/0001/F the same issue arose when it was confirmed that the business is due to inheritance from the applicants late husband Mr Robert Graham and his business was in existence for more than 6 years and claimed SFP. It would appear from a history search of the lands that these buildings form part of the same established farm business that was previously approved.

#### HISTORY OF FARMLAND

A comparison of the DARD map on the previous application R/2011/0001/F  
Farm Map Page 2

Field 11 R/2013/0219/F – withdrawn

Fields 12 has been merged with what was previously field 13 to become one larger field.

Farm Map Page 3

Fields 1 and 5 are now no longer on the DARD maps (no information has been provided as to whether these have been sold off or transferred)

R/2000/1451/O

Farm Map Page 4

Field 39/B has been acquired, no other history on the land.

Farm Map Page 5

Fields 31, 33, 34 all within the settlement limit of Carrickfergus. Fields 24-30 and 40 all removed from DARD map

Farm Map Page 6

Field 1 – R/2011/0001/F –

Field 18 – R/1997/0170 (withdrawn)

Accordingly on the basis of the information provided to date for the application site there no objections are offered to the principle of a farm dwelling.

The principle of development would therefore be acceptable.

The issue then is whether a dwelling on this site can be *substituted* for the dwelling on a farm that has already been approved at lands between No. 120 and No. 57 Old Belfast Road. No supporting information has been presented as to why the dwelling should be located at this site rather than at the site that already has approval. Therefore consideration must be given to the proposed site to see if it complies with the appropriate policy.

CTY10 also requires farm dwellings to be sited as to cluster or create a visual link with existing buildings on the farm holding. The dwelling is proposed to be sited 26m north west of the closest of the existing sheds. While this separation distance would not seem extensive, the position and angle of the dwelling on the site appears to be quite physically separated to the other buildings on the farm, it would not be deemed the most appropriate position to achieve a clustering and a visual link. No health and safety reasons have been given as to why the proposed dwelling could not be sited closer to the existing buildings. The proposed site extends to the north towards land that is steadily rising and is cut from a larger agricultural field. The plot measures approximately 60 x 56m and would require new planting to the undefined boundaries. Access to the dwelling is also proposed to be obtained from an existing laneway as is recommended by CTY 10. This access lane is being taken from the existing development at Rowallane Close, the proposed access would require works to it and would require the removal of an existing hedgerow. There is also a change in levels would require some cutting into the proposed site. Transport NI have been consulted regarding the proposal. They would have concerns about farm traffic using this access which is unacceptable. The access off Rowallane Close should be designed to accommodate the proposed dwelling only.

Policy 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.

Design and Scale

The dwelling is two storey in nature with a footprint of approximately 240m<sup>2</sup> over two floors which is laid out in an L-shaped formation. The south-western elevation of the dwelling would be approximately 22.6m in width, with a side gable of approx 8.7m. The element which accommodates the master bedroom projects a further 5.3m with a gable depth of 5.5m.

There would be glimpsing views of the dwelling from the Crossgar Road due to the the mature trees and dense hedgerows which are located along the main Crossgar Road. The dwelling, however, would be visible from the hammerhead to the eastern side of no 1 Rowallane Close as it is located on higher ground. There is an

approximate difference in levels of 3m from the proposed site to the newly constructed dwellings on the opposite side of 1 Rowallane Close. The dwelling as proposed is similar in design to the dwelling that was proposed on the site under a previous application which was subsequently withdrawn R/2013/0219/F. The roofline has been broken up with some elements of the dwelling lower which are lower in ridge. The windows are vertical in emphasis. There is quite a bit of glazing to the eastern elevation. The dwelling would be approximately 20-30m north of the settlement development limit of Saintfield.

#### Policy CTY 14 – Rural Character

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 dwelling would prominent in the landscape given the difference in levels in the site which is cut out from a larger agricultural field. This would have a detrimental impact to the rural character of the area.

#### PPS 3

##### Access, Movement and Parking

Transport NI have offered no objections to this proposal. It is also considered that sufficient provision has been made parking and turning within the site.

#### CTY 15 – The setting of Settlements

Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that would otherwise result in urban sprawl.

Approval of a dwelling adjacent to the settlement limit boundary will mar the distinction between the settlement limit and the surrounding countryside. In addition it will result in urban sprawl.

#### Policy CTY 16 - Sewerage

The proposal will be served by a septic tank and soakaway system within the red line.

##### Impact on Residential Amenity

The dwelling is considered to be sited a sufficient distance from the adjacent properties to prevent any unacceptable residential amenity impacts.

#### PPS 3

Transport NI have been consulted regarding the proposal and while they have no objections in principle to a dwelling at this location. They would have concerns about farm traffic using this access which is considered unacceptable. The access off

Rowallane Close should be designed to accommodate the proposed dwelling only. This issue therefore remains unresolved and may be added as a further reason for refusal.

**Recommendation:**

Refusal is recommended

The proposal is contrary to Policies CTY 10, CTY14 and CTY15 as stated in Planning Policy Statement 21.

The proposal is contrary to SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that a farm dwelling was granted using this farm holding under planning reference R/2011/0001/F on the 01.05.2012 and Planning Permission Granted under CTY10 will only be forthcoming once every 10 years.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the (building) would, if permitted, be unduly prominent in the landscape.

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 contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: The development would if permitted mar the distinction between the defined settlement limit of Saintfield and the surrounding countryside.

Case Officer Signature

Date

Appointed Officer Signature

Date



## Planning Committee Schedule of 21<sup>st</sup> December 2016

Planning reference: **LA07/2016/0185/F**

Proposal: **Proposed dwelling and garage in substitution of Planning Approval R/2011/0001/F (Located at Old Belfast Road, Saintfield for a dwelling on a farm under Policy CTY19**

Applicant: **Joyce Graham**

Location **70m south of 1 Rowallane Close, Saintfield**

Recommendation: **Refusal**

### Reasons

**1 The proposal is contrary to SPPS and Policies CTY1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that a farm dwelling was granted using this farm holding under planning reference R/2011/0001/F on the 01.05.2012 and Planning Permission Granted under CTY10 will only be forthcoming once every 10 years.**

**2 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.**

**3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the (building) would, if permitted, be unduly prominent in the landscape.**

**4 The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: The development would if permitted mar the distinction between the defined settlement limit of Saintfield and the surrounding countryside.**



### Site Description

The proposed dwelling is located to cluster with a group of farm buildings which exist on the active farm holding

### Planning Policies & Considerations

PPS 21

SPPS

PPS3

Ards & Down Area Plan 2015

DCAN 15

### Assessment of reason for Refusal

#### 1

This reason for refusal is flawed as the chosen site is located adjacent to farm buildings in this active farm and while reference is made to the grant of an approval for a dwelling under Policy CTY10 under application ref:

R/2011/0001/F as the description of this proposal states the applicant wishes to substitute that approval which was granted to her late husband and as she stated in her pre-application discussion she is willing to revoke that approval which will lapse on 6<sup>th</sup> June 2017.

If permission were to be granted for this application she has no intention of building the original approval under R/2011/0001/F and hence her reason for making this application in February of 2016 some 17 months prior to the original approval lapsing

Mrs Graham is prepared to revoke the original approval in substitution for the current application which meets the requirements of the constraints associated with Policy CTY10

#### 2

The design of the dwelling is typical of a modern two story dwelling providing suitable accommodation for modern living requirements and incorporating modern design features while having vertical emphasis on the windows and introducing glazing to avail of more natural light to the main living quarters. The design is not inappropriate as the majority of the buildings in the vicinity of the application site are two storeys in nature and the proposed design has differing roof line heights.

The proposed location of the new dwelling is as stated by the planning officer would only have glimpsing views when viewed from the critical viewpoint on

the Crossgar Road as it is screened by mature trees and dense hedgerows and existing buildings.

The proposal is located some 20-30m maximum from the farm buildings.

### 3

The building would not be unduly prominent in the landscape as it is located to the rear of existing buildings and large mature trees (in excess of 30m – 35m in height) as stated in planning officer's report.

The proposed dwelling will not be able to be viewed from the critical viewpoint on the Crossgar Road and the applicant is prepared to reduce the ground level around the site further but it has to be argued the building will not be prominent due to its location and it must be contended that the existing landscape offer an unusual degree of screening and integration which general is not available on most sites and it is contended that a proposed site must not be hidden out of view rather it must integrate which this building does with no detriment from critical viewpoints.

### 4

It must be contended that the farm buildings are located adjacent to the development limits and as the Planning Department have accepted that the business is active as required by policy and that the buildings were and have always been part of the active holding.

It has to be contended that the location of the farm building have a greater bearing on the location of any proposed building on the farm and while it is the applicants intention to build this dwelling which will be occupied by her son who is an active member of the farm business.

### Overview

The application is made in the name of the farm owner however the dwelling is intended to be occupied by her son who is involved in the day to day running of the farm enterprise.

The main issues of concern in relation to construction of a dwelling on the farm are met by this proposal

The business is active and SFP are made

The building clusters with a group of buildings on the farm being located less than 30m from the existing buildings and in a location which allows for expansion of the farm buildings when required.

Access is via an existing laneway which has served the existing farm buildings for many years, while Transport NI have stated No Objections they have concerns in relation to farm traffic it must be stated that farm machinery have

used this laneway for many years and the proposal is for a dwelling which will generate vehicular traffic not farm traffic.

My client is prepared to meet with Traffic Ni in an attempt to resolve any issues of concern.

The proposed plot size measures a modest 60m square

The proposal is cut into the rising land to the west

### **Conclusion**

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the dwelling on this suitable site and to revoke the approval which expires within 6 months.

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

<b>ITEM NO</b>	<b>19</b>			
<b>APPLIC NO</b>	LA07/2016/0736/F	Full	<b>DATE VALID</b>	6/6/16
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Noel Ritchie 102 Drumsnade Road Drumaness BT24 8NJ		<b>AGENT</b>	Premier Building Design Ltd 1st Floor Unit 3 27 Wallace Avenue Lisburn BT27 4AE
				NA

**LOCATION** To the rear 102 Drumsnade Road  
Drumaness  
BT24 8NJ

**PROPOSAL** Retrospective application for retention of timber frame domestic dwelling on site of storage shed

<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>		<b>SUP Petitions</b>	
	6	1	0		0	
			<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>	<b>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 and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
- 3 The proposal is contrary to Policy CTY16 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not submitted sufficient information on the means of sewerage to properly consider the impact of the development in terms of pollution.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/0736/F

**Date Received:** 6<sup>th</sup> June 2016

**Proposal:** Retrospective application for retention of timber frame domestic dwelling on site of storage shed

**Location:** The site is located to the rear of 102 Drumsnade Road, Drumaness. The site is located approximately 3.5km to the southwest of Drumaness and approximately 11km to the west of Downpatrick.



## Site Characteristics & Area Characteristics:

### Site Characteristics

The site contains a single storey dwelling located to the rear of 102 Drumsnade Road. The site is accessed from a short laneway from Drumsnade Road located directly to the south of no102. The dwelling is finished with dash, smooth render plinth, and interlocking dark grey / black roof tiles. The site is bound to the north and south by an existing mature hedge. To the east of the dwelling is a steep wall of earth resulting from the cutting into the site to accommodate the dwelling. The western boundary of the site adjoins the rear garden of no102. The dwelling is surrounded by gravel – there is a landscaped bank between the proposed dwelling and the neighbouring dwelling at no102.

### Characteristics of Area

The area is characterised by open countryside outside any defined settlement limit. There is agricultural land in every direction. To the west of the site is the Drumsnade Road which runs north to south. There is an active quarry located approx. 130m to the south of the site. The topography of the area is varied with land rising towards the east of the site away from Drumsnade Road.

### **Site History:**

<u>R/1999/1131/F</u> -	102 Drumsnade Road Ballynahinch - Replacement Garage – Granted 21.12.1999
<u>LA07/2015/0190/CA</u>	102 Drumsnade Road Ballynahinch Alleged unauthorised temporary building, foundations, green storage container, excavation of land and the laying of hardcore/gravel – negotiate to resolve

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

I have assessed the proposal against the following relevant policies:

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

Ards and Down 2015 – the site is located within the open countryside outside any defined settlement area. The site is located within proximity to an IPRI regulated quarry. The site also falls within an Area of Constraint on Mineral Developments.

**Consultations:**

- Statutory                      Transport NI – No objections w/conditions
- Non-Statutory                NI Water - No objections
- Statutory                      NIEA – No objections w/ informatives
- Advice                         Environmental Health No objections in principle

**Objections & Representations**

The following neighbouring properties were notified 13<sup>th</sup> June 2016:

- 102 Drumsnade Road, Edendarriff, Drumaness, Down, BT24 8NJ

The application was advertised on 22<sup>nd</sup> June 2016.

There have been 6no letters of objection received from 6 different addresses in relation to this application. Under the Councils Scheme of Delegation applications with 6 or more objections from different addresses will be determined by the Councils Planning Committee.

There was 1no letter of support for the application.

Issues raised in the objection letters:

- Applicant does not have sole ownership – therefore certificate incorrect
- Contrary to PPS21 as it is in the Green Belt
- Design contrary to Rural Design Guide
- Dwelling is unauthorised
- Overlooks neighbouring dwelling
- Loss of light and privacy
- Trees, vegetation, and landscaping removed as a result of dwelling
- Negative visual impact
- Extensive excavation resulting in water run-off and flooding
- Negative environmental impact – loss of wildlife
- No consent to discharge from NIEA
- No independent water supply
- Substandard access
- Inadequate sight lines
- Adversely impact resale value of 102.

Letter of support

- Personal circumstances explained
- Applicant has permission from adjacent land owners to allow supply of water/electricity
- Photos provided
- Access to applicants dwelling has been used by the family for 10 years

**Consideration and Assessment:**

The application has been submitted following enforcement proceedings taken on the applicant against the erection of an unauthorised dwelling located to the rear of no102 Drumsnade Road. There is no previous application or planning approval for the dwelling which has been constructed.

The proposed dwelling is located in the open countryside outside any defined settlement limit, therefore PPS21 is pertinent.

Policy CTY1 allows for planning to be granted for an individual dwelling house in the following cases:

A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;

A replacement dwelling in accordance with Policy CTY3;

A dwelling based on special personal or domestic circumstances in accordance with Policy CTY6;

A dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY7;

The development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8; or

A dwelling on a farm in accordance with Policy CTY10

The proposed dwelling is located to the rear of a single dwelling with no other surrounding buildings on adjacent land. The proposal does not comply with Policy CTY2a. There was no dwelling located on this prior to the construction of this dwelling. The dwelling does not comply with CTY3. No case has been put forward under CTY7 and the proposal does not comply with policy CTY8. No case has been submitted in support of Policy CTY10.

Whilst the policy under which the applicant intended the proposal to be assessed was not specified as part of the original submission a subsequent letter from the applicant dated 22<sup>nd</sup> August was submitted detailing personal circumstances in relation to the application. The application will be considered under Policy CTY6 as no other exceptions within PPS21 or the SPPS are considered to apply to this application.

Policy CTY6 states that 'Planning Permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:



- (a) The applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- (b) There are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

All permissions granted under this policy will be subject to a condition restricting the occupation of the dwelling to a named individual and their dependents.

A detailed letter has been submitted to the Council in support of the application by the applicant. The letter provides a detailed account of the applicant's family's medical history and personal circumstances which led to the construction of the proposed dwelling without planning permission. Whilst the letter states that the information provided can be verified, no information has been submitted to verify the personal circumstances - there is no evidence provided by medical or health professionals, or any details of carers or the level of care required, if any.

As the information provided is of a personal nature, the details of these circumstances will not be published in this report however the supporting letter from Noel Richie dated 22<sup>nd</sup> August 2016 has been fully considered in the assessment of this application.

While a detailed account of the family's circumstances has been provided it has not been demonstrated that there is any reason why the dwelling could not be located within a settlement. The applicant advises that during his father's illness he cared for his father who lived next door in no102 - although no evidence of this has been submitted. As the applicant's father is deceased there is no site specific reason why the dwelling is required in this location. It has not been demonstrated that there is a site specific need for a dwelling in this location.

The applicant has not provided any supporting evidence to demonstrate that a new dwelling is a necessary response to the particular circumstances of the case or that genuine hardship would be caused if planning permission were refused.

There is no compelling site specific reason why the family need to live in this location however no details of any alternatives considered have been provided with the submission. The applicant's letter states that prior to the construction of the unauthorised dwelling,

Again no evidence has been submitted to collaborate this. These circumstances do not demonstrate a specific need for a dwelling in this rural location.

The applicant states in his letter that there have been various temporary mobile homes located on the site over the years. However there is no mobile home currently in situ. The shed which was located on the site has been removed.

The proposal is not considered to comply with the requirements of policy CTY6.

#### CTY13

The site is relatively well screened from public views due to the high hedges and mature trees along Drumsnade Road to the north and south of the site. Views of the dwelling only become available when passing the by the front of 102 Drumsnade Road. The dwelling is set back from the roadside and is located to the rear of the existing dwelling on elevated ground. There is a bank of landscaping between the unauthorised dwelling and the existing dwelling. There are several mature shrubs and small trees located along this border which screen views of the dwelling from the entrance lane to the southwest of the site. There are views of the unauthorised dwelling when passing the existing access to no102 however this view is short term and at a right angle from the road. The site has been substantially excavated to accommodate the dwelling; there are limited public views of this excavation. There are no long distance views of the dwelling due to the topography of the surrounding land and the mature natural boundaries of the site.

Whilst the design of the building is not strictly in accordance with Building on Tradition it is considered acceptable given the limited visibility of the dwelling from the surrounding area. The ridge height is approximately 4.5m from ground level and the dwelling is finished with roughcast render and dark roof tiles. Given the limited views of the site the design is considered acceptable.

It is not considered that the proposal would be contrary to CTY13

#### CTY14

The proposed dwelling would not appear prominent in the landscape due to the backdrop provided by rising land to the east of the site and the limited public views of the dwelling from Drumsnade Road. The dwelling would not result in a suburban built up of development and would not create or add to a ribbon of development. It is not considered that the proposed ancillary works would harm rural character again due to the lack of public views.

#### CTY16


No details of the proposed septic tank have been provided with the application. The objection letters state that the dwelling relies on the use of no102's septic tank. NIEA Water Management Unit have been consulted both prior to the objection letters and as a response to the comments of the objection letters with a request to provide comment on the alleged water run-off and septic tank related issues.

NIEA WMU state that no consent to discharge exists for this property of for no102. The applicant is advised to contact Water Regulation Team of NIEA at their earliest convenience. As no details in relation to the position of the septic tank have been provided the proposal is considered contrary to CTY16. As the principle of the proposal has not been established the applicant has not been asked to address this issue.

### Access

The objection letters allege that the proposed sightlines are inadequate however Transport NI have been consulted in relation to the proposed access to and from the proposed dwelling onto Drumsnade Road and have raised no objection. The proposed access is considered acceptable.

### Land Ownership

 this is a civil matter and the application will be determined based on the information available.

### Excavation and Natural Heritage

The site has been substantially excavated to accommodate the dwelling with a large amount of earth removed from the site. This was raised within the objection letters and was visible on site as the rear bank remains un-retained. Further objection related to the loss of vegetation across the site as a result of the excavation. NIEA have not raised any objections to the proposal in relation to Natural Heritage interests. As the principle of the development has not been established, further details on the landscaping and un-retained wall/bank have not been requested from the applicant. If the application were to be approved further details on these elements of the proposal would be required.

### Overlooking

The dwelling is located in an elevated position above the rear of no102 Drumsnade Road. When it was constructed the applicant was living next to his father, however the dwelling may not remain within the family and overlooking and loss of privacy must be considered. The front of the proposed dwelling is located approximately

14.5m from the rear of no102. There is some landscaping on the bank between the site and the neighbouring dwelling. However there is a gap in the landscaping between the proposed dwelling and 102 giving open views over the rear & side of no102. There is no rear garden to no102 as the gravel access covers the area to the rear of the dwelling. There is a side garden which is relatively enclosed by existing vegetation and is screened from view from the proposed dwelling by the existing garage. It is not considered that there are any direct views into the windows of no102 due to the existing screening along the landscaped bank and given that there are no windows on the rear gable of 102's rear return. Whilst the side of no102 can be viewed from the proposed dwelling it is considered that there remains a sufficient level of private amenity space to the side of the dwelling. Due to the sufficient distance between the properties and the existing natural screening between the properties it is not considered that there would be an unacceptable level of overlooking. It is not considered that there would be any overshadowing issues relating to the proposal.

The dwelling is in proximity to an active quarry, NIEA IPRI have recommended an informative however the principle of the dwellings has not been established.

### Summary

It has not been demonstrated that the proposal is a necessary response to particular circumstances as there is no site specific reason why the dwelling could not be located within a settlement. While a personal account of the family's past and present circumstances has been submitted no evidence was submitted to support the application. No reason has been put forward as to why the proposal is necessary in this rural location. No details have been provided in relation to the proposed septic tank. The proposal is not considered to meet the requirements of Policy CTY6 and therefore the application is recommended for refusal.

### **Recommendation:**

Refuse

### **Reasons for Refusal:**

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

The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

The proposal is contrary to Policy CTY16 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not submitted sufficient information on the means of sewerage to properly consider the impact of the development in terms of pollution.

13-10-2016

13/10/16

Additional information submitted and considered 30/11/16



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

<b>ITEM NO</b>	<b>22</b>			
<b>APPLIC NO</b>	R/2014/0444/F	Full	<b>DATE VALID</b>	8/20/14
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Colin Jones Ardeen Construction 49a Abbeyveiw Road Crossgar BT30 9JD		<b>AGENT</b>	Gary Harpur Architect 8 Tullywest Road Saintfield BT24 7LY  02897519775
<b>LOCATION</b>	14-18 Lisburn Road Ballynahinch			
<b>PROPOSAL</b>	4 no. dwellings (2 pairs Semis) with shared parking to the front			
<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

- The proposal is contrary to Policy FLD 1 of Planning Policy Statement 15 Planning and Flood Risk in that it has not been demonstrated that adequate measures are proposed to manage and mitigate any increase to flood risk arising from the development.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: R/2014/0444/F**

**Date Received: 20<sup>th</sup> August 2014**

**Proposal: 4 no dwellings (2 pairs of semis) with shared parking to the front.**

**Location: 14-18 Lisburn Road, Ballynahinch.**



**Site Characteristics & Area Characteristics:**

The site is located off Lisburn Road comprising no.14-18, once no 14 comprised a detached single storey dwelling and no.16-18, 2 storeys semi-detached but have now been demolished. The site adjoins the grounds of a Baptist church and a tractor showroom/workshop to either side. The car park/gravel area of the church also extends to adjoin the rear of the site. The side gable of the church facing the site is blank and the vehicular entrance to this church runs along the boundary with the site. The properties opposite consist of 1 - 1 1/2 storey detached and semi-detached dwellings.



The site is located within the settlement development limits of Ballynahinch as defined in the Ards and Down Area Plan 2015. The Lisburn Road is a protected route.

#### **Site History:**

LA07/2015/0593/F – 15-17 Lisburn Road, Ballynahinch – proposed demolition of existing semidetached dwellings and erection of 6 apartments with in curtilage car parking and associated works – permission granted

R/2011/0022/F – 14-18 Lisburn Road, Ballynahinch – 10 new apartments with car parking and landscaping to the rear of the site (apartments in 2 no blocks) Granted-02-02-2012

R/2010/0690/F – 13 Lisburn Road, Ballynahinch, Co Down – proposed 2 no semi detached dwellings (amended house type from previously approved 4 no apartments R/2007/0151/F – granted – 27-11-2012

R/2007/0151/F – 13 Lisburn Road, Ballynahinch – proposed 4 no apartments – granted – 5-07-2007

R/2007/0655/F – 8 no new apartments (in 2 no detached blocks) with car parking and landscaping to rear of the site – granted 28-5-2010

R/2005/0820/F – 20-24 Lisburn Road, Ballynahinch – Demolition of existing dwelling and proposed church extension –granted – 10-08-2006

R/2001/0026/F 0- to rear of 14-20 Lisburn Road, Ballynahinch – Proposed Car Park – granted – 09-01-2003.

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

The application is considered against Ards and Down Area Plan 2015, PPS 7 Quality Residential Environments PPS 7 Addendum Safeguarding the Character of Established Residential Areas, PPS 15 Planning and Flood Risk and Creating Places and SPSS.

#### **Consultations:**

Transport NI was consulted who responded advising that the proposed parking was unworkable and the applicant may wish to consider relocating the parking at the back of rendered wall, amended drawings were submitted addressing this issue and Transport NI responded with no objections.

NIEA had initially responded advising that NI Water would require consultation in relation to concerns in relation to impacts of sewerage loading, NI Water was consulted with no objections returned, NIEA was re consulted and had no objections.

Environmental Health – no objections subject to connection to main sewer with NI Water approval.

NI Water – no objections subject to conditions.

Rivers Agency was consulted and responded advising site lies within the 1-100 year fluvial flood plain of the Ballynahinch River, further consultation took place after a Flood Risk Assessment was submitted however Rivers Agency wanted confirmation from Planning that the application could be deemed an exception. Given the planning history on the site and the fact that the scheme was a lesser scheme than the most recent previously approved R/2011/0022/F, on this basis Rivers Agency was advised of the consideration of an exception however the submitted FRA, in Rivers Agency's opinion does not demonstrate level for level compensation for the loss of stage in relation to the 1-100 year fluvial flood zone of the Ballynahinch River, amendments were submitted however the issue remains outstanding and despite discussions between both parties a resolution could not be found for the scheme therefore Rivers Agency recommend refusal.

### **Objections & Representations**

The application was advertised 3<sup>rd</sup> September 2014 which expired 17<sup>th</sup> September 2014; Neighbour Notification took place 28<sup>th</sup> August 2014 which expired 11<sup>th</sup> September 2014. No representations were received.

### **Consideration and Assessment:**

It is clear from the history of site as outlined above there is an extant permission for 10 apartments on this site. As such this is effectively a modification of a previous approval. The principle of residential accommodation together with the visual and residential impacts have already been considered acceptable on this site by virtue of this previous approval. The purpose of this application is to consider the differences from what has already been approved.

The density of the scheme has been reduced in this proposal with 4 houses being proposed instead of 10 apartments. The overall footprint of the scheme is also reduced as the approved scheme has an overall build footprint of 328m<sup>2</sup>. The proposed footprint measures approximately 214m<sup>2</sup>: this constitutes an overall reduction of 114m<sup>2</sup>. The proposed footprints have also been moved further back on the site so that the houses would now be 2.45m closer to the rear site boundary.

The rear parking area has also now been omitted and replaced by a shared parking area to the front of the dwellings. The proposed semi-detached dwellings are proposed to be 8.2m in height which is a reduction of 0.4m from the approved proposal.

The dwellings are not likely to, in general, have an adverse visual impact on the character or amenity of the surrounding area. The dwellings have allocated private amenity areas of adequate sizes in keeping with Creating Places guidelines. A sufficient level of amenity space has been provided for the size of property proposed.

QD1 – Quality in New Residential Development is considered

The character of the development respects the surrounding context of the area which has a mix of styles and scales of buildings and also residential dwellings of

differing layouts. The developments massing and appearance is in keeping with the surrounding context.

There is not thought to be any negative impacts on the existing built heritage and landscape features in the area, there has been no particular landscape features identified that are likely to be impacted upon negatively.

Private amenity has been provided to the rear of the properties, noted that dwelling one and 2 do not appear to have separate amenity but it is expected this is a mistake and in any case a condition can be applied if approved to erect a boundary fence to provide separate amenity. Given the size and scale of the project it is not considered shared public space is required. Existing trees are to be retained along the boundary, this will help soften the overall development and help with integration.

Given the size and scale of the overall scheme there would not generally be a requirement for local neighbourhood facilities to be provided as an integral part of the development. It is noted that 3 of the 4 properties will have no access to the dwelling rear amenity except through the dwelling itself, this is not ideal as bins etc would have to be transported through the property which would likely end up with bins being stored to the front of the property which is unsightly.

The movement pattern could be improved to allow more easy access to the rear of the properties however in general the movement patterns are acceptable. The parking arrangements are considered acceptable and Transport NI has no objections to the proposal.

As previously commented upon the site overall design of the dwellings are considered acceptable, they are rather plain but do not make any negative visual impacts and are of a design in keeping and respectful of the existing built environment.

The proposal given the existing land uses to either side of the site and the design and layout of buildings is not likely to cause any issues of overlooking or overshadowing as a result of the construction of the buildings.

Overall the application is in accordance with QD1 of PPS7, consideration is also however given to PPS 15 Planning and Flood Risk. Rivers Agency considers the application to be contrary to FLD 1. The application was considered an exception given the fact there is an extant approval on the site however PPS 15 was introduced September 14 notably after the previous approvals. While a flood risk assessment has been submitted the proposals have not been accepted by Rivers Agency who have also advised that the issue cannot be overcome through this scheme therefore a recommendation of refusal is made.

Final comments were received from Rivers Agency 22<sup>nd</sup> November 2016 via e-mail attached on file considering the application contrary to policy as PPS 15 Para 6.25 defines flood compensation storage as "the replacement of flood plain land lost through infilling for development with compensatory land at the same level and in close location". PPS 15 FLD 1 states that the FRA should demonstrate that there are

adequate measures to manage and mitigate any increase in flood risk arising from the development; Rivers Agency considered this has not been achieved. The agent has been offered ample opportunity to address the issues however this does not appear possible through this scheme.

**Recommendation:**

Refusal

**Refusal Reasons:**

- The proposal is contrary to Policy FLD 1 of Planning Policy Statement 15 Planning and Flood Risk in that it has not been demonstrated that adequate measures are proposed to manage and mitigate any increase to flood risk arising from the development.

**Case Officer:**

**Authorised By:**

**Date:**

**ITEM NO** 1  
**APPLIC NO** LA07/2015/0087/F Full **DATE VALID** 3/30/15  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Martin Ward Rockmount Convenience Complex 32 Rathfriland Road Newry BT34 1JZ  
**AGENT** Bernard Dinsmore Chartered Architects 24a Duke Street Warrenpoint BT34 3JY  
 028 417 53698

**LOCATION** 32 Rathfriland Road Newry

**PROPOSAL** Varying of condition 3 of P/2010/0171/F which currently reads "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays" to read "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, deliveries of fuel and other goods, as well as the preparation for opening shall not occur outside the hours of 0600 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays."

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	5	0	0	0	Addresses	Signatures	Addresses	Signatures
					0	0	0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement, paragraph 4.11 and 4.12 in that the proposed varying of condition 3 of planning approval P/2010/0171/F to extend the weekday hours for the servicing, deliveries of fuel and other goods, as well as the preparation for opening not occurring outside the hours of 0600-1900 will have a demonstrable impact on the residential amenities of the surrounding residential properties by way of noise.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

## **Reconsideration of amended proposal following recommendation to refuse on delegated list issued 21<sup>st</sup> January 2016**

**Application Reference:** LA07/2015/0087/F

**Delegated List issued** 21<sup>st</sup> January 2016

**Date Received:** 30<sup>th</sup> March 2015

**Proposal:** Varying of condition 3 of P/2010/0171/F which currently reads "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays" to read "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, deliveries of fuel and other goods, as well as the preparation for opening shall not occur outside the hours of 0600 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays." (amended)

**Location:** 32 Rathfriland Road, Newry

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

The site occupies a 2-storey flat roofed red brick commercial shop and petrol filling station with associate overhead canopy and totem signs on the Rathfriland Road in Newry City. The surrounding area is however predominantly residential with the exception of an accountancy business adjacent to the site at no. 30 Rathfriland Road.

### **Site History:**

P/2010/0171/F - approval for extension and alterations to existing petrol filling station and convenience store with siteworks including amended parking layout - approved 8th February 2011.

**Consultations:**

Environmental Health – prior to the last delegated list recommendation (21<sup>st</sup> January 2016), public health recommended refusal due to the loss of residential amenity to nearby residents. This application was deferred and a new proposal description generated following clarification from the agent as to what the applicant actually wanted. This however was made clearer, and a new proposal description generated stating specifically what the condition would be on any approval notice and what it is replacing on the former decision notice. Public Health opinion remains the same in that the proposal to vary the condition and receive deliveries of fuel and other goods 1 hour earlier during the week and prepare the shop for opening all from 6am would still be detrimental to the residential amenity of nearby residents by way of noise.

**Objections & Representations**

Originally there was 1 objector whose reasons were:

- the current breach of condition 3 of P/2010/0171/F resulting in the shop received deliveries before 6am and opening at 6 is detrimentally affecting the health and well-being of the objector due to lack of sleep. There is also an issue with regarding to lighting from the signage.

This objector has also informed the Council that deliveries are now being as early as 5:20 (bread) during the week and 4am on a Saturday morning. Fuel deliveries have also been made at 12midnight.

A new objector made representations after the first Council recommendation and their objections relate to:

Already opens before 6am; large HGVs parking outside their entry endangering health and mental wellbeing.

10 neighbours notified – 1 Upper Damolly Road, 30 Rathfriland Road, 4,5,6 &7 Beechmount Road, 4,5,6 &7 Hollywood Grove – representations made from 4 &5 Hollywood Grove. All notified of amended proposals.

Re-advertised following amendment to proposal description following removal from delegated list on 24<sup>th</sup> and 26<sup>th</sup> August 2016 and then again 19<sup>th</sup> and 21<sup>st</sup> October 2016.

**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 inside the settlement of Newry and Planning Permission was approved on the site under P/2010/0171/F for extension and alterations to existing petrol filling station and convenience store with siteworks including amended parking layout.

The original proposal involved varying the condition previously stipulated on planning approval P/2010/0171/F to change the opening hours of the shop during the week from 7am-11pm to 6am-11pm. This however was varied to change the hours for the servicing and deliveries of fuel and other good as well as the preparation for opening

not occurring outside the hours of 0600 and 1900 hours Monday to Friday. The applicant's agent confirmed that the shop will not open before 7 but that they want to change the hours to receive goods and prepare the shop for opening by 1 hour during the week to 6am.

As discuss in the earlier site report, the main impact as a result of this change is the potential to impact on the amenity of neighbouring residents. The convenience store and petrol filling station is located albeit on a busy arterial route into and out Newry City but mainly within a residential area. A planning enforcement case was opened regarding the unauthorised earlier opening hours, complaints were made to Newry and Mourne (now Newry Mourne and Down) environmental health department relating to noise issues as a result of this earlier opening hour. Subsequently the present application was made to vary condition 3 of the previous planning approval to seek approval for the earlier opening times. Environmental health in their latest response recommends that a loss of amenity to nearby residential properties will be experienced due to noise. The same environmental health department have also served a Noise Abatement Notice under section 65 of the Clean Neighbourhoods and Environment Act (NI) 2011 to the company secretary on 4th November 2015 due to noise.

Therefore based on the environmental health findings and final response following the new amended proposal description, I believe that the opening hours should not be varied and should remain as previously condition under P/2010/0171/F due to the potential noise nuisance and that currently experienced.

The objectors' issues have been considered by both planning and environmental health. This application is dealing solely with the varying of condition 3 of the previous approval in terms of the opening hours. With regard to the lighting issue, environmental health is still investigating.

**Recommendation:**

Refusal on amenity grounds.

**Refusal Reasons/ Conditions:**

The proposal is contrary to The Strategic Planning Policy Statement, paragraph 4.11 and 4.12 in that the proposed varying of condition 3 of planning approval P/2010/0171/F to extend the weekday hours for the servicing, deliveries of fuel and other goods, as well as the preparation for opening not occurring outside the hours of 0600-1900 will have a demonstrable impact on the residential amenities of the surrounding residential properties by way of noise.



Case Officer Signature:
Date: 17/11/2016
Authorised Officer Signature:
Date: 17/11/2016

Chairman

The objectors reside directly across for the application address. They fully understand and expect some noise from this business from time to time. The objectors feel that to allow the planning permission would have a serious effect on their health and wellbeing. The objectors have explained to me that the business receives bread deliveries sometimes as early as 5.20am and spoke to me of fuel deliveries at twelve at night.

The noise from a delivery lorry during the early carries a wide distance at various times during the early morning all the objectors can hear is heavy diesel lorries off loading steel cages on wheels and reloading of lorries while the engine idles. When the fuel delivery takes place a twelve at night the objectors hear the diesel pumps on the lorry going until the fuel is offloaded

They feel if the business is restricted to deliveries and opening times at 7am they can have or expect to have 8 hours sleep a night but with the business closing at 11pm and deliveries starting at 5.20 am that only gives them just over 6 hours sleep ( if the fuel delivery does not come at 12pm).

Chairman I think that everybody has the right to at least 8 undisturbed hours sleep a night and I don't feel it is an unreasonable request to the planning committee to refuse this application. The objectors have spoken to environmental health on this matter and their findings seem to back up what the objectors are saying about noise.

David cunningham

Representation on Behalf of Mr Martin Ward – Applicant

By B. Dinsmore RIBA – Agent

Application Ref: LA07/2015/0087/F

Proposal: Varying Of Condition 3 Of P/2010/0171/F Which Currently Reads "The Premises Shall Not Be Open For Business Outside The Hours Of 0700 To 2300 And Servicing, And Deliveries Of Fuel And Other Goods, Shall Not Occur Outside The Hours Of 0700 And 1900 Hours Monday To Friday, And 1000 Hours And 1700 On Saturdays And No Servicing Or Deliveries Shall Occur On Sundays" To Read "The Premises Shall Not Be Open For Business Outside The Hours Of 0700 To 2300 And Servicing, Deliveries Of Fuel And Other Goods, As Well As The Preparation For Opening Shall Not Occur Outside The Hours Of 0600 And 1900 Hours Monday To Friday, And 1000 Hours And 1700 On Saturdays And No Servicing Or Deliveries Shall Occur On Sundays."

Location: Rockmount Convenience Complex, 32 Rathfriland Road, Newry

Planning Services recommends refusal for the following reason:

**The proposal is contrary to The Strategic Planning Policy Statement, paragraph 4.11 and 4.12 in that the proposed varying of condition 3 of planning approval P/2010/0171/F to extend the weekday hours for the servicing, deliveries of fuel and other goods, as well as the preparation for opening not occurring outside the hours of 0600-1900 will have a demonstrable impact on the residential amenities of the surrounding residential properties by way of noise.**

### Introduction

This application was originally deferred to the delegated list on 21<sup>st</sup> January 2016 with a recommendation to refuse. The short minute of the meeting at which it was discussed in February 2016 reads simply ...."Agreed the application be returned to Planning Officers for clarification and consideration of further relevant information"....

Following that meeting I contacted Councillors who supported the application. They confirmed that Planning Services agreed that they could reconsider the application favourably to vary condition no. 3 to allow some deliveries as well as preparing the store for trading from 6.00AM. The 7.00AM business opening condition would remain, together with the bulk of the deliveries.

This was not a request from the applicant or agent. It was recommended by Councillors at the Planning meeting as a sensible compromise. They recognised the importance and reality of the historical (30 years) early morning drop-offs of milk, newspaper and bread, which are controlled by the suppliers, as well as the need to switch on deli ovens etc. in preparation for the day.

As a result the application was re-advertised twice with amended description. The wording of the new descriptions, as advertised, were generated by Planning Services and not by the applicant or agent, i.e. neither the applicant nor agent requested the inclusion of fuel within deliveries prior to 7.00AM.

In relation to the Planning Officer's Professional Report .....

#### Site Characteristics

The Planning Officer argues that the character of the surrounding area is predominantly residential. I would argue that the character of the area is largely influenced by the long established use of this site as a petrol station and convenience store (in excess of 30 years), the busy arterial route in and out of the city, a major traffic junction and the large commercial office building adjacent to it. (See attached Google image).

#### Site History

The Planner's site history only refers to approval for extension in 2011. It fails to highlight development approvals on the same site in 1988, 1990, 1992, 1997, 1998, 1999. This surely proves a long-established, and accepted association with the area.



### Consultation

It is noted that Environmental Health recommended refusal in January 2016 due to noise nuisance. It is also noted that the application has been running in parallel with a Noise Abatement Notice, initiated by one of the objectors. However, I believe Environmental Health will accept that the applicant has already set in place a number of mitigating measures and is co-operating with Environmental Health officers e.g.

1. Early morning drop-offs have been changed to the far side of the premises.
2. Written undertaking from Hendersons not to supply before 7.00AM.

He has also put all external lighting on time clocks due to a complaint in relation to light nuisance.

### Objections & Representations

None of the eight residential properties adjoining the site objected to the application. A more balanced determination therefore against the Strategic Planning Policy Statement cited as the reason for refusal would have been to weigh this against the apparent and absolute emphasis that has been placed upon the original and repeated objector, and, the newer second objector both of whom live 25m away from the site on the other side of the A25.

### Summary

This is a long-established convenience business employing forty people that has lived in harmony with most of its neighbours for more than thirty years whilst providing a vital service to the local area. It is irrational to propose that the applicant's suppliers co-ordinate their entire delivery schedules around the restrictive opening hours hereby imposed. In reality, demand for newspapers, bread and milk is highest in early morning. If the applicant is not able to supply such basic provisions at his premises in early morning, trade will suffer significantly. In these circumstances, it appears that two objections are to be given greater weight than the applicant's economic argument in favour of delivery of bread, milk and newspapers. A sensible compromise was proposed by Councillors at an earlier hearing to retain and manage historical early morning drop-offs, and to allow the applicant to 'fire-up' deli equipment. All other deliveries together with business opening hours would be in accordance with the existing Condition no. 3 of the 2011 Approval.

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

<b>ITEM NO</b>	7			
<b>APPLIC NO</b>	LA07/2015/0402/F	Full	<b>DATE VALID</b>	6/1/15
<b>COUNCIL OPINION</b>	REFUSAL			
<b>APPLICANT</b>	Mr Glyn Mitchell O'Hagan Construction Ltd 63 Newry Road Rathfriland BT34 5AL		<b>AGENT</b>	
				NA
<b>LOCATION</b>	Opp and 25m E of No 16 Chancellors Hall Chancellors Road Newry Co Down			
<b>PROPOSAL</b>	Proposed erection of 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</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

- 1 The proposal is contrary to Policy QD1 of the Department of the Environment's Planning Policy Statement 7, Quality Residential Environments, criterion (a) and (h), in that the applicant has failed to demonstrate that the proposal would create a quality residential environment and that the proposal would, if permitted, adversely affect the amenity of adjoining residents by reason of overlooking.
- 2 The proposal is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criterion (b), in that the proposal does not respect the existing settlement pattern in the area.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**

District Council

**Application Reference: LA07/2015/0402/F**

**Date Received: June 1<sup>st</sup> 2015**

**Proposal: Erection of two storey dwelling**

**Location:** Opposite and 25m east of 16 Chancellor's Hall, Chancellors Road, Newry

**Site Characteristics & Area Characteristics:**

The site is an area of vacant ground located close to the entrance to the Chancellors Hall housing development. The site slopes sharply down as it moves away from the estate road within the development, the ground level dropping from 58.288 adjacent to the road to 54.3 at the rear boundary. Most of the site is a banked slope covered in grass; it is currently surrounded by a temporary fence. Part of the site has been included in the various historical approvals for the development of Chancellors Hall as an area of open ground adjacent to the access road.







The surrounding area is residential; the remainder of Chancellors Hall lies to the west and north of the site, to its east and south is Heslip's Court which is currently under development. The greater part of the site has been included in the approvals for this development, as either a dwelling or area of amenity space

The latest version of this application seeks Full Planning Permission for the construction of a two storey detached dwelling that will be constructed on an area of ground created by artificially infilling the ground up to the same level in Chancellor's Hall, retaining walls of up to 2.1 metres in height will be constructed around the site boundary into Heslip's Lane. The dwelling will have a ridge height of 7.6 metres above ground level.

#### **Site History:**

The site has been the subject of a number of planning applications for the development of Heslip's Court

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

Strategic Planning Policy Statement  
Banbridge/Newry and Mourne Area Plan 2015  
Planning Policy Statement 7 Quality Residential Environments.

#### **Consultations:**

**Transport NI** No objections

#### **Objections & Representations**

No representations have been received in relation to this application.

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

##### **Strategic Planning Policy Statement**

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, the site is in an approved residential development and therefore there are no implications for this site from the SPPS.

**Banbridge/Newry and Mourne Area Plan 2015.**

The site straddles the boundaries between zonings NY 24 (Chancellors Hall) and 26 (Heslips Court) in the area plan. Both are identified as committed housing zonings and no KSR's are included.

**PPS7 Quality in Residential Developments Policy QD1**

The policy sets out a number of criteria which proposals for new residential developments must comply with, criterion (a) requires that the development must respect the character and scale of surrounding buildings, in this case the context is provided by the two surrounding developments which consist of two storey semi-detached dwellings.

The proposal will involve the creation of two inappropriate retaining walls of 2.1 metres in height on the southern and eastern boundaries of the site facing into Heslips' Court. These will face into the rear gardens of two of the dwellings, limiting their amenity space and creating an unattractive residential environment, due to their scale, massing and appearance and resulting dominance. The proposal is therefore contrary to Criterion (a) in that it does not respect the surrounding context.

The amended design omits windows on the rear elevation, this appears to be an attempt to minimise overlooking of the gardens of the dwellings in Heslips' Court. This, however, is insufficient and does not overcome the other issues of the poor residential amenity caused by inappropriate retaining walls in such close proximity to the dwellings and the resulting dominance and over shadowing this will cause. This will be contrary to Criteria (h) of the policy in that the design and layout will create conflict with adjacent land uses and it will create an unacceptable adverse effect on existing properties in terms of loss of amenity.

**PPS7 Addendum on Safeguarding the Character of Existing Residential Areas Policy LC1**

Criterion (b) of this policy requires that development proposals be in keeping with the overall character and environmental quality of the established residential area. In this case the majority of the site was developed as part of Heslips' Court. The proposal intends to change the existing development pattern through an engineering operation and the construction of inappropriate retaining walls and the raising of existing ground levels. The proposed sites would then read with Chancellor's Hall. It is considered that the proposal would erode the local character and environmental quality and would not respect the existing housing pattern.

It is considered that this proposal, as a result, would create unacceptable damage to the local character, environmental quality and residential amenity of the established residential area. It is also considered that this would not be sensitive in design terms to people living in the existing neighbourhood nor would it be in harmony with the area.

**Recommendation:**

The proposal is for a two storey dwelling on a site which will largely be created through the raising of the ground level of an adjacent development which will feature the use of retaining walls. The proposal will not respect the settlement pattern as it

effectively involves the creation of a site through the infilling of ground and the use of retaining walls which will create an unattractive residential environment for the neighbouring residents, the presence of a two storey dwelling at a significantly higher site level .

Therefore refusal is recommended.

**Refusal Reasons/ Conditions:**

1. The proposal is contrary to Policy QD1 of the Department of the Environment's Planning Policy Statement 7, Quality Residential Environments, criterion (a) and (h), in that the applicant has failed to demonstrate that the proposal would create a quality residential environment and that the proposal would, if permitted, adversely affect the amenity of adjoining residents by reason of overlooking and the creation of retaining walls in close proximity to adjoining dwellings.
2. The proposal is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criterion (b), in that the proposal does not respect the existing settlement pattern in the area.

**Case Officer**

**Authorised Officer**

**APPLICANT'S RESPONSE TO RECOMMENDED REFUSAL REASONS**

LA07/2015/0402/F

PROPOSED ERECTION OF DWELLING

OPPOSITE AND 25M E OF NO 16 CHANCELLORS HALL, CHANCELLORS ROAD, NEWRY, CO DOWN

---

There are two recommended refusal reasons:

- 1. The proposal is contrary to Policy QD1 of the Department of the Environment's Planning Policy Statement 7, Quality Residential Environments, criterion (a) and (h), in that the applicant has failed to demonstrate that the proposal would create a quality residential environment and that the proposal would, if permitted, adversely affect the amenity of adjoining residents by reason of overlooking.***

The rear of the adjoining properties are already overlooked. There is a direct and unscreened view into their rear windows and back gardens from the road serving the Chancellors Hall housing development:



As this viewpoint is near to the main entrance of Chancellors Hall from Chancellors Road, there is a substantial amount of passing traffic – almost all of the residents of Chancellors Hall pass and have a clear view into the back of these houses.

The application seeks permission to erect a dwelling and provide landscaping in the raised area of land in the foreground of the above photograph. This will screen the adjoining properties from passing traffic on Chancellor's Road.

**APPLICANT'S RESPONSE TO RECOMMENDED REFUSAL REASONS**

LA07/2015/0402/F

PROPOSED ERECTION OF DWELLING

OPPOSITE AND 25M E OF NO 16 CHANCELLORS HALL, CHANCELLORS ROAD, NEWRY, CO DOWN

---

The proposed dwelling has also specifically been designed with no upper floor windows looking into the rear of the existing adjoining properties. When the proposed dwelling and landscaping is completed on the site, there will therefore be significantly less overlooking of the adjoining properties than there is now.

The proposal therefore will not adversely affect the amenity of adjoining residents by reason of overlooking and this refusal reason should not be sustained.

- 2. *The proposal is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criterion (b), in that the proposal does not respect the existing settlement pattern in the area.***

The planner's committee report explains that this refusal relates to the raising of land and the retaining wall that forms part of the proposed development. This work has already been completed, as can be seen in the above photograph, and the adjoining houses and gardens have already been sold, leaving the application site as vacant land.

Chancellors Hall sits at a higher level than the adjoining Heslips Court and a retaining wall was approved as part of the development in this general location to account for this change in level.

The proposed retaining wall that has been erected is slightly higher at 2.1m and in a slightly different location to that approved. However, this makes no material difference to the relationship of Heslips Court with Chancellors Hall – regardless of this proposal, the two existing housing developments will always be at different levels and there will always be a retaining wall required to account for this change in level.

The proposal does not change this fact and therefore has no impact whatsoever on the character of the area. The second recommended refusal reason should not be sustained.

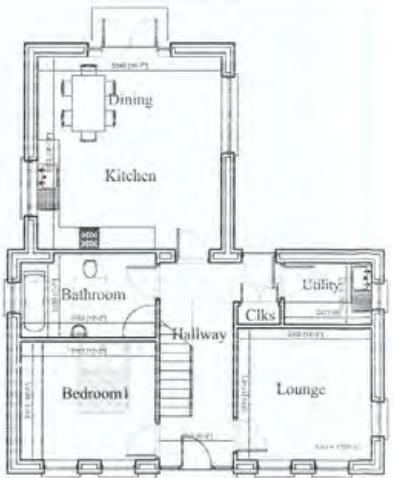
Given the above, we respectfully ask the committee to approve the application.



Site Layout Plan

All drainage around houses to be 100mm dia pipes with a consistence fall of 1 in 40 and ensure that the last Mh's are within 12.0m of the main sewers.

No high walls to the front of any of the houses facing onto the development road with the boundaries defined by a pin kerb. Where retaining walls are required between houses ensure that they are no higher than 0.6m



Ground Floor Plan



Front Elevation

Finishes  
 Roof: Black Concrete Tiles  
 Walls: Red rustic Brick  
 Windows: White PVC  
 Door: Hardwood Painted



Side Elevation



Side Elevation



Rear Elevation



Site Layout Plan

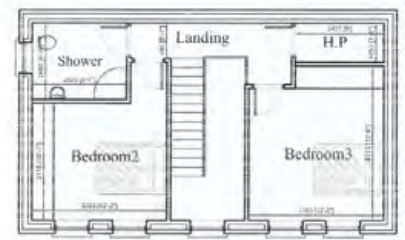
Scale 1:500  
 License Number 2238

Side Elevation

Scale 1:500

**Proposed trees:**  
**Garden Tree Planting to create avenue**  
 Prunus Avocedra (Standard, 2.5x3.5m high, girth @ 1.0m @ 100mm, single clear straight stem up to 1.8m)  
 \*All trees to be staked using double timber stakes with a timber cross member and 1 No. tree tie and spacer. Finished height of cross member to be 900mm.  
**Other Tree Planting**  
 Soften Vertical Holly (Heavy Standard, 3.5-4.5m high, girth @ 1.0m: 130-140mm, single clear straight stem up to 2m)  
 Yucca cordata 'Streaker' (Heavy Standard, 300-4.5m high, girth @ 1.0m: 120-130mm, single clear straight stem up to 2m)  
 All trees to be staked using double timber stakes with a timber cross member and 1 No. Tree tie and spacer. Finished height of cross member to be 900mm.

Proposed grass strip



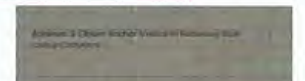
First Floor Plan

Scale 1:300



Fence Elevation

Scale 1:50



Retaining Wall Elevation

Scale 1:50

Complete Contract on 10th  
 Wham agus an Olan  
 Newry, Moane and Down  
 District Council  
**Drawing No. 01 (Rev 1)**  
 Land at

30 JUN 2016  
 O'Hagan Property Limited  
 Planning Department

REV	DATE	NOTES
B	APR 15	AMENDMENTS FOR PLANNING
A	DEC 15	AMENDMENTS FOR PLANNING
REV	DATE	NOTES

DRAWING RECORD

THIS DRAWING IS COPYRIGHT & MUST NOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION FROM O'HAGAN PROPERTY LIMITED.

**O'HAGAN PROPERTY LIMITED**  
 Old Mill 63 Newry Road, Rathfriland, Co Down BT34 5DA  
 TEL: (028) 4063 5066 FAX: (028) 4063 1357  
 www.o'haganpropertylimited.com

PROJECT  
**Proposed Erection a House Opp and 25m E of No 16 Chancellors Hall, Newry**

DRAWING TITLE  
**Planning Drawings**

SCALE	DRAWN BY	DATE
As Specified	Glyn Mitchell	May 2015
DRAWING NUMBER	REVISION	

06/01/03















<b>ITEM NO</b>	<b>10</b>			
<b>APPLIC NO</b>	LA07/2015/0669/F	Full	<b>DATE VALID</b>	7/27/15
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>			
<b>APPLICANT</b>	Mr Rodney Devine C/O Agent		<b>AGENT</b>	Mrs Colleen Savage 107a Blaney Road Crossmaglen Newry BT35 9AT 07872602551
<b>LOCATION</b>	150m South East of No. 3 Desert Road Mayobridge Newry Co Down			
<b>PROPOSAL</b>	Agricultural shed (Retrospective permission)			

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

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that:

  - The farm business is active and has been established for at least 6 years;
  - The building is necessary for the efficient use of the agricultural holding;
  - The building will not result in a detrimental impact on the amenity of residential dwellings outside the holding;
  - There are no suitable existing buildings on the holding that can be used;
  - The building has not been sited beside existing farm buildings;
  - The alternative site is essential for the efficient functioning of the business; &
  - Health and safety reasons exist to justify an alternative site away from the existing farm buildings.



**Application Reference:** LA07/2015/0669/F

**Date Received:** 16<sup>th</sup> May 2015

**Proposal:** This application is for the retention of an agricultural shed.

**Location:** 150m South East of No. 3 Desert Road, Mayobridge, Newry, Co Down

**Site Characteristics & Area Characteristics:**

The application site is accessed via a long laneway off the Desert Road, approximately 1.8 miles north-east of Newry and 1.9 miles north-west of Mayobridge. The site consists of a cut out section of a much larger agricultural field. The topography of the surrounding land is undulating. The agricultural building subject of this application is sited within the field. Extensive rock extraction appears to have been carried out to a hill within the field in order to make room for the construction of the building. Some of the rock appears to have been used to form a laneway that leads to a portion of higher ground. At the time of inspection there was a metal shipping container located on higher ground at the end of the recently formed laneway.

The agricultural building subject of this application is a large structure constructed from concrete blocks. It does not have the appearance of a traditional agricultural shed. The main bulk of the building is rectangular in shape with an open front. The main bulk measures 14.5m long; 9.1m wide and has a mono-pitched roof with a maximum height of approximately 6m. There is a two storey projection to the rear of the shed with white PVC windows and a timber door.

The site is located in an area that is classified as open countryside in the Banbridge, Newry and Mourne Area Plan 2015. The area is rural in character and the surrounding land use is predominantly agricultural.



**Site History:**

There is no relevant planning history on this site.

**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 21 – Sustainable Development in the Countryside (PPS 21).

**Consultations:**

Transport NI –	No objections to this proposal
Env. Health –	It is noted that the proposed site is within 75m from an existing residential dwelling which is not associated with the applicant. Farms have the potential to cause public health nuisances from odour, noise and flies. The applicant is asked to specify the intended use of the agricultural shed.
DARD –	The farm business ID identified on the form P1C has not been in existence for more than 6 years and has not claimed farm payments within the last 6 years.

**Objections & Representations**

2 Neighbour notification letters were issued and the application was advertised in the local press the week beginning 10<sup>th</sup> August 2015. One email of objection was received from Eileen & Kevin McKenna of 1 Desert Road, Mayobridge. The contents have been summarised below:

- Concerned the building doesn't comply with planning policy;
- The building does not have the appearance of an agricultural shed;
- Concerns regarding the proposed use, as it may be used for business purposes;
- Concerned as to the impact the building will have on neighbouring properties;
- Concerned the building will detract from the character and appearance of the area, would be unduly prominent and would not visually integrate into the landscape.

The issues raised will be considered as part of the assessment below.

**Consideration and Assessment:**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. The site is outside settlement limits. There is no significant change to the policy requirements for agricultural development following the publication of the SPPS, therefore the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy CTY1 of PPS 21 states there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. Policy CTY 12 states planning permission will be granted for development on an active and established agricultural holding where it meets a number of criteria. It therefore follows that if the development is considered to satisfy the policy requirements of CTY 12 then it will also satisfy Policy CTY1 of PPS 21.

**Principle of Building**

Paragraph 5.56 of CTY 12 states that for the purposes of that policy, the determining criteria for an active and established business will be that set out under Policy CTY 10. This requires that the farm business is currently active and has been established for at least six years. Paragraph 5.38 states the appellant is required to provide the farm's DARD Business ID number along with other evidence to prove active farming over the required period.

The P1C application form states the farm business (658242) was established in July 2012, which is less than the requisite 6 year period. DARD confirmed in their consultation response dated 26/11/2015 that the farm business has not been in existence for more than 6 years and that it has not claimed grant aid within the last 6 years. Claiming grant aid is not a requirement under this Policy, as the policy allows for other evidence to prove active farming over the required period. The onus lies with the applicant to demonstrate that the farm business is both active and established. To support this claim, the applicant (via their agent) submitted the following information:

- A written statement in support of the application dated 10<sup>th</sup> June 2016;
- A letter from DAERA (formally DARD) addressed to Rodney Devine of 1A Desert Road, Newry dated 26<sup>th</sup> May 2016, which states Business 658242 was formed on 6<sup>th</sup> June 2013 and herd 401800 was registered on 10<sup>th</sup> June 2013. The letter goes on to state Aujesky Holding UK8EUY was registered on 21/09/2009 and currently holds 6 animals. The letter also confirms that an

application form for Area-Based payment Scheme 2016 had been received on 14<sup>th</sup> April 2016. DAREA did not provide a farm map as “...it does not indicate ownership and therefore not suitable for planning purposes”;

- A letter from the College of Agriculture, Food and Rural Enterprise (cafre) addressed to Mr Rodney Devine at 1a Desert Road, Mayobridge, Newry dated 23<sup>rd</sup> March 2016. The letter was in relation to a qualification certificate from the Open College Network NI for successful achievement of the Level II Certificate in Agricultural Business Operations. A copy of the certificate was also provided;
- A letter from DARD to Rodney Devine at 1a Desert Road dated 15<sup>th</sup> April 2016 acknowledging receipt of documents in regards to Young Farmers Payment;
- A letter from DARD Single Farm Payment Section to Rodney Devine of 1a Desert Road informing that his request to update address per BC1 was approved; &
- Unofficial maps which illustrate the field numbers that that make up the farm holding.

The main bulk of the information provided indicates a farm business was established on 6<sup>th</sup> June 2013, which is less than the requisite 6 year period. The letters from DARD are addressed to Mr Rodney Devine, 1A Desert Road, Mayobridge, Newry. Number 1A Desert Road is the address of the building that is subject of this application and was registered by the Council as a farm premises on 3<sup>rd</sup> December 2015. The only information provided that dates back more than 6 years is the section of the DARD letter dated 26<sup>th</sup> May 2016 which states Aujesky Holding UK8EUY was registered on 21/09/2009 and currently holds 6 animals.

A letter requesting additional information was issued to the agent on 28<sup>th</sup> July 2016. In the letter the agent was asked to provide, among other things, verifiable proof that the agricultural holding was active and established for at least 6 years. The following information was also requested in relation to the Aujesky Holding:

- Who is the Holding registered to?
- What land does it relate to?
- What type of animals does it relate to and where have the animals been housed since 2009?

The agent was given 21 days in which to submit the requested information. An email was received from the agent on 14<sup>th</sup> August 2016 requesting an extension of time in which to provide the information. An extension of time was granted however no information has been provided to date. The applicant has therefore failed to demonstrate that he has an active and established farm business.



Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets five criteria.

**Criterion (a)**

The applicant told me in a telephone conversation on 21<sup>st</sup> January 2016 that he had a heard of Dexter cattle but as the market for them had collapsed he had to sell them. He said he purchased heavier cattle that could not graze on the same land that the Dexter Cattle were on as it was unsuitable, so he moved them to the land subject of this application. The applicant has not provided any information to corroborate this claim.

From the details provided, the farm business appears to have been established in 2013, however it is not clear if the land included in this application formed part of the business. The agent was asked to provide details of when this land was purchased but has failed to do so. If the farm business has been operating on this land since at least 2013 without any agricultural building on it, then I am not satisfied the building subject of this application is necessary for the efficient use of the agricultural holding.

**Criterion (b)**

In terms of scale, the building is similar in size and scale to many agricultural buildings located throughout the countryside. The existing block work and provision of white PVC windows do not respect the character of this rural area. However if the PVC windows were removed/blocked-up and the walls rendered, the character and scale of the building would be appropriate to its location.

**Criterion (c)**

The applicant confirmed he hired somebody with a rock hammer to excavate part of the land so that the building could be set back into the land and would not be a visible. He also said significant planting has been carried out to help screen the building from view. The work that has been carried out helps to ensure the building visually integrates into the local landscape.

**Criterion (d)**

The building does not have an adverse impact on the natural or built heritage.

**Criterion (e)**

It is not clear if the retention of this building will result in a detrimental impact on the amenity of the residential dwelling at 1 Desert Road, which is outside the farm holding but within 50m of the building. At the time of inspection the building was being used to house cattle, however as the applicant has not provided detailed information on the use of the building the Environmental Health Department of the Council were unable to provide further comment in respect of the impact on the residential amenity of number 1 Desert Road.

The policy also states that in cases where a new building is proposed, applicants will also need to provide sufficient information to confirm that there are no suitable existing buildings on the holding that can be used; the design and materials used are sympathetic to the locality and adjacent buildings; and the proposal is sited beside existing farm buildings. Although this application is for the retention of an existing building, insufficient information has been provided to confirm there are no suitable buildings elsewhere on the farm holding that can be used. This building has also not been sited beside existing farm buildings.

Both the SPPS and CTY 12 state an alternative site away from existing buildings will only be acceptable in exceptional circumstances provided there are no other sites available at another group of buildings on the holding, and where it is essential for the efficient functioning of the business and there are demonstrable health and safety reasons. The applicant has failed to demonstrate the building is essential for the efficient functioning of the business and that there are demonstrable health and safety reasons for its location.

Policies CTY 13 and 14 of PPS 21 also apply. I am satisfied that the building successfully integrates into the surrounding landscape; is not a prominent feature; the design of the building, with certain modifications, is appropriate for the site and its locality; and it does not create or add to ribbon development.

**Recommendation:**

Refusal

**Reasons for Refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is active and has been established for at

least 6 years; the building is necessary for the efficient use of the agricultural holding; the building will not result in a detrimental impact on the amenity of residential dwellings outside the holding; there are no suitable existing buildings on the holding that can be used; the building has not been sited beside existing farm buildings; the alternative site is essential for the efficient functioning of the business; & health and safety reasons exist to justify an alternative site away from the existing farm buildings.

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

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