



November 24th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 23rd November 2016** at **10:00 am** in the **Boardroom Monaghan Row Newry**.

The Members of the Planning Committee are:-

Chair: Councillor W Clarke

Vice Chair: Councillor J Macauley

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

Agenda

1. Apologies.

2. Declarations of interest.

Minutes for Adoption

3. Minutes of the Planning Development Committee Meeting held on Thursday 10 November 2016. (Copy enclosed).

Mins Planning Mtg 10 Nov 2016.pdf

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For Discussion/Decision

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

Addendum list - 23-11-2016.pdf

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Development Management - Planning Applications for determination

5. LA07/2015/0647/0 - PR Jennings - erection of farm dwelling (additional information received) - 15m north of 39 Listooder Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Gary Thompson, GT Design, in support of the application.

LA07-2015-0647-O - PR Jennings.pdf

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Item 5 - submission of support (Jennings).pdf

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A4 photographs.pdf

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A3 maps.pdf

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6. LA07/2015/1387/0 - Tony & Peggy Murphy - 3 detached dwellings - Killard Square, Ballyhornan, Downpatrick. (Case Officer report

attached).

Rec: REFUSAL

[LA07-2015-1387-O - Tony and Peggy Murphy.pdf](#)

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7. LA07/2016/0173/F - David Tate - change of use of building for dog training and boarding kennels with external exercise area - 9 Annacloy Road, Downpatrick. (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from David Burgess, Agent, in support of the application. Proposed attendees are: Sylvia Tate; David Tate, David Burgess. **(Submission attached).**
- Councillor Harvey has advised of his support for this application.

[LA07-2016-0173-F - Mr David Tate.pdf](#)

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[Item 7 - submission of support \(David Tate\).pdf](#)

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8. LA07/2016/0217/F - Mr Kieran Kelly - proposed change of house type and sited 50m SE from previous Q/2011/0024/F (amended proposal) - 60 m NE of 72 Finnis Road, Dromara. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, Planning Consultant, in support of the application. **(Submission attached).**

[LA07-2016-0217-F - Mr Kieran Kelly.pdf](#)

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[Item 8 - submission of support \(Kieran Kelly\).pdf](#)

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9. LA07/2016/0446/O - Mrs S A McBride - proposed replacement dwelling - 250m east of 23 Clanmaghery Road, Tyrella. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-0446-O - Mrs S A McBride.pdf](#)

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10. LA07/2016/0559/F - J W & S Watson - dwelling with amended siting and change of house type in substitution for approval R/2007/0115/RM - 90m north of 121 Ballylough Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- Planners have agreed to remove this application from the agenda on the basis of

11. LA07/2016/0561/F - Mr & Mrs Samuel Duke - extension to existing curtilage of dwelling. Retention of existing pigeon loft and construction of additional loft - 19 Inishbeg, Killyleagh. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-0561-F - Mr and Mrs Samuel Duke.pdf](#)

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[Item 11 - submission of support \(Samuel Duke\).pdf](#)

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

Rec: REFUSAL

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

[LA07-2016-0706-F - Patrick Byrne.pdf](#)

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[Item 12 - submission of support \(Patrick Byrne\).pdf](#)

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13. LA07/2016/1001/0 - Mr Gareth Poole - proposed dwelling - site opposite 26 Peartree Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-1001-O - Mr Gareth Poole.pdf](#)

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14. LA07/2016/1115/0 - Mr Roche McGreevy Jnr- proposed storey and a half dwelling - land 50m NE of 101a Manse Road, Rafferey. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-1115-O - Mr Roche McGreevy Jnr.pdf](#)

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15. LA07/2016/0268/F - J Graham & Sons - proposed storey and a half dwelling - between 32 and 34 Eliza Close, Newcastle. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-0268-F - J Graham and Sons.pdf](#)

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- 16. LA07/2015/0704/0 - Damien Murphy - site for dwelling on farm - 170m south west of No. 111 Newry Road, Mayobridge. (Case Officer report attached).**

Rec: REUSAL

[LA07-2015-0704-O - Damien Murphy.pdf](#)

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- 17. LA07/2016/0428/O - Mr & Mrs Mark McKinley - proposed dwelling on a farm - to the rear of No. 68 Newry Road, Hilltown. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-0428-O - Mr and Mrs Mark McKinley.pdf](#)

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- 18. LA07/2016/0896/0 - Gregory Glenny - proposed dwelling on a farm - adjacent and south of 319a Newry Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-0896-O - Gregory Glenny.pdf](#)

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- 19. LA07/2015/0137/F - Mr Brian McCullough - commercial development of 1 No. detached unit and 4 No. units within one block - opposite and west of 8 Old Warrenpoint Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-0137-F - Mr Brian McCullough.pdf](#)

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- 20. LA07/2015/0381/F - Mr B Loughran - dwelling and detached garage - south of 108 Tullyah Road, Whitecross. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Tony O'Hare, Agent, in support of the application. **(Submission attached).**

[LA07-2015-0381-F - Mr B Loughran.pdf](#)

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[LA07-2015-0381-F Mr B Loughran.pdf](#)

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[Item 20 - submission of support \(B Loughran\).pdf](#)

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21. LA07/2015/0894/F - Mr Conor Quinn - erection of 2 dwellings with double garages on an infill site - 19m south east of No. 17 Carn Road, Meigh, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Stephen Hughes, Agent, in support of the application. **(Submission attached). Photos will be displayed on the screen at the Meeting.**

LA07-2015-0894-F - Mr Conor Quinn.pdf

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Item 21 - Conor Quinn Speaking Notes.pdf

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22. LA07/2015/0971/0 - John McNally - site for dwelling and garage on a farm - 100m north east of No. 37 Sheeptown Road, Saval, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Mr Cathal Grant, Agent, in support of the application. (Mr Cathal Grant - 3minutes speaking rights - Mr Bernard McNally, applicant's father (2 minutes speaking rights). **(Submission attached).**

LA07-2015-0971-O - John McNally.pdf

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Item 22 - submission of support (John McNally).pdf

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23. LA07/2015/1036/0 - Mary B Agnew - erection of dwelling on family farm - 50m NW of 33 Kilnasaggart Road, Jonesborough. (Case Officer report attached).

Rec: REFUSAL

LA07-2015-1036-O - Mary B Agnew.pdf

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LA07-2015-1036-F - Mary B Agnew.pdf

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24. LA07/2016/0413/F - Hugh, Shane, Stephen, Ciaran and Raymond Fitzpatrick - proposed livestock shed with underground slurry tank, multi purpose shed and livestock loading/handling pens - 45m north of 235b Moyad Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, Agent, in support of the application. **(Submission attached). (There will be a powerpoint presentation during the meeting).**

LA07-2016-0413-F - Hugh Shane Stephen Ciaran and Raymond Fitzpatrick.pdf

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Item 24 - submission of support (Fitzpatrick).pdf

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Item 24 - images for screen.pdf

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25. LA07/2016/0438/F - Peter and Sinead Donaghy and Kinney Excel Gymnastics -proposed change of use from approved industrial unit to gymnastic facilities aged plus 5 years - site at No. 2G Derryboy Road, Carnbane Industrial Estate, Newry. (Case Officer report attached).

Rec: REFUSAL

- Planners have agreed that this application be removed from the agenda and be re-presented at the Planning Committee Meeting on 7 December 2016.

LA07-2016-0438-F - Peter and Sinead Donaghy and Kinney Excel Gymnastics.pdf

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LA07-2016-0438-F Sinead and Peter Donaghy.pdf

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26. LA07/2016/0477/F - Caolan Quinn - erection of dwelling - 50m SE of No. 106 Carrickgallogly Road, Carrickgallogly, Belleek. (Case Officer report attached).

Rec: REFUSAL

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

LA07-2016-0477-F - Mr Caolan Quinn.pdf

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LA07-2016-0477-O - Caolan Quinn.pdf

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Item 26 - submission of support (Caolan Quinn).pdf

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27. LA07/2016/0510/O - Robert Laurence Annett - dwelling on a farm - adjacent and west of 60 Corcreaghan Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

LA07-2016-0510-O - Robert Laurence Annett.pdf

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28. LA07/2016/0617/F - Lotus Homes (UK) Ltd - proposed residential development to include 246 No. dwellings (166 no semi detached and 80 no. detached houses) associated garages and private driveways,

formation of new right-hand turn lane and site access from McKnights Hill, provision of childrens' play area and associated site works - lands at McKnights Hill to the north of Church of the Good Shepherd to the rear of Derramore Crescent/Derramore Terrace and to the west of Brooklawns including all lands stretchin

Rec: APPROVAL

[LA07-2016-0617-F - Lotus Homes.pdf](#)

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[LA07-2016-0617-F McKinght's Hill.pdf](#)

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29. LA07/2016/0732/0 - Mary Carr - proposed erection of a farm dwelling - lands to the rear and south of No. 7 Railway Road, Meigh, Killeavy. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Brian Lavelle, Blueprint Architectural, in support of the application. The applicant, Mary Carr, has advised that in the event her agent is unable to attend she will avail of the speaking rights, along with her brother. **(Letter attached).**

[LA07-2016-0732-O - Mrs Mary Carr.pdf](#)

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[LA07-2016-0732-O - Mary Carr.pdf](#)

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[Item 29 - submission of support \(Mary Carr\).pdf](#)

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30. LA07/2016/0889/F -Telefonica UK Limited - proposed 25m telecommunications mast to carry 3 No. antennae and 2 No. radio dishes and associated works including 3 No. equipment cabinets and site compound - lands 157m south west of Fernhill House, 83 Clonallan Road, Warrenpoint. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Hayley Dallas, Ross Planning, in support of the application. **(Submission attached). Visual aids will be displayed on the screen at the meeting.**

[LA07-2016-0889-F - Telefonica UK Limited.pdf](#)

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[CO LA07-2016-0889-F Clonallon Road.pdf](#)

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[Item 30 - submission of support \(Telefonica\).pdf](#)

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31. LA07/2016/1045/F - Mr & Mrs A Quinn - demolition of existing dwelling and outbuildings and erection of new replacement dwelling and detached garage - 32 Aughanduff Road, Mullaghbawn. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-1045-F - Mr and Mrs A Quinn.pdf](#)

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[LA07-2016-1045-F - Mr & Mrs A Quinn.pdf](#)

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- 32. P/2013/0279/F - Herbert Bailie - erection of wind turbine with a max output not exceeding 250kw (amendment of previous application P/2011/0239/F to allow increase in hub height from 32m to 40m, no change in rotor diameter (30m) and increase in max height to tip from 47 m to 55 m) - 230m north of 31 Cavanakill Road, Newtownhamilton. (Case Officer report attached).**

Rec: APPROVAL

- The Planning Department has agreed to undertake further consultation with the Environmental Health Department to allow further consideration of this application and as a result this application will not be heard at the Committee Meeting on 23 November. It is anticipated that this application will return to the Planning Committee in January 2017.

[P-2013-0279-F - Herbert Bailie.pdf](#)

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[P-2013-0279-F Herbert Bailie.pdf](#)

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- 33. P/2014/0322/F - Danny Fegan - proposed installation of a wind turbine on a tubular tower of up to 40m height with blades to 54.4 metre (to tip height) - lands 350m east of 72 Drumlough Road, Drumgath, Rathfriland. (Case Officer report attached).**

Rec: APPROVAL

[P-2014-0322-F - Mr Danny Fegan.pdf](#)

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- 34. P/2014/0972/O - Edward Ryan - site for dwelling (additional information submitted) - 15 Ryanstown Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Colin O'Callaghan, Agent, in support of the application. **(Submission attached).**

[P-2014-0972-O - Edward Ryan.pdf](#)

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[Item 34 - submission of support \(Edward Ryan\).pdf](#)

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- 35. P/2013/0349/F - Canice McKeown - one single storey dwelling house and associated domestic garage with new vehicular access & all associated site works - 35m east of 23 Lissaraw Road, Camlough, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Colin O'Callaghan, Agent, in support of the application. **(Submission attached)**.

P-2013-0349-F - Mr Cannice McKeown.pdf

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P-2013-0349-F - Canice McKeown.pdf

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Item 35 - submission of support (Canice McKeown).pdf

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For Noting

36. October 2016 Planning Committee Performance Report. (Attached).

OCTOBER 2016 Planning Committee Performance Report.pdf

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37. October 2016 Appeals and Decisions. (Attached).

OCTOBER Appeals and Decisions.pdf

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

Record of meetings with public representatives.pdf

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Invitees

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Cllr William Walker	william.walker@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Thursday 10th November 2016 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor W Clarke (10.00am – 12.45pm)

Vice Chairperson: Councillor J Macauley (12.45pm – 6.05pm)

In Attendance:**(Committee Members)**

Cllr G Craig	Cllr M Larkin
Cllr G Hanna	Cllr D McAteer
Cllr V Harte	Cllr M Ruane
Cllr K Loughran	Cllr M Murnin

(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
Ms J McParland	Senior Planning Officer
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Service Officer
Ms C McAteer	Democratic Services Officer

P/120/2016: APOLOGIES/CHAIRMAN'S REMARKS

Apologies were received from:

Councillor C Casey
Councillor L Devlin

P/121/2016: DECLARATIONS OF INTEREST

Councillor V Harte declared an interest in Planning Application P/2013/0632/F from Carncastle Properties, and Planning Application P/2014/0286/F from Carncastle Properties.

**P/122/2016: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 26 OCTOBER 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 26 October 2016. (Copy circulated)

AGREED: On the proposal of Councillor Craig, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 26 October 2016 as a true and accurate record.

P/123/2016: ADDENDUM LIST

Read: Addendum list of planning applications with no representations received or requests for speaking rights – Thursday 10 November 2016. (Copy circulated).

Agreed: It was unanimously agreed to remove the following planning applications from the Addendum List for full presentation at a future Planning Committee Meeting:-

- Item 8 – LA07/2016/0856/F – Eamon Lynch – proposed replacement dwelling (with retention of building to be replaced) and garage – 14 Mountain Road Camlough Newry. **REFUSAL (removed from the Addendum List as amended plans have been received)**
- Item 22 – LA07/2015/1365/F – Mr Martin D Skillen – proposed farm building with underground tanks – 200m east of No.134 Ballyveaghmore Road Annalong. **REFUSAL (removed from the Addendum List at the request of the Agent)**
- Item 24 – LA07/2016/0438/F – Peter and Sinead Donaghy and Kinney Excel Gymnastics – proposed change of use from approved industrial unit to gymnastics facilities aged 5 years – site at No. 2G Derryboy Road Carnbane Industrial Estate Newry. **REFUSAL (removed from the Addendum List at the request of the Agent and will be re-presented at the Planning Committee Meeting on 23 November 2016)**
- Item 27 – R/2016/1033/F – Mr Conor McNally – proposed replacement dwelling and garage – 40 Ballynaleck Road Camlough Newry. **REFUSAL (removed from the Addendum List at the request of Councillor V Harte)**

AGREED: On the proposal of Councillor Craig seconded by Councillor Loughran it was agreed to approve the Officer Recommendation, as

per the Development Management Officer Report, in respect of the following Planning Applications listed on the Addendum List:

- Item 5 - LA07/2015/0361 – Leitrim Fontenoys GAC – provision of additional new training field with associated floodlighting, boundary fencing, and ball stops all serving existing sports facility – 11 Backaderry Road, Leitrim, Castlewellan, BT31 9SL. **APPROVAL**
- Item 11 – LA07/2016/0544/RM – Miss L Davidson – proposed dwelling – land 50m south of 53 Killyleagh Road Crossgar. **APPROVAL**
- Item 13 – R/2014/0392/F – Mr Cathal Shields – proposed V39 250kw wind turbine on 40m high tower – approx 400m east south east of 47 Loughmoney Road, Raholp, Downpatrick. **REFUSAL**
- Item 15 – R/2014/0476/F – Colm Shields – proposed 250kw wind turbine with tower height of 40m and blade diameter of 29m – approx 340m SSW of 35 Myra Road, Downpatrick. **REFUSAL**
- Item 17 – LA07/2015/0717/F – Mr Jim McCreight – new dwelling and garage with associated site works – 300m south of 90 Crossan Road, Mayobridge. **REFUSAL**
- Item 18 – LA07/2015/1078/F – David Mackin – retention of unauthorised domestic shed to rear of existing sheds at existing dwelling – No. 1 St. Brigid’s Cottage, Drumsesk Road, Rostrevor. **REFUSAL**
- Item 19 – LA07/2015/1190/F – Mr K Byrne – removal of business occupancy condition No. 10 from outline approval P/2002/1150/0 and business occupancy condition No. 2 from reserved matters approval P/2006/0146/RM – to the rear of No. 94 Warrenpoint Road, Newry. **REFUSAL**
- Item 25 – LA07/2016/0496/F – Mr Brian McConville – proposed extension to existing office block “A” comprising (a) 6m extension westwards over 4 floors grid lines (11-12) (A-C) with balconies and fin wall. (b) reduction in previously approved parapet height with proposed additional office floor recessed with balconies on three sides. Glazed handrail and louvered plant areas to roof – lands 10m west of MJM Group, Carnbane Industrial Estate, Newry. **APPROVAL**
- Item 28 – LA07/2016/1041/0 – Joseph O’Hare – dwelling and domestic garage on gap/infill site (amended address) – lands north of and adjacent to 53 Mayo Road, Mayobridge. **REFUSAL**
- Item 29 – P/2013/0737/0 – Eamon Harrison – proposed erection of one private dwelling with alternative access to existing shed at Cullion Road, Mayobridge – 30m north east of 8 Cullion Road, Mayobridge. **REFUSAL**
- Item 30 – P/2014/0896/0 – Glasgiven Contracts Ltd – site for hotel and tourist accommodation (renewal of previously approved outline

application under file ref: P/2011/0385/0) – lands situated in townland of Glassdrumman Road, Annalong. **APPROVAL**

- Item 31 – P/2014/0897/F- Emma and Pat McCartney – erection of farm dwelling – lands 70m south-east of No. 21 Ballynalack Road, Camlough, Newry. **REFUSAL**
- Item 32 – LA07/2016/0623/0 – Carncastle Properties Ltd – new dwelling – land to the rear of 29a Billy's Road, Newry. **REFUSAL**

P/124/2016: APPLICATIONS FOR DETERMINATION

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

- Item 9 - P/2015/0230/F – Stephen Collins – retention of 2 storey rear extension and new bay window and canopy on front elevation (revised description) – 10 Cloughreagh Park Bessbrook
Recommendation: REFUSAL
(A request had been received from Mark Tumilty for this application to be deferred to the December Planning Meeting)

The following applications were determined by the Committee:-

(1) LA07/2015/0702/F – Mr M Cunningham

Location:

65m north west of 113 Newcastle Road Castlewellan

Proposal:

Agricultural outbuilding for general farm storage and animal shelter

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Barry Hillen Agent, presented in support of the application.

Councillor Hanna proposed and Councillor Macauley seconded to issue a refusal in respect of Planning Application LA07/2015/0702/F, as per the Development Management Officer Report.

The proposal was put to a vote and voting was as follows:-

FOR: 2
AGAINST: 7

ABSTENTIONS: 1

The proposal was declared lost.

Councillor Larkin proposed and Councillor Murnin seconded to issue an Approval in respect of Application LA07/2015/0702/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances for the following reasons:

- (a) The proposed development is necessary for the efficient use of the active and established agricultural holding as it will increase productivity and lessen costs.
- (b) It is not possible for the proposed development to be sited at the farm holding due to access issues.
- (c) It has been established that there is no alternative site for the proposed development as there is no available access.
- (d) The proposed development will increase road safety by removing roadside deliveries and farm activity associated with feed, stock and material.

The proposal was put to a vote and voting was as follows:-

FOR: 7
 AGAINST: 2
 ABSTENTIONS: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to issue an Approval in respect of Application LA07/2015/0702/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances for the following reasons:

- (a) **The proposed development is necessary for the efficient use of the active and established agricultural holding as it will increase productivity and lessen costs.**
- (b) **It is not possible for the proposed development to be sited at the farm holding due to access issues.**
- (c) **It has been established that there is no alternative site for the proposed development as there is no available access.**
- (d) **The proposed development will increase road safety by removing roadside deliveries and farm activity associated with feed, stock and material.**

It was also agreed authority be granted to Planning Officers to impose any technical related conditions on Planning Application LA07/2015/0702/F which may be necessary.

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

Location:

Lands approximately 88m east of 184 Lackan Road Kilcoo.

Proposal:

Proposed dwelling on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr John Feehan Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to defer Planning Application LA07/2015/0747/O, to allow Planning Officers and the Applicant to explore the possibility of an alternative preferred site on the farm holding.

(3) **LA07/2016/0201/F – Alterity Developments Ltd**

Location:

115-117 Main Street Newcastle

Proposal:

New café on ground floor with 3 apartments over first and second floors addressing the Main Street, the rear building has 2 apartments over ground and first floor (amended plans received)

Conclusion and Recommendation from Planning Official:

Approval

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue an Approval in respect of Planning Application LA07/2016/0201/F, as per the Development Management Officer Report.

Noted: Councillor W Clarke asked that it be recorded that he was against the above decision.

(4) LA07/2014/0159/F – Philip Patterson**Location:**

31 Brae Road Ballynahinch.

Proposal:

Replacement agricultural shed.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Mr James Anderson Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a Refusal, for the reasons recommended, in respect of Planning Application LA07/2014/0159/F, as per the Development Management Officer Report.

Abstentions: 0

(5) R/2014/0442/O – Mr John Breen**Location:**

Rear of 25 Killybawn Road Crossgar.

Proposal:

Proposed dwelling on a farm.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Mr James Morgan Agent, Mr John Breen Applicant and DEA Councillor T Andrews presented in support of the application.

(12.45pm – Councillor W Clarke left the meeting)

Councillor Murnin proposed and Councillor McAteer seconded to issue an Approval in respect of Application R/2014/0442/O, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances for the following reasons:

- (a) The buildings have been in existence for the required period of time.
- (b) The business is established.

- (c) Refusal reasons regarding visibility splays and access can be addressed by negative conditions.

The proposal was put to a vote and voting was as follows:-

FOR: 3
 AGAINST: 6
 ABSTENTIONS: 0

The proposal was declared lost.

Councillor Larkin proposed and Councillor Hanna seconded to issue a Refusal, in respect of Application R/2014/0442/O. for the reasons recommended as per the Development Management Officer Report.

The proposal was put to a vote and voting was as follows:-

FOR: 6
 AGAINST: 3
 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue a Refusal, in respect of Application R/2014/0442/O. for the reasons recommended as per the Development Management Officer Report.

(6) R/2014/0566/F – Canon McCrory

Location:

167 Dunmore Road Guinness Ballynahinch.

Proposal:

Single dwelling replacement of existing primary school.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Mr Sean Kennedy Agent, presented in support of the application.

Councillor Larkin proposed and Councillor Craig seconded to issue a refusal in respect of Application R/2014/0566/F, for the reasons recommended as per the Development Management Officer Report.

The proposal was put to a vote and voting was as follows:-

FOR: 3
AGAINST: 3
ABSTENTIONS: 3

The Chairperson used her casting vote in favour of the proposal, and the proposal was therefore declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed to issue a Refusal in respect of Application R/2014/0566/F, for the reasons recommended as per the Development Management Officer Report.

(7) LA07/2015/1306/F – Mr J McMahon

Location:

114m east south east of 83 Clonallan Road Warrenpoint.

Proposal:

Farmstead made up of two storey farmhouse with 3 No. agricultural sheds forming central courtyard.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Mr Richard O Toole Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Application LA07/2015/1306/F, to allow Planning Officers and the Applicant to explore alternative options on this site.

Noted: Mr Rooney Principal Planning Officer pointed out that a revised application may be required.

(8) LA07/2016/0193/F – Raymond McVeigh

Location:

22 Grange Meadows Kilkeel

Proposal:

Retention and alteration of existing extension.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Mr Cathal Maguire Agent, presented in support of the application.

Councillor Larkin proposed and Councillor Ruane seconded to issue a Refusal in respect of Application LA07/2016/0193/F, for the reasons recommended as per the Development Officer Management Report.

The proposal was put to a vote and voting was as follows:-

FOR:	4
AGAINST:	3
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a Refusal in respect of Application LA07/2016/0193/F, for the reasons recommended as per the Development Officer Management Report.

(9) LA07/2016/0432/F – Mourne Breakers Ltd

Location:

Lands 55m north west of 21 Ryan Road Mayobridge.

Proposal:

Regularisation of an extant end of life vehicle (ELV) facility comprising workshops, hard standing storage compound ancillary office, security fencing, access and proposed interceptor.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Mr Gavin Magill Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an Approval in respect of Application LA07/2016/0432/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances for the following reasons:

- (a) This site can be managed with a number of conditions.
- (b) The issue regarding surface water has already been dealt with.

- (c) **As the proposed site was an industrial site, there will be no increased impact on the character of the site and surrounding area.**
- (d) **It is essential a facility of this nature is situated in a rural community as it provides a service to the rural community as it assists in encouraging the recycling of end of life vehicles.**

It was also agreed that Planning Officers be granted authority to include a condition regarding appropriate screening of the site.

Abstentions: 0

(10) LA07/2016/0802 – Darren O Hagan

Location:

60m north east of 11a New Line Road Hilltown Newry.

Proposal:

Site for dwelling and detached garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Mr Brendan Quinn Agent, presented in support of the application.

Councillor Craig proposed and Councillor Larkin seconded to issue a refusal in respect of Application LA07/2016/0802, for the reasons recommended as per the Development Management Officer Report.

The proposal was put to a vote and voting was as follows:-

FOR:	5
AGAINST:	4
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to issue a refusal in respect of Application LA07/2016/0802, for the reasons recommended as per the Development Management Officer Report.

(4.30pm – Councillor V Harte withdrew from the meeting to the Public Gallery)

(11) P/2013/0632/F – Carncastle Properties**Location:**

Lands adjacent to 20 and 25 Mullach Alainn Carnagat Road Newry.

Proposal:

Retrospective application for the relocation of dwelling numbers 31, 33, 35 and 37 of the original approved application P/2009/0278/F and external rear return and area of open space (amended plans and description).

Conclusion and Recommendation from Planning Official:

Approval

(12) P/2014/0286/F – Carncastle Properties**Location:**

Adjacent to 20 and 25 Mullach Alainn, Carnagat Road, Newry, BT35 8UU

Proposal:

Retrospective permission for the relocation of dwelling numbers 22, 24, 26, 27, 28, 29, 30, 32, 34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space (amended plans and description).

Conclusion and Recommendation from Planning Official:

Approval

Speaking Rights:

Ms Bridget Smyth, on behalf of the Private Residents Association Mullach Alainn, presented in objection Planning Application P/2013/0632/F and Planning Application P/2014/0286/F.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed, in principle, to an Approval in respect of Application P/2013/0632/F and Application P/2014/0286/F, as per the Development Officer Management Reports, subject to the following:

- (a) **The open space to be fully enclosed at the Hospital Road end - Planning Officials to engage with the applicant and the objectors to establish who would have access to this space to ensure that the Management Company's managing arrangements reflect this.**
- (b) **Planning Officials to engage with the applicant regarding drawing up plans and appropriate conditions to be attached to the planning permission to ensure (a) above is achieved.**

- (c) **On completion of (a) and (b) above, Planning Officials to submit a report back to a future meeting of the Planning Committee for consideration and agreement.**

(6.05pm – Councillor Harte re-joined the meeting)

P/124/2016:- NILGA PLANNING EVENT
22 NOVEMBER 2016

Noted: Councillor M Murnin indicated he would be unable to attend the NILGA Planning Event to be held on 22 November 2016.

AGREED: **It was agreed Councillor M Ruane attend the NILGA Planning Event in place of Councillor Murnin.**

There being no further business the meeting concluded at 6.05pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 23 November 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 23 November 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 6 - LA07/2015/1387/0 - Tony & Peggy Murphy - 3 detached dwellings - Killard Square, Ballyhornan, Downpatrick. **REFUSAL**
- Item 9 – LA07/2016/0446/0 - Mrs S A McBride - proposed replacement dwelling - 250m east of 23 Clanmaghera Road, Tyrella. **REFUSAL**
- Item 13 - LA07/2016/1001/0 - Mr Garet Poole - proposed dwelling - site opposite 26 Peartree Road, Ballynahinch. **REFUSAL**
- Item 14 – LA07/2016/1115/0 - Mr Roche McGreevy Jnr- proposed storey and a half dwelling - land 50m NE of 101a Manse Road, Rafferey. **REFUSAL**
- Item 15 - LA07/2016/0268/F - J Graham & Sons - proposed storey and a half dwelling - between 32 and 34 Eliza Close, Newcastle. **REFUSAL**
- Item 16 - LA07/2015/0704/0 - Damien Murphy - site for dwelling on farm - 170m south west of No. 111 Newry Road, Mayobridge. **REFUSAL**
- Item 17 - LA07/2016/0428/O - Mr & Mrs Mark McKinley - proposed dwelling on a farm - to the rear of No. 68 Newry Road, Hilltown. **REFUSAL**
- Item 18 - LA07/2016/0896/0 - Gregory Glenny - proposed dwelling on a farm - adjacent and south of 319a Newry Road, Kilkeel. **REFUSAL**
- Item 19 - LA07/2015/0137/F - Mr Brian McCullough - commercial development of 1 No. detached unit and 4 No. units within one block - opposite and west of 8 Old Warrenpoint Road, Newry. **REFUSAL**
- Item 23 – LA07/2015/1036/0 – Mary B Agnew – erection of dwelling on family farm – 50m NW of 33 Kilnasaggart Road, Jonesborough. **REFUSAL**
- Item 27 – LA07/2016/0510/0 – Robert Laurence Annett – dwelling on a farm – adjacent and west of 60 Corcreaghan Road, Kilkeel. **REFUSAL**
- Item 28 – LA07/2016/0617/F - LA07/2016/0617/F - Lotus Homes (UK) Ltd - proposed residential development to include 246 No. dwellings (166 no semi-detached and 80 no. detached houses) associated garages and private driveways, formation of new right-hand turn lane and site access from

McKnights Hill, provision of childrens' play area and associated site works - lands at McKnights Hill to the north of Church of the Good Shepherd to the rear of Derramore Crescent/Derramore Terrace and to the west of Brooklawns including all lands stretching to the Bessbrook River.

APPROVAL

- Item 31 – LA07/2016/1045/F – Mr & Mrs A Quinn – demolition of existing dwelling and outbuildings and erection of new replacement dwelling and detached garage – 32 Aughanduff Road, Mullaghbawn. **REFUSAL**
- Item 33- P/2014/0322/F – Danny Fegan – proposed installation of a wind turbine on a tubular tower to up to 40m height with blades to 54.4 metre (to tip height) – lands 350m east of 72 Drumlough Road, Drumgath, Rathfriland.

APPROVAL

ITEM NO	3				
APPLIC NO	LA07/2015/0647/O	Outline	DATE VALID	7/22/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	PR Jennings C/O Agent		AGENT	GT Design 10 Comber Road Carryduff BT8 8AN 02890 813784	
LOCATION	15m North of 39 Listooder Road Crossgar				
PROPOSAL	Erection of farm dwelling (additional information received)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	3	2	0		0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane;
 - health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm;
 - verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling relies primarily on the use of new landscaping for integration and is not visually linked or sited to cluster with an established group of buildings on the farm.
- 3 Having notified the applicant/agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information in the form of a Flood Risk Assessment (/revised P1 form/////) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0647/O

Date Received: 22nd July 2016

Proposal: Erection of farm dwelling (additional information received)

Location: 15m North of 39 Listooder Road, Crossgar
The site is approx. 2.4miles west of Crossgar, 7.7miles north-west of Downpatrick.



Site Characteristics & Area Characteristics:

The site is a roadside site situated on the Listooder Road. It is a large triangular site with an undulating topography. The site rises from the north point to the south and west. The area has a drumlin topography and the Listooder Road curves within the undulating topography. The land use of the area is largely agricultural with a dispersed rural settlement pattern of detached dwellings and agricultural buildings. The site shares its eastern boundary with the disused rail line and is easily identified with a mature line of trees hedges. There is a high stone wall to the northern corner of the site that continues along a small portion of the north western section of the boundary shared with the Listooder Rd before the boundary is defined by mature hedges. The southern boundary is an open wire fence. The field is currently being used for grazing cattle which were present on day of inspection.

Site viewed from Listooder Road Northern Corner facing south



Northern portion of site. Undulation of Topography is visible.



View of the site facing north, undulating topography and mature hedges can be appreciated.



Site History:

Site is detailed on farm map page 3 of 4. There is no history specific to the site submitted. The farm lands history is detailed below the farm maps.

Farm map page 3 of 4 – site is within the north portion of this farm map. Adjacent buildings, to the east are not on the farm



Farm lands on this page detail the following history:
 R/2008/1017/F, P Rae-Jennings GRANTED 26.03.2009
 Erection of farm retirement dwelling (change of dwelling design).
 R/2007/0572/RM, Mrs P Rae-Jennings
 Erection of farm retirement dwelling approx 550m north of 24 Listooder Road
 Saintfield GRANTED 05.06.2008
 R/2005/1141/O Mrs Patricia Rae-Jennings
 Erection of farm retirement dwelling approx 550m North of 24 Listooder Road,
 Saintfield GRANTED 08.11.2005

Farm map page 4 of 4 (lands at Abbeyview Road)



Field 25 has history:
 R/1987/0702, Dwelling at site 1 adjacent to 25 Listooder Road, Refused (Ribbon
 development and Road safety) Appeal Dismissed 07.12.1989

R/1987/0774, Dwelling at site 3 near 25 Listooder Road, Refused 03.02.1989
(Ribbon)

R/1987/0775, Dwelling at site 2 near 25 Listooder Road (Ribbon and Road Safety)

Farm Map page 2 of 4 (lands at Cahard Road, Farm registered to 79 Cahard Road)



R/1975/0437 Dwelling, at Ballydyan Road, Saintfield GRANTED 07.12.1977

Planning Policies & Material Considerations:

The proposal is for a dwelling in the Countryside, there are no designations for the site as detailed within the Ards and Down Area Plan 2015 but it identifies the eastern boundary of the site being the disused railway track. Therefore the Strategic planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside and Building on Tradition Design Guide will be material considerations. PPS3 Access, Movement and Parking and PPS2 Natural Heritage will also be considered. The site constraints disclosed a flooding issue as it abuts the Creevy Lough outlet Drain. Therefore PPS15 will also be considered.

Consultations:

Shared Services were consulted and returned to advise that the potential impact of the proposal on Special Protection Areas, Special Areas of Conservation and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not likely have a significant effect on the features of any European site.

Transport NI returned no objections and an RS1 form detailing visibility splays of 2m by 60m with entry and exit of 5m.

NI Water returned a standard response.

DARD Rivers Agency advised that to the east of the site is a watercourse which is designated under the Drainage (NI) Order 1973. It is known as "Creivy Lough outlet Drain" and due to the strategic Floor Map indicating that to north and east of the site lying within the 1 in 100 year (predicted) fluvial flood plain the applicant should undertake a Flood Risk Assessment for consideration of DARD Rivers Agency. Further advising that development would only be suitable on the area of the site that is found to be outside of the determined flood plain. This response was highlighted to agent in letter dated 11th November 2015. While comments have been received from agent the Council has not received a detailed Flood Risk Assessment for consideration.

NIEA returned comments from Water Management Unit considering the proposal acceptable subject to condition. Archaeology and Built Heritage considered the impacts on the Industrial Heritage Site (IHR 02601:036:00) and would be content with the proposal as long as the development respects and preserves the IHR site, figure provided (see file/planning portal for full details).

Advice sought from Environmental Health Unit advising part of the site encroaches on disused railway embankments and recommending they are not disturbed by dwelling to prevent any contamination and if this is not possible a detailed contaminated land site survey to be undertaken and submitted for consideration.

DARD responded 25.1.2016 to state that the farm business is a new business number from a merge of business 612160 and 621100, that the farm business ID is in existence for more than 6 years. The business makes a claim to DARD in last 6 years.

Objections & Representations

Application was advertised in Mourne Observer and Down Recorder 27.7.2016 with 2 neighbours notified on September 2015. Representations have been received.

Quarry Plan submitted representations on behalf of their clients Messer's H and D Rea of 45 Listooder Road that operate an agricultural business at 45 Listooder Road which is adjacent to the site proposed (14.08.2016). The planning issues raised have been summarised as follows;

- the proposal description as advertised being different to that detailed on the P1 form.
- the P1C form submitted is inaccurate, it is owned by Mrs P R Jennings and operated by her son Mr Colin Jennings of 39 Listooder Road with no staff employed and the livestock detailed are not accurate.
- The site proposal is not in keeping with Policy CTY10 of PPS21 with no relationship with the farm holding and there are no farm buildings or equipment on the site
- The applicant's farm has a dwelling at 39 Listooder Road which was granted as a farm dwelling and CTY10 refers to a 10 year restriction for farm dwellings.
- the site is adjacent to the neighbouring lane serving farm buildings and agricultural lands under the control/ownership of Messer's H and D Rea whereby a dwelling granted on the site could hinder the operation of their agricultural business by way of potential complaints regarding the farming activities associated with the neighbouring lands and associated buildings
- The supporting details disclosed by the applicant in their support of the site proposed regarding the site proposed is not supported by Transport NI relating to the visibility splays and constraints of potential site associated with the other lands detailed on the farm holding. The proposal is not in keeping with Policy CTY10.
- There is no supporting information from an independent authority to justify the proposed site away from the farm buildings and it is contrary to CTY10.
- The applicant could use existing lane serving the applicants farm dwelling and lands at Cahard Road as it is currently used by larger agricultural machinery and serves other dwellings without intensification of use.
- The site proposed is adjacent to a stream and due to this and the topography it may not be able to facilitate a septic tank and discharge to the stream which would compromise the neighbour's use of the stream for their farm business
- The stream flows onto the Ballynahinch River and will eventually discharge into Strangford Lough, a ASSI, SAC and SPA and there is not enough information to assess the application under the Habitats Regulations

Representation received from D Rea (25.11.2016) referring to the consultants letter of representation on their behalf by Quarry Plan (14.08.2016). The representation details information relating to the history of the applicants previous approval under R/2008/1017 for a retirement farm dwelling and the P1C details submitted relating to their farm at the time of the application and comparing this information to that submitted on the P1C regarding the current details of the farm holding.

Representation received electronically from Mr D Rea (16.2.2016) requesting a site meeting. Letter sent in response on 19th February 2016 advising this would be feasible and advising any additional comments to be submitted for consideration and if requested an office meeting could be arranged.

Representation in support of the application received electronically from C Patterson highlighting the proposal would bring more families to the rural community.

Having considered the points raised, Council would note that the proposal description was summarised for the purposes of advertising. Shared Services have been consulted in relation to the proposal and advised the proposal would not be likely to have an impact on any European Site, please note HRA has been completed and is detailed on file. DARD Rivers Agency consulted and responded to advise the applicant to submit a Flood Risk Assessment for consideration. Environmental Health highlighted a potential siting issue with contaminated lands associated with the disused railway track; no issues regarding the septic tank were raised.

Consideration and Assessment:

The proposal is for a dwelling within the countryside and relates to a farm business. The SPPS and PPS21 Policy CTY10 refers to dwelling on farms and they do not conflict. The applicants farm is active and established for 6 years in keeping with criteria (a). This is confirmed by DARD response as detailed within the consultation responses.

Criteria (b) states that the no dwellings or development opportunities (outwith the settlement limits) have been sold off or transferred from the farm holding within 10 years of the date of application. In relation to the history on the neighbouring dwelling approved at 39 Listooder Road in relation to the farm. This was originally approved as a retirement farm dwelling in November 2005 with a reserved matters application and change of house type approved thereafter. Policy CTY10 is referred to in a representation as only granted a farm dwelling once every 10 years. While this would raise a query it must be highlighted that CTY10(b) requires dwelling on farms only granted where no dwellings or development opportunities (outwith settlement limits) have been sold off from the farm holding is detailed within CTY10 as applicable from 25th of November 2008. The dwelling originally approved under R/2005/1141/O has been built and is owned by C Jennings, it is located to the south of the proposed site.

The Council notes that the applicants address was not provided on the P1 form as required by The Planning (General Development Procedure) Order (Northern Ireland) 2015 Section 3 (2) (c). To paraphrase the legislation...*both the applicant and agents address must be detailed on the P1 form.*

The site proposed is not visually linked or sited to cluster with an established group of buildings on the farm. The dwelling to the south of the site is a building however the farm is registered to 79 Cahard Road where there is a dwelling and farm buildings (see spatial map info below).



The site proposed would not cluster or visually link with an established group of buildings on the farm. This is contrary to CTY10 (c). The policy lists an exception to this where there are demonstrable health and safety reasons or verifiable plans to expand the business at the existing building groups.

Supporting information has been detailed within the P1C and submitted by the applicants agent during the processing of the application. This information states that the proposed site, has been chosen by the applicant due to access issues at Cahard road, the address the farm business is registered to. The agent stated the applicant is land locked and unable to provide suitable access on lands as the existing access cannot be improved. This has not been verified. The applicants agent supplied information relating to farm accidents. Policy CTY10 justification advises that where an alternative site is proposed under criteria (c) the applicant is required to submit appropriate and demonstrable evidence from a competent and independent authority to justify the siting.

There are no pending or approved planning applications for expanding the existing farm buildings and no evidence of such an expansion has been produced for consideration.

The Council, in letter dated 11th November 2015 requested the applicant submit 3 copies of farm maps detailing all land owned, land taken in conacre, position of principle farmhouse and farm buildings and position of any other farm buildings. The letter also highlighted Rivers Agency response and requested a Flood Risk Assessment. The Council also advised of policy requiring farm dwellings to be visually linked or sited to cluster with an established group of buildings on the farm

and the exception where another site would be considered if there is demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing farm buildings. Justification for the site chosen was sought.

The agent contacted the Council via email on 8th February 2016 to advise an independent health and safety expert has been commissioned to report on the suitability of sites closer to the main farm and requesting Council does not determine the application until the report is finalised. The Council received an update from the applicants agent in letter dated 14th of May 2016 that a health and safety report was being prepared and would be forwarded shortly. The applicants agent requested a meeting in email received 3rd of June 2016. The Council's email response sent 7th of June 2016 requested clarification on a number of areas of concern which includes;

- a revised P1 form detailing the applicants address,
- clarification of the farm business number as DARD's response details 660993 and the farm maps and P1c details 621100,
- an accurate Flood Risk Assessment and clarification of dwelling approved under planning reference R/2008/1017/F which neighbours the site at Listooder road.

The full details of the response are included on the file. Due to the amount of details that are outstanding and require clarification a meeting was not facilitated.

The agent has forwarded details of an application which was recommended for refusal on the same lane the farm business is registered to at Cahard Road. The email dated 27th of September references planning application R/2012/0570/F. Having checked this application it does not refer to any near location. However a history search of the lane returned planning application R/2012/0507/F (R Nixon) which is an application for a mobile home at 85 Cahard Road that was withdrawn in April 2013. This is not sufficient evidence to support the current planning application for a farm dwelling 15m North of 39 Listooder Road which is not sited to cluster or visually link with buildings on the farm. It has not been demonstrated that there is sufficient evidence to justify the proposed site.

No health and safety report, flood risk assessment, revised P1 details, clarification of farm business IDs or clarification of ownership of the dwelling approved under planning reference R/2008/1017/F has been received to date.

The site offers established boundaries that would be removed to accommodate a safe access. Transport NI returned no objections with a condition for a safe access which require visibility splays of 2m by 60m. This would require the removal of nearly the entire roadside boundary along the Listooder Road. Policy CTY13 of PPS21 requires development in the countryside to visually integrate with the surrounding landscape. The Policy considers development, such as this application, which would rely primarily on the use of new landscaping for integration to be unacceptable. The policy also mirrors Policy CTY10 which requires a proposed dwelling on the farm to visually integrate or cluster with an established group of buildings on the farm. The proposal is not in keeping with policy.

The site has an undulating topography with a steady increase in levels as you move from the north and east of the site to the southern boundary and beyond. If the principle was considered acceptable a condition relating to existing and proposed levels could be applied to this outline application. This would be to ensure a dwelling

on the site would accommodate the topography rather than result in the engineering of the site through the use of cut and fill to accommodate a dwelling.

A considerable amount of time has passed and no further information has been received relating to the requested Flood Risk Assessment, the justification for the proposed site and clarification of farm details. The Council cannot hold this application indefinitely and therefore must consider the proposal on the basis of information submitted to date.

Flood risk is a material consideration when determining planning applications. PPS15 refers to Planning and Flood Risk. While there is a responsibility for the planning authority to consider the risk it does not affect the liability position of land owners in respect of this application site or any other land. Having stated that DARD Rivers Agency sought a Flood Risk Assessment to verify the extent of the floodplain and advised that under PPS15 Policy FLD1 development would only be suitable on the portion of the site that is outside of the floodplain. The Council requested this information in letter dated 11th November 2015. The applicants agent did produce a map taken from Rivers Agency Flood Maps (NI) however no Flood Risk Assessment has been received to date. See file for full correspondence from applicants agent dated 14th of May 2016 and 4th December 2015. In conclusion the proposal is contrary to PPS15 Policy FLD1. I would note that if the principle of a dwelling on the farm was considered acceptable/justified on this site, a Flood Risk Assessment would be required to illustrate accurately the extent of the floodplain. If the site was found to be within a floodplain it would be contrary to FLD1. If a portion of the site was found to be outside the floodplain, the Flood Risk Assessment could accommodate consideration of a siting condition.

Concerns raised about the impact the proposal would have on Strangford Lough and its associated designations. Shares Environmental Services have been consulted and advised impact on Strangford Lough, as a result of this application, is unlikely. The disused railway tracks to the north and east boundary could be protected through the use of a condition relating to the siting of the development. Therefore in conclusion the proposal is not contrary to PPS2 Natural Heritage.

The site proposed fails to satisfy the SPPS and PPS21 in that there is no demonstrable health and safety reasons to justify the site which fails to visually link or cluster with an established group of buildings on the farm.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

Refusal reasons as recommended by the Case Officer and can be subject to change.

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:

- the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane;
- health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm;
- verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling relies primarily on the use of new landscaping for integration and is not visually linked or sited to cluster with an established group of buildings on the farm.

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

Case Officer DATE

Appointed Officer DATE

Planning application LA07/2015/0647/O

The choice of site has been chosen specifically due to its proximity to the existing dwelling and store at 39 Listooder Road. These are existing buildings on the Jennings holding and are visible from the proposed site and vice versa. Viewed from the road both the buildings and the site are clearly visible in relation to one another, hence the site is in fact visually linked with the existing buildings on the farm.

The main farm holding at 79 Cahard road has no land adjoining a county road and is accessed from a narrow laneway which serves 8 properties. The requirement to improve visibility splays at the lane Cahard Road junction is not possible as the applicant has no control over any land adjoining the roadway. Road service have previously recommended an application (R/2012/0507/F) for development on the laneway for refusal due to the inability to achieve visibility splays. It was stated that **“it would if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use on an existing access by which visibility splays cannot be provided”** This statement is categoric proof that a dwelling near the main farm yard would not be acceptable and hence the choice of site on the out farm. It must therefore be accepted that this is very much an exceptional case.

The proposed site is secluded and completely shielded with mature trees and foliage and is nestled in a low area. The road way has a wide grass verge with mature hedging to the rear thus the site will be suitably accessed with the need to remove only minimal hedging. Mature foliage to the east and road side boundaries will ensure the proposal is well integrated into the local landscape without the need for extensive new landscaping.

Copies of the Rivers Agency “flood maps” forwarded to the planning office give no indication that the site is within a flood plain.

It appears from the report that the principle of a dwelling on the Jennings farm is not in dispute and the reasons cited for refusal all appear to be site specific. CTY10 allows for “an alternative site” and as indicated above there is no possibility of providing a safe access to the holding at 79 Cahard Road and this is confirmed by the roads service comments. Therefore, this exceptional case to site the proposal on the out farm within sight if the existing dwelling and store must surly comply with the current legislation. In this instance, we would implore the Planning committee to, on behalf of the Jennings, approve this current application.

G.T.Design

10 Comber Road

Carryduff

County Down

BT8 8AN

Tel 90813784

EXTREMELY WIDE VERGE & MAINTENANCE HEDGÉ



WIDE ROADSIDE VERGE



EXISTING BUILDINGS FROM BOUNDARY OF NO 39

STRE

DWELLING



SITE FROM BOUNDARY OF NO 39



Business Ref: 621100 - MRS PATRICIA R JENNINGS - Your 2015 Scheme Map



- Field Boundaries**
- Verified
 - Unverified, Unclear
 - ✗ Field to be deleted
 - Intelligible Features

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Scale: 1:5,000

Printed: 16/10/2014
 Photo Date(s): 24/05/2013 - 21/05/2012
 DARD maps do not convey legal ownership

ENNINGS

STOODER Rd SCALE: 1:2500 DATE: JULY 2015

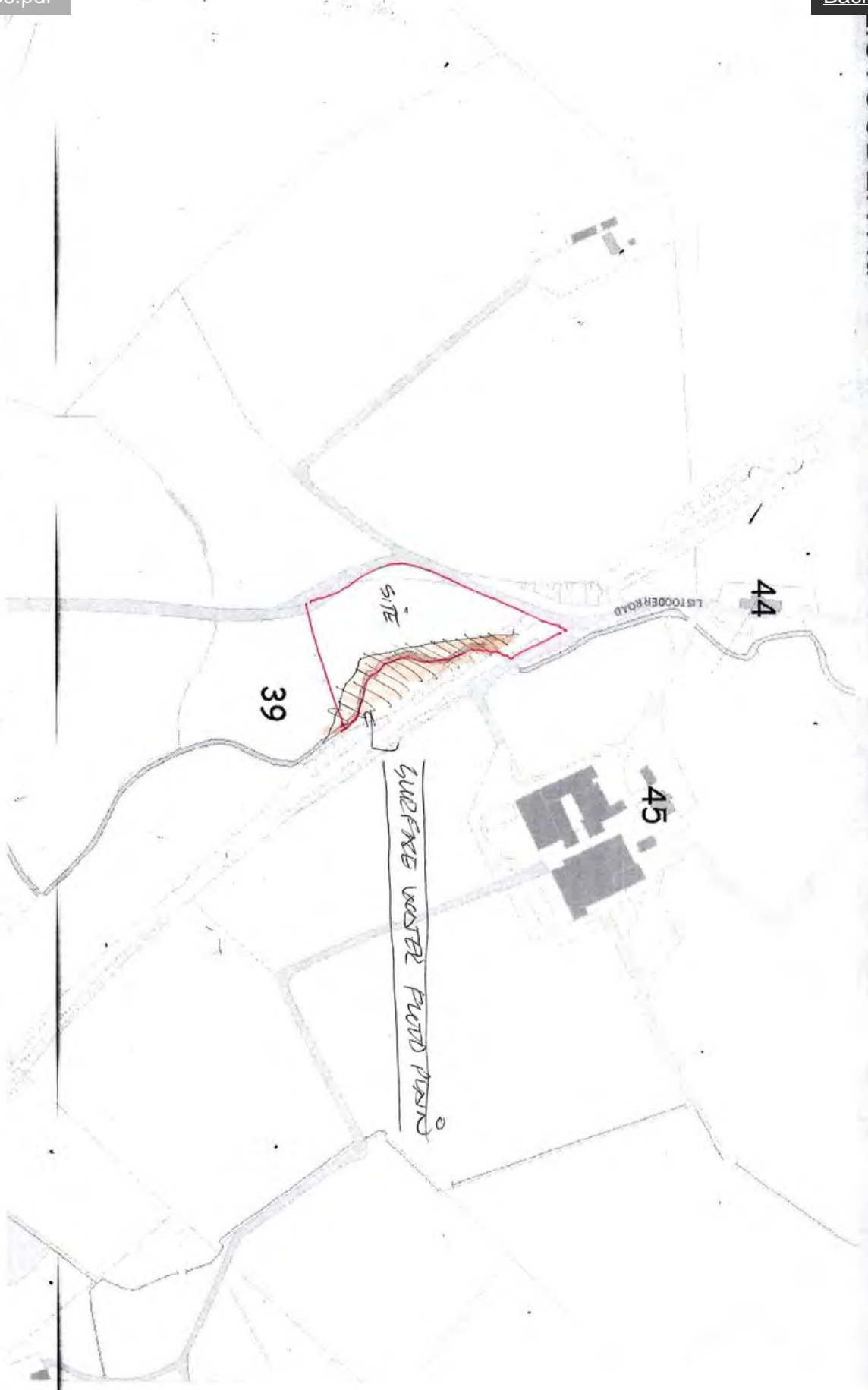


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GTDesign
 10 Comber Road
 CARRVDUFF County Down
 BT8 8AN
 Tel: 02890813724
 e: info@gtdesign.biz

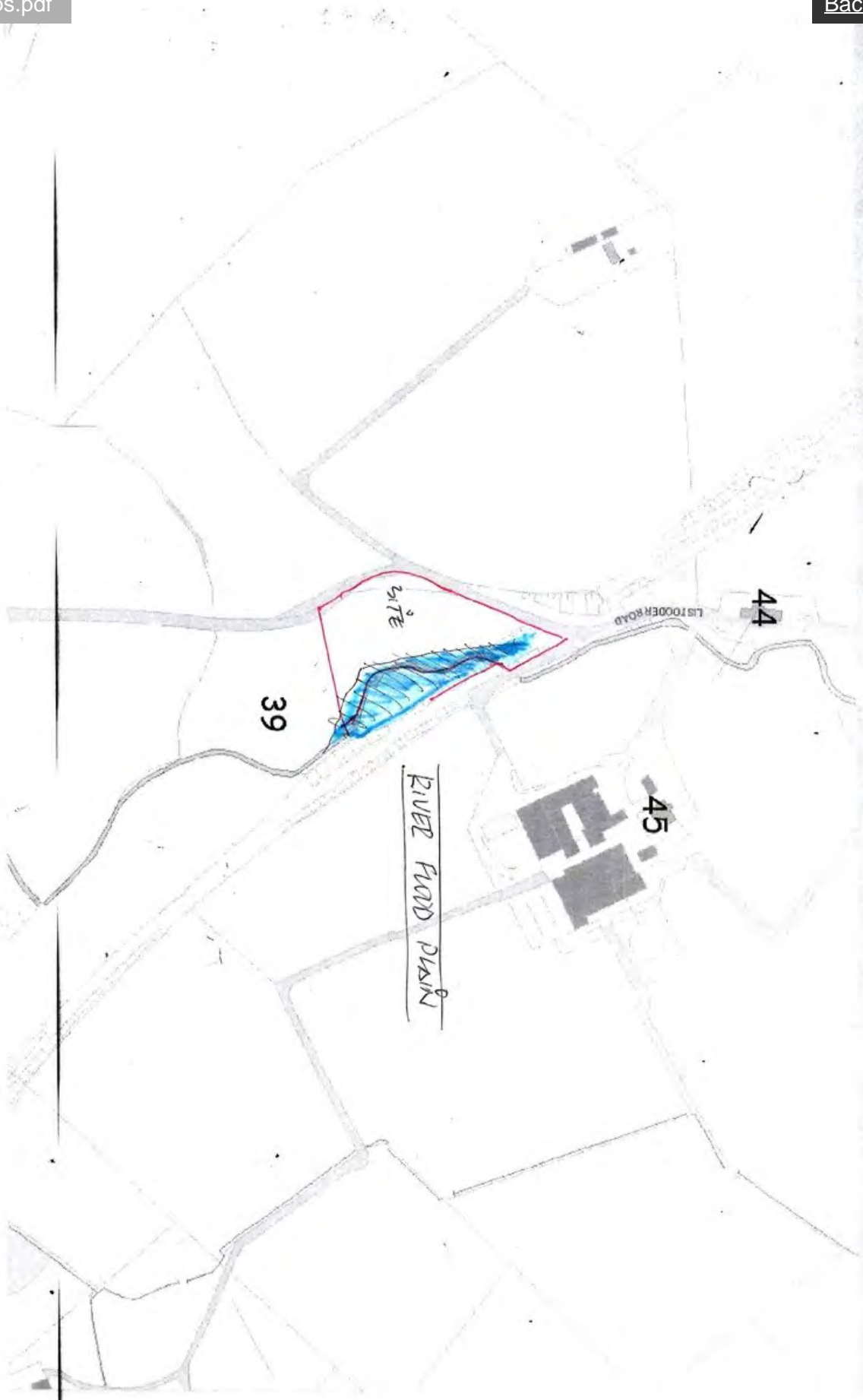
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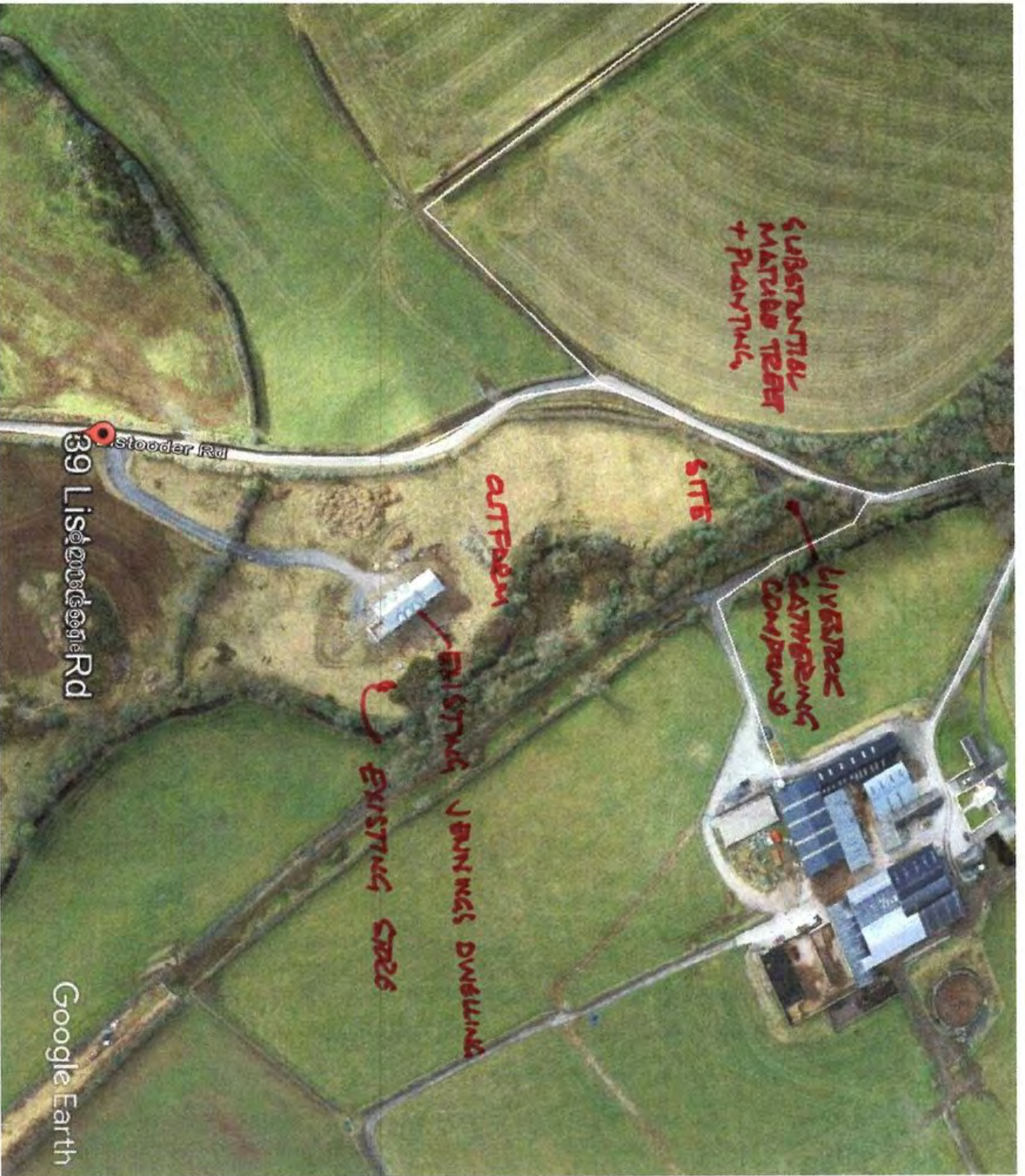
LISTOODER Rd



JENNINGS

LISTOODER Rd





JENNINGS



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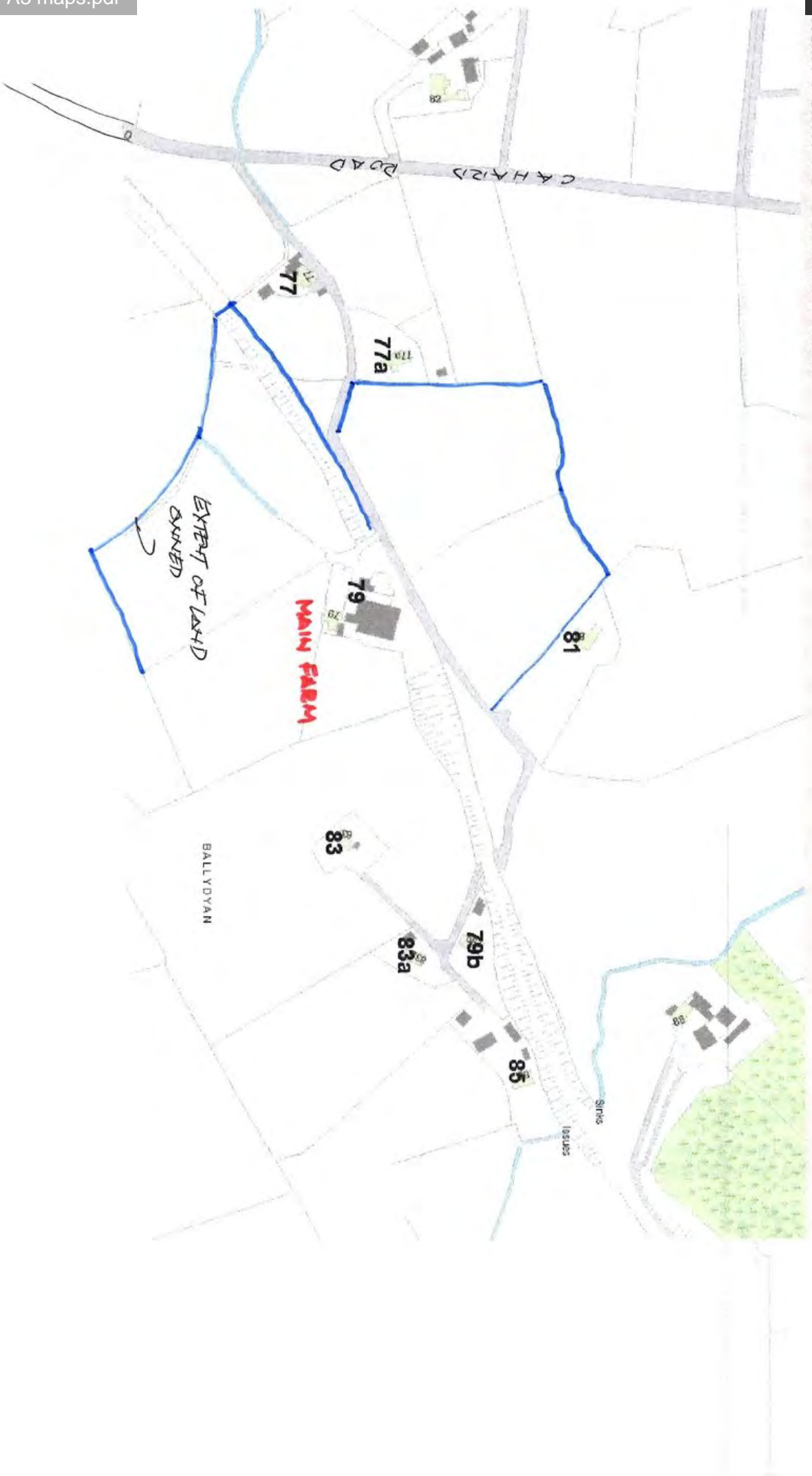
feet

500



Jennings 1/2500

Main Farm 79 Cahard Road



ITEM NO	8			
APPLIC NO	LA07/2015/1387/O	Outline	DATE VALID	12/22/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Tony and Peggy Murphy		AGENT	Liam Milling Architectural Design 40 Corcreaghan Road Corcreaghan Kilkeel Down BT34 4SL NA
LOCATION	Killard Square Ballyhornan Downpatrick Bt30 7PN			
PROPOSAL	3 detached dwellings			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	4	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Ards and Down Area Plan 2015 Policy SETT 1 in that the proposal would fail to protect the character of Ballyhornan settlement limit and would result in urban sprawl.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS21 Sustainable Development in the Countryside Policy CTY15 in that the proposal would mar the distinction between Ballyhornan and the surrounding countryside resulting in urban sprawl.
- 3 The proposal is contrary to PPS15 Planning and Flood Risk Policy FLD3 in that it lacks sufficient information, in the form of Drainage Assessment, to determine if the proposed development is located within an area where there is evidence of a history of surface water flooding.



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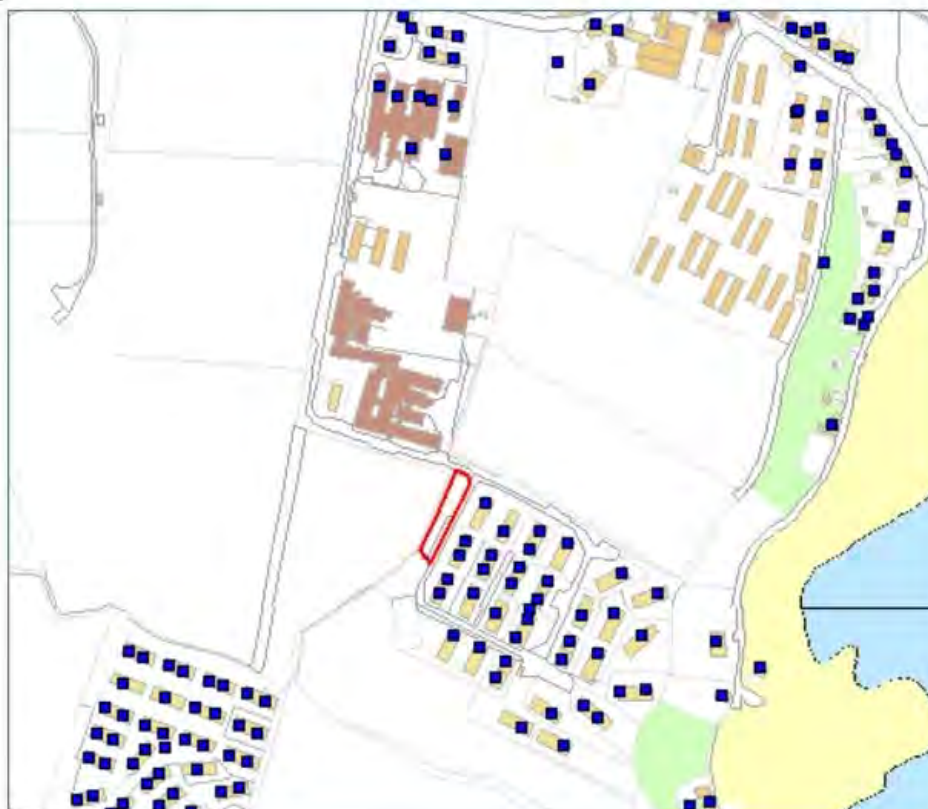
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1387/O

Date Received: 22nd December 2015

Proposal: 3 detached dwellings

Location: Killard Square, Ballyhornan, Downpatrick. The site is within the Eastern portion of the district approx. 7.5miles east of Downpatrick and 4miles north of Ardglass.



Site Characteristics & Area Characteristics:

The site is flat and relatively profiles. It includes a tarmac bay which abuts the Road and appears to be used as parking for neighbouring dwellings to the immediate east of the site. The site is largely grassed with a roadside verge. The western boundary

is shared with a grassed field. This is the only boundary definition of the site which is detailed with an open wire fence.

The site abuts the settlement limits of Ballyhornan and is sited within the Lecale AONB. It is outside the settlement limits. To the east of the site are detached single storey dwellings with medium sized plots, that are within the settlement limits.

Site History:

No site history.

Planning Policies & Material Considerations:

The application will be considered in relation to the following planning policies: Ards and Down Area Plan 2015, Regional Development Strategy, Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside, PPS3 Access, Movement and Parking, PPS15 Planning and Flood Risk, Parking Standards, DECAN 15 – Vehicular Access, Building on Tradition Design Guide for Rural Northern Ireland

Consultations:

DAERA – Drainage and water

No objection and detailing information for the applicant.

Transport NI

No objections in principle subject to adequate parking, turning to be provided within site.

NI Water Ltd

Public water supply within 20m, foul sewer within 20m, no public surface water sewer within 20m. Applicant to contact NI Water Ltd for connections and how to best serve proposal. Site within development consultation zone in close proximity of a WWTW and possibility of odours and nuisance. This can be detailed as an informative if the proposal is approved.

DARD Rivers Agency

Response details that the site is bound along the north western boundary by an undesignated watercourse which is culverted at this location, FLD3 Development and Surface Water a Drainage Assessment is required due to history surface water flooding as raised in an objection letter. This response was forwarded to the applicants agent in letter dated 29th of February 2016.

Objections & Representations

The application was advertised in the Mourne Observer and Down Recorder on the 13th of January 2016.

A total number of 6 neighbours were notified and 4 representations received.

The representations object to the proposal for the following reasons:

- Existing sewers are not suitable for additional development

- The road network would not be insufficient to support the additional dwellings proposed
- The site will create a road safety issue due to restricted views of road users and pedestrians in an area with no footpaths
- The layout as detailed within the concept is out of keeping with the character of the area in terms of site area, plot size
- Potential to overlook neighbouring dwellings (namely 2 Killard Square) cause loss of privacy and overshadowing
- Impact the proposal would have on vehicular access to neighbouring dwellings
- Area is prone to flooding

Note the reasons have been summarised, for full details please refer to the planning portal or the planning file. Objections also stated impact on views, however this is not a planning matter and the planning issues will be considered in the assessment.

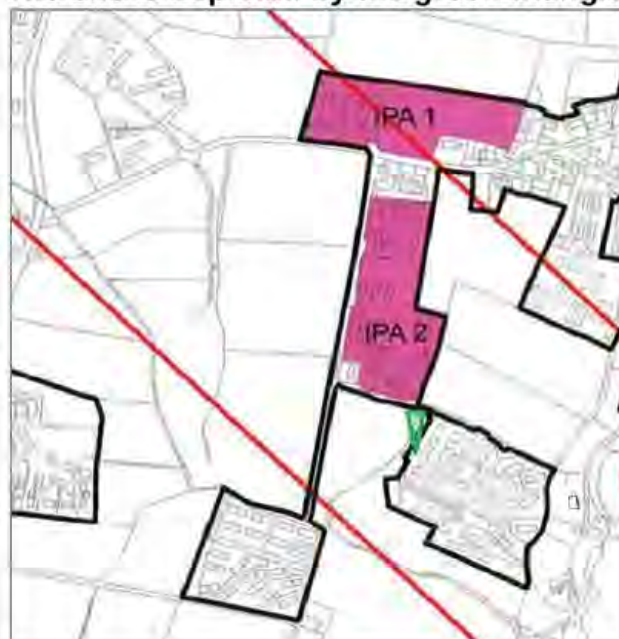
Consideration and Assessment:

The principle of development in the countryside must be considered in relation to the Strategic Planning Policy Statement for Northern Ireland and PPS21 Sustainable Development in the Countryside.

The site abuts the settlement limit of Ballyhornan and is located within the Countryside.

Policy CTY1 of PPS21 lists the range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development. The proposal is an outline application for 3 detached dwellings. The proposal does not fall into the exceptions as set out within PPS21 and it must be stated that the Council has not received any reasons why this development is essential and could not be located within a settlement.

The site is depicted by the green triangle.



The site shares its boundary with the settlement limits of Ballyhornan. Policy CTY15 – The Setting of Settlement Limits states that permission will be refused for development that mars the distinction between a settlement, in this case Ballyhornan, and the surrounding countryside or that otherwise results in urban sprawl.

The proposal would mar the distinction between the countryside and Ballyhornan as defined within the current statutory area plan, The Ards and Down Area Plan 2015. This is contrary to Policy CTY15 of PPS21 and the Strategic Planning Policy Statement for Northern Ireland. Policy SETT 1 of the Ards and Down Area Plan 2015 states that favourable consideration will be given to development proposals within settlement limits provided the proposal is sensitive to the size, scale, form, design, use of materials and is in accordance with planning policy and any zoning conditions. Settlement limits have been defined following a detailed assessment of each settlement in accordance with the regional policy as part of the Countryside Assessment. They are to facilitate compact properly structured and appropriately scaled local growth, protect the character of each settlement and constrain ribbon development and urban sprawl in the countryside. The development proposal fails to respect the settlement limit of Ballyhornan.

Traffic and access issues have been raised by neighbouring residents. Transport NI has been consulted and responded with no objections.

Flooding issues have been raised through representations and DARD Rivers Agency highlighted the need for a Drainage Assessment. This was forwarded to applicants agent in letter dated 29th of February 2016. No Drainage Assessment has been received to date.

PPS15 Planning and Flood Risk seeks to prevent inappropriate new development in areas known to be at risk of flooding or may increase the flood risk elsewhere, it adopts a precautionary approach and ensures the most up to date information is taken into account when determining planning applications. Rivers Agency highlights the need for a Drainage Assessment due to a representation indicating a flood risk. This request is in keeping with Policy FLD3 of PPS15 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains. The principle of the development is not acceptable and therefore this information is not required to determine the principle of the application. However a lack of insufficient information reason can be considered as part of the reasons for refusal.

The Council advised the applicants agent in letter dated 23rd May 2016 that the site falls outside of the settlement limits of Ballyhornan and would be contrary to policy. The letter also stated that if the principle of development had been accepted a Drainage Assessment would be required. Following this letter the Officer met with the applicants on 27th May 2016 and advised of issues. The Officer also met with the applicants' agent on 6th of June 2016 and advised of concerns.

The concept details provided highlight how the development could be accommodated on site. Considering the concept the proposal would reflect the plot sizes within the area, provide a suitable amount of private amenity space, as well as parking within the curtilage of the dwellings for 2 parking spaces. The 2 storey element of the dwellings proposal would not reflect the largely single storey nature of

the dwellings within the immediate vicinity, however I would not be of the opinion that they would have a detrimental impact on the character of the area, result in loss of light, overshadowing or overlooking of existing or proposed dwellings due to the separation distance and sun path across site..

The application remains valid and must be determined on the basis of information currently available. The proposal is contrary to the Area Plan, would mar the settlement limits of Ballyhornan and may have an impact on Drainage.

Recommendation: Refusal

Refusal Reasons/ Conditions:

Can be subject to change:

- 1 The proposal is contrary to the Ards and Down Area Plan 2015 Policy SETT 1 in that the proposal would fail to protect the character of Ballyhornan settlement limit and would result in urban sprawl.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS21 Sustainable Development in the Countryside Policy CTY15 in that the proposal would mar the distinction between Ballyhornan and the surrounding countryside resulting in urban sprawl.
- 3 The proposal is contrary to PPS15 Planning and Flood Risk Policy FLD3 in that it lacks sufficient information, in the form of Drainage Assessment, to determine if the proposed development is located within an area where there is evidence of a history of surface water flooding.

Case Officer **DATE**

Appointed Officer **DATE**

ITEM NO	9			
APPLIC NO	LA07/2016/0173/F	Full	DATE VALID	2/8/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr David Tate 9 Annacloy Road Downpatrick BT30 9AE		AGENT	David Burgess 24 Templeburn Road Crossgar BT30 9NG 07720145893
LOCATION	9 Annacloy Road Downpatrick BT30 9AE			
PROPOSAL	Change of use of building for dog training and boarding kennels with external exercise area			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would unduly affect the amenities of nearby residents of No 2 Keelstone Road.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0173/F

Date Received: 8th February 2016

Proposal: Change of use of building for dog training and boarding kennels with external exercise area

Location: 9 Annacloy Road, Downpatrick.
The site is 2.7 miles north west of Downpatrick.



Site Characteristics & Area Characteristics:

The site is a building set to the rear of a detached single storey dwelling and is accessed from the Annacloy Road through an established access serving 9 Annacloy Road. The building is a detached single storey rendered dwelling with a pitched roof and while is designed for stable use (front doors) it is used as an agricultural store. There are several outbuildings including a large agricultural shed. The topography of the area undulates with low-level drumlins. The land use is largely agricultural with field defined by mature hedges and open wire fencing.

Building proposed for conversion



View of Site from Annacloy Road

**Site History:**

R/1994/0705 Improve dwelling at 9 Annacloy Road, Downpatrick, Granted 17.03.1995

Planning Policies & Material Considerations:

The proposal is for a conversion of an existing building in the Countryside and will be considered in relation to the Ards and Down Area plan 2015, the Regional development Strategy, The Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside, Parking Standards and DECAN 15.

Consultations:

NI Water – no objections to the proposal

NIEA – WMU required additional information, forwarded to agent in letter dated 29.2.2016. Amended P1 received 1.4.2016 and reconsulted returning no objection.

DARD – consulted in error

Transport NI – required additional information, forwarded to agent in letter dated 21.3.2016. Amended P1 form submitted 1.4.2016 and transport NI reconsulted – returned no objection.

Environmental Health – would object to the proposal due to its close proximity to a noise sensitive receptor and the likelihood that this noise sensitive receptor will experience an adverse impact on amenity due to noise disturbance. Forwarded to agent for consideration in letter dated 29.2.2016 Email received from agent 23.3.2016 advising the neighbouring 2 Keelstown Road is the applicants mother and therefore connected with the business proposed. This will be discussed. Reconsultation with Environmental Health Unit returned on 5.09.2016 noted the submission of additional documentation from agent and listed on the planning portal under date 11/07/2016 and advised that the close proximity of the proposal to a residential property at 2 Keelstown Road and noise likely to be generated EHU would raise concerns that the amenity of the nearby dwelling would be adversely affected due to noise. They note that the current occupants of the property have provided a letter of support however EHU must give consideration to any future occupants.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 24th February 2016.

A total of 3 neighbouring dwellings were notified. This included neighbouring 2 Keelstown Road which is 60m from the site.

It must be noted that the applicant supplied a letter of support from the neighbouring dwelling at 2 Keelstown Road which was addressed to Environmental Health. The details have been uploaded to the planning portal. The occupier makes it clear they have no concerns relating to the possible noise generated from the proposed use as a dog kennel and advised of the wish for this dwelling to remain in ownership of the family in the next generation. This information will be forwarded to Environmental Health for consideration and assessed within the consideration of the proposal.

Consideration and Assessment:

The existing building on site is within the curtilage of the existing detached dwelling of 9 Annacloy Road. The proposal is for a conversion from the existing building into a dog kennel with an exterior area for exercise. The access will make use of the established access which serves the existing dwelling, its associated outbuildings and lands.

The Strategic Planning Policy Statement (SPPS) states that provision is made for the sympathetic re-use and conversion of a suitable locally important building of special character or interest where this would secure its upkeep and retention. In this case the nature and scale of the non-residential use would be appropriate to its countryside location.

This policy differs in language from PPS21 Policy CTY4 The Conversion and Re-use of Existing Buildings. The SPPS refers to suitable buildings being of special character or interest. Considering the building identified within this application, and further to site inspection Council must be mindful that the building is currently used for stables and the use proposed is for dog kennels. CTY4 identifies criteria for the Council to consider.

The building is if a permanent construction, the proposal will maintain the form, character and re-use the stable features of the front façade and the rear extension to provide an external exercise pen for each kennel. This would introduce a new feature to the building however it is located to the rear and is ancillary to the proposed use therefore as it is small in scale it is sympathetic to the scale and style of the building.

Policy CTY4 (d) states that the re-use should not unduly affect the amenities of nearby residents. The Council advertised the application in local press in February and neighbour notifications included the neighbouring 2 Keelstown Road. No 2 Keelstown Road is a detached dwelling located 60m east of the proposed conversion. Environmental Health Unit responded and advised the potential for the proposal to have a detrimental impact on a neighbouring dwelling in terms of noise. The agent was advised of this concern and responded, via email, to advise the neighbouring dwelling at 2 Keelstown Road is occupied by a parent of the applicant and therefore linked to the business. This was considered by Environmental Health which they responded to state that they have to give consideration to any future occupants of the neighbouring property. Having discussed the proposal with Environmental Health there is no prescriptive guidance regarding noise from barking dogs. However the comments within their consultation response cannot be set aside.

The applicants agent also highlighted that the buildings on site have an agricultural use attached to them and the farm complex would generate a level of noise on site at present. The agent also highlighted that should the neighbouring property be sold to a person outside of the family, they would be aware of the adjacent land use as a dog kennel before purchase.

No 2 Keelstown Road is located less than 60 from the proposed kennels. No mitigation measures to reduce the potential noise have been included within the proposal for consideration such as sound proofing, exercise times and location, operating times, etc. This has not been put before Council for consideration. Planning appeal 2011/E006 refers to change of use to kennels and references CTY4 within the consideration. In this appeal it was considered the impact from noise on the neighbouring property would be detrimental to the amenity. The appeal was dismissed.

While this case is not a mirror image of the appeal quoted and there are no objections to the proposal. The Council is unable to set aside the current ownership of the neighbouring dwelling the onus on the Council falls to the policy which states that the re-use should not unduly affect the amenities of nearby residents. The Council must protect current and potential future occupiers of the neighbouring dwelling at 2 Keelstown Road.

The proposal would not affect the use of the neighbouring lands as agricultural use.

The proposal for kennels in the countryside, a rural location would be considered an appropriate re-use of an existing building. Noise and nuisance ie the impact on neighbouring dwellings must be considered, as discussed previously within this report.

The site itself can accommodate additional internal car parking and a safe access to and from the Annacloy Road through the existing access. The proposal would create a total of 6 kennels within the building. Considering the information submitted the applicant has advised the Council (P1 form) total of 2 vehicles attending the premises daily. This includes 1 for staff and 1 visitor/customer. All necessary services can be provided and Transport Ni has no objection to the proposal.

Recommendation:

Refusal. The Council must be mindful of the policy and the impact on existing and future occupiers of the neighbouring nearby dwelling.

Refusal Reasons/ Conditions:

Reasons are recommended and can be subject to change.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would unduly affect the amenities of nearby residents of No 2 Keelstown Road.

Case Officer DATE

Appointed Officer DATE

Reference – LA07/2016/0173/F

Address - 9 Annacloy Road Downpatrick BT30 9AE

Description - Change of use of building for dog training and boarding kennels with external exercise area

Further information 14/11/2016:

This application is on the council schedule of 23/11/2016 for refusal on the following reason:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would unduly affect the amenities of nearby residents of No 2 Keelstone Road.

There is only one reason for refusal and it is associated with only one specific dwelling, 2 Keelstown Road. No other issue exists from Newry Mourne and Down Council or any other agency or consultee. The dwellings at 9 Annacloy Road and 2 Keelstown Road are both part of the same farm and inhabited by mother and son. Mrs Sylvia Tate lives in 2 Keelstown Road and her son Mr David Tate lives in 9 Annacloy Road. The farm has been in the family since 1880, over 136 years. 9 Annacloy Road was the original farm dwelling then 2 Keelstown Road developed approx. 45 years ago as a dwelling on the farm.

The refusal reason thus relates to the amenity of the resident in one dwelling, the applicants mother. If the current resident and the future resident are in support of the application the proposed use will be acceptable for many years to come. The dwelling at 2 Keelstown Road will be inhabited by Mrs Sylvia Tate for the rest of her life and has been willed to her daughter, Susan Liddle. Mrs Tate's daughter will take up residence there at some stage in the distant future. Both Mrs Tate and her daughter are fully in support of David's application and have no issue with the kennels as proposed. (See letters included). There is no reason for the council to try to protect the amenity of this resident who is intrinsically linked to the business.

Anyone potentially buying the dwelling in 40 to 50 years' time will know that they are buying a dwelling beside a kennel and can make their own choice.

The doors from the kennels are on the western side of an old stone built building. The building itself, with 600mm wide stone walls will provide good levels of sound insulation qualities. There are also 2 other farm buildings between the proposed kennels and 2 Keelstown Road. One is a large metal cattle barn 8m high and the other a stone-built long barn both of which mask No 2 Keelstown Road from any potential noise. The garage of No 2, situated behind the dwelling, adds another feature which will help in noise reduction. The kennels are as far away as possible from the dwelling with lots of buildings in between.

These buildings currently have livestock in them, on this active farm, with no annoyance to Mrs Tate. Mrs Sylvia Tate will also assist her son in the kennelling business. Filling in when he is on holiday and accepting dogs or handing them back if David is not around. Not only does she fully support the application but will actively ensure it is a success. She will help and assist in any way. She does this with the active farm business and will do so with the farm diversification into kennelling. She is an active, constant helping hand with the farm, of which she is a part. She understands the need in agriculture to diversify in order to exist; she is fully in support of this proposal. DEARA have both addresses as part of the farm and regularly write to Mrs Tate at 2 Keelstown Road, there is no doubt she is part of the enterprise here. That enterprise, of which she is a part, wishes to branch out into this field of business. In previous terms she would be seen as a farm worker, living in a farm workers dwelling, on the farm and close enough to help in every way.

The applicant has had dogs at his premises for 20 years and there has been no issue.

The group of buildings is a farm complex which generates levels of noise deemed to be acceptable in the countryside, the dogs will not add to the noise already present on site. Mr Tate will run the small diversification business in an appropriate manner and will do everything he can to minimize noise. No one has complained about noise even though there have been dogs kept overnight at the farm for 20 years.

For these reasons we request that the council approve this application.

6 The Meadows,
Kilmore,

Crossgar.

Co. Down

BT30 9GT.

14th November 2016

Dear Sir/Madam,

I am writing regarding the property at 2 Keelstown Road, Inch, Downpatrick. I wish to inform you that after my Mother (Sylvia Tate) passes on that I will be the owner of this property and it wont be sold. I have no objections to my brother David Tate having dog kennels.

Yours sincerely,
Susan Liddle

Environmental Health

2 Keshstow Rd.,
Downpatrick
BT30 9AD

21st June 2016

Dear Sir,

Regarding the premises at 9 Aronahoy Road my son has kept dogs there for 20 years and I have had no problems with these dogs barking. I am also a dog owner.

I have lived here for 48 years and at the end of my day this house will go to my daughter who also lived here up to a few years ago.

This house will be kept in the family and they have no problems with dogs being kept next door.

If you have any other concerns please contact me at above address or tele. no. 024 44614961 mobile no. 07902045182.

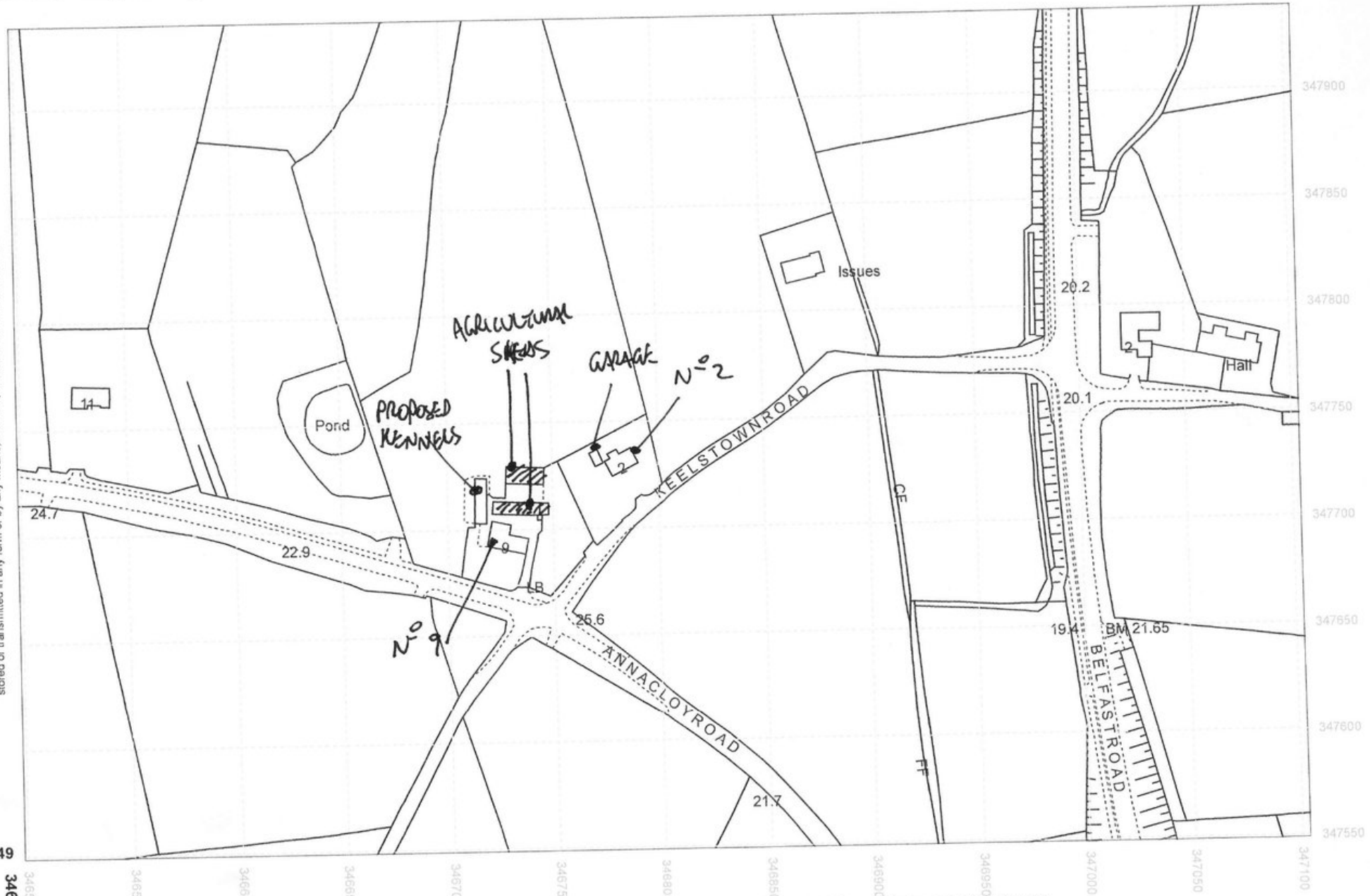
Yours sincerely
Sylvia Tate

ACEmap® Single
Printed: 04/02/2016 Customer Ref:
Centre Point (Easting, Northing): 346801, 347744

Scale: 1:2,500
Order no. ORD21500
Plan No. 22403NW

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ITEM NO	10			
APPLIC NO	LA07/2016/0217/F	Full	DATE VALID	2/15/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Kieran Kelly 72 Finnis Road Dromara Dromore		AGENT	Miceal Doyle 15 Lakeview Road Closkelt Castlewellan BT31 9QL NA

LOCATION 60m north east of 72 Finnis Road
Dromara
Dromore

PROPOSAL Proposed change of house type and sited 50m South East from previous approval Q/2011/0024 (Amended Proposal)

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

- 1 The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 2 The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and the proposed building relies primarily on the use of new landscaping for integration.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0217/F

Date Received: 15th February 2016

Proposal: Proposed erection of replacement dwelling and garage, change of house type and sited 50m SE from previous Q/2011/0024/F

Location: 60m NE of no 72 Finnis Road, Dromara.



Site Characteristics & Area Characteristics:

The site in question is located in a portion of a larger agricultural field that rises up from the road side. There is a post and wire fence to the front of the site, there is a mixed boundary of planting and walls to the west of the site and the remainder of the site has no boundary. While the dwelling to be replaced is within the red line it is not within the curtilage of the site, it would appear on separate lands.

The site is not located within any settlement development limits as defined in the Banbridge, Newry and Mourne Plan 2015 and is also located within the Mourne AONB.

Site History:

Q/2011/0024/F – 65m N of 72 Finnis Road – erection of replacement dwelling and garage (change of house type) – 07-09-2011 – granted.

Q/2010/0222/F – 65m N of 72 Finnis Road – erection of replacement dwelling and garage – 22-09-2010 – granted

Q/2002/1178 – 60m NE of 72 Finnis Road – site for dwelling – 22-09-2010 – granted.

Planning Policies & Material Considerations:

This application is assessed against Banbridge, Newry, Mourne Area Plan 2015 and PPS 21 and SPPS along with relevant design guides.

Consultations:

Transport NI was consulted on the above application and has responded with no objections subject to conditions.

Objections & Representations

Initial neighbour notification was sent 23rd February 16 which expired 8th March 16 and a second neighbour notification was sent out 23rd August which expired 6th September 2016. The application was also advertised initially 2nd March which expired 17th March and re advertisement 17th August 2016 which expired 31st August 16. To date no objections have been received however a letter of support but with no reasoning has been submitted. The application was re advertised as it was not thought that the application had been adequately described previously therefore an amended proposal description was requested.

Consideration and Assessment:

At the time of submission there was an extant permission on the site which was due to expire 5th September 2011, therefore this application is considered in relation to this, the principle is considered acceptable. CTY 3 of PPS 21 is still applicable due to the re location of the dwelling away from the established curtilage.

CTY 3 states that in all replacement cases the proposed replacement should be sited within the existing curtilage of the existing building unless the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or a position nearby would result in demonstrable landscape, heritage, access or amenity benefits. SPPS is stricter on this aspect as it advises that replacement dwellings **must** be located within the curtilage of the original dwelling.

The proposed site is totally separate from the established curtilage and has located in the adjacent field which is currently an agricultural field.

As it has been previously demonstrated through 2 approvals the existing curtilage can accommodate a dwelling and therefore this exception has not been met.

The site also will rely on the planting of new boundaries and has not demonstrated that the amended siting would result in demonstrable landscape, heritage, access or amenity benefits therefore this section of policy has not been met and as such there is no exception to allow the change of siting. As such the proposed dwelling, in moving to a more exposed site which is road side would create a much greater visual impact than the existing structure or the proposed replacement dwelling and

furthermore relying 3 new boundaries which need planted would create a much greater visual impact and not integrate as successfully as the previous proposals.

The Design and Access Statement indicates the justification for this application is that the design will integrate more successfully than the previous dwelling and that the amended access is required to allow the applicants to gain a safer access and to allow a mortgage to be obtained. This reasoning is not sufficient to allow the re siting of the dwelling and it is not considered in keeping with policy. A re design could still take place using the existing site. Access arrangements can be considered separate to the relocation of the full dwelling.

The new dwelling location would create a visual impact significantly greater than the existing building to be replaced. The existing site is to the rear of existing buildings and on a used curtilage, the re siting introduces an altogether new site on a more visible setting along the road, and while it is considered a dwelling could be located on the adjacent site with a back drop it is noted that it would rely on new planting and also does offer a significantly greater impact than the existing building with no benefits otherwise to outweigh this.

The design of the building also is not considered acceptable, the front elevation is acceptable but the depth of the building to provide a covered area between the house and garage provides an excessive amount of building that would impact negatively. Should this link be removed the overall design would be considered more acceptable this is a correctable issue.

Necessary services can be provided and an access has been considered acceptable with Transport NI.

The application is also considered against CTY 13 of PPS 21

The building would not be a prominent feature in the landscape, as noted previously the rear link would be required to be removed if approval was considered acceptable however in general a building could be accommodated on this site using the natural features as a backdrop.

The site lacks long established natural boundaries as there is only one boundary in place at present that can be utilised, 3 boundaries of the dwelling and the proposed access would require new planting to integrate therefore the application fails this section of policy. The site would rely on the new use of planting to integrate.

The design of the building in general is considered acceptable however the depth of the side elevation is exaggerated given the roof to provide a covered link between the dwelling and garage; this can be corrected with amended drawings to separate the two.

The building would as far as possible blend with the landform in that it does use the backdrop to integrate.

The application is not considered acceptable in terms of CTY 3 or CTY 13 and it is not considered that amendments to the scheme would result in a positive outcome, therefore refusal is recommended.

The agent was made aware of the likely outcome via e-mail when the amended proposal was requested; This was requested as the previous proposal did not adequately demonstrate the amended siting and this was also the reasoning for re advertisement however the principle of the application is considered unacceptable and therefore the application could not be corrected, therefore refusal is recommended.

Recommendation:

Refusal

Refusal Reasons

- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and the proposed building relies primarily on the use of new landscaping for integration.

Case officer:

Authorised by:

Date:

Deferral Submission for Planning Application LA07/2016/0217/F

Proposed change of house type on lands at 60 metres north east of 72 Finnis Road, Dromara,

Co Down for Mr Kieran Kelly

Report Date 15/11/2016

Proposal

1. This application seeks **change of house type** from that approved under Q/2011/0024/F. Proposed changes include re-siting of the proposed dwelling and also changes to the design.
 - It is proposed to re-site the dwelling on land adjacent and to the south east of the dwelling to be replaced, where it will be sensitively positioned beside an established group of buildings. The proposed site is much less prominent and elevated in the landscape than the dwelling as currently approved albeit there is less enclosure within this part of the site (this ought not to be determining owing to the fact a replacement dwelling is hereby proposed).
 - A split-level (two-storey) dwelling was previously approved on this site, which is not normally considered acceptable in the rural area. The proposed dwelling will be single storey only, and it is appropriate in terms of scale, character and design for this site and respects its location within the rural area.

The Extant Permission Q/2011/0024/F

2. Planning permission was granted for a replacement dwelling, on part of this site, for a two storey building that was to have been sited directly adjacent and north of the dwelling to be replaced.



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3. The land rises quite steeply to the north, through this site, and the approved development was to be set at a level approximately 2 metres higher than the ground level of the dwelling to be replaced. The proposal would have benefitted from a degree of enclosure (due to the presence of mature trees along the western boundary of the site) when viewed from the eastern approach on Finis Road. However, it would have appeared elevated and relatively conspicuous due to the open nature of the site when travelling west along Finnis Road.
4. The construction of the approved dwelling would have required significant ground remodeling works (excavation will exceed 2 metres in places) and the erection of a retaining wall to the north and east of the dwelling. This would commonly be regarded as inappropriate ancillary works.
5. The dwelling as approved is sited only 9 metres from the rear boundary of an established business (BK Window Systems) and 12 metres from the workshop itself. This business is owned and operated by the applicant's brother, who may wish to expand the existing business at some time in the future. The approved design was such that the living areas (kitchen / dining / sitting areas) are located at first floor level and directly overlooking the workshop thereby presenting little or no outlook.
6. The access arrangement, as approved, was particularly problematic. It was noteworthy that the approved plans did not show access from the proposed new dwelling onto the public road (this may have been due to the fact that in the past the planning policy for replacement dwellings was silent in relation to access). However, the annotated plans indicated that access was to be taken from the public road along the existing laneway (which is currently used by the established business on this site). This arrangement is totally impractical and the laneway narrows to a width of only 4.5 metres, adjacent to the workshop. This is below standards expected by Transport NI, since a minimum standard of 4.8 metres is required to allow two vehicles to pass (although Transport NI typically concerns itself only with the first 5 metres of a private entrance). Given the level of traffic using this shared access, the absence of passing bays would be particularly problematic - a difficulty that would be compounded due to the presence of large commercial vehicles on the access.
7. In addition to these concerns, there are serious health and safety risks associated with a dwelling sharing its access with a business that attracts a significant volume of traffic in its own right. It would not be good practice to have children playing in such close



proximity to a working manufacturing business due in particular to the proximity to vehicles turning and maneuvering, loading and unloading at the site. This represents a significant risk in terms of safety, notwithstanding the amenity issues resulting from the use of an existing commercial access for residential purposes.

8. Unfortunately the issues outlined above have resulted in the overall scheme being considered ineligible for mortgage purposes and therefore the proposal for which planning permission has been granted is not suitable for development, and it is in this context that the current application has been submitted.
9. It is respectfully contended that the merits of the current proposal are sufficient to justify the granting of planning permission, notwithstanding that the current proposal represents a significant improvement upon the extant approval.

The Proposed Site

10. The proposed site (as illustrated on the attached annotated picture of the site) occupies a much less prominent position in the landscape than the approved site. The proposed finished floor level of the new dwelling will be 103 metres above datum and that of the dwelling as approved is 109 metres with the garage at a further 2 metres into the hill at 111 metres.
11. Therefore **the proposed site is 8 metres lower in the landscape** and will group with an established group of buildings. It will have a much less prominent appearance in the landscape than the proposed dwelling and garage. The case-officer does not appear to have given any consideration to the merits of the proposal in assessing it against the extant permission on this site. Absolute emphasis appears to have been placed upon the fact that some of the boundaries of the site will rely on new planting, and no weight has been given to the extant approval's more elevated position or its requirement to construct new boundaries also. These ought to have been important factors, considering the site's purported elevated and exposed position within the landscape.
12. Also, critically, the planning report has not referred to any critical views of the site and refers only to the view from the roadside. The dwelling will not be visible on approach from the west on Finnis Road owing to the development and planting which lie along its western boundary. The only critical view of the site is for a short – medium distance



along Finnis Road when travelling from the east on approach to the site for a distance of approximately 80 metres. From this position the dwelling will appear as part of the existing grouping and will lie well below the ridge level of the adjoining buildings. This is consistent with the advice tendered in Building on Tradition, i.e. to avoid full-frontal locations and to seek sites with "side on" views.

13. The planning report has indicated that the design of the dwelling is not acceptable owing to the roof link between the dwelling and garage (which is to serve as a car-port). The applicant was not afforded the chance to amend the design given that there was a purported issue with integration on this site. For the avoidance of doubt, the applicant is amenable to changing the plans to omit the roofed area between the dwelling and garage if considered necessary.
14. There are clear landscape and access benefits to be gained under this application. CTY 3 states that the proposed replacement should be sited within the existing curtilage of the existing building unless the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or a position nearby would result in demonstrable landscape, heritage, access or amenity benefits and there are compelling landscape, access and amenity benefits that justify the re-location of this dwelling on a 'nearby' site.

Compliance with CTY 3 Replacement Dwellings

15. It has been demonstrated that it is not practicable to site the proposed replacement dwelling within the curtilage of the existing dwelling. This option has been tested and the construction of a dwelling on this site, with a functioning and safe means of access, is not possible. The existing access is not suitable to cope with the increase in traffic and it traverses an existing economic development site that is not within the applicant's control. This raises real and genuine fears over safety and amenity, for the prospective occupiers of the dwelling and also for the applicant's brother who owns the business on this site, while the alternative siting represents betterment in the requisite areas of landscape, access and amenity.
16. As outlined above the proposed site occupies a less prominent location within the landscape and the reduction in scale of the dwelling will have a lesser impact upon the rural character of this area.



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17. The reduction in the level of the proposed dwelling (approximately 8 metres) is significant particularly when considering the siting of the approved and proposed dwellings. The approved development will occupy a very elevated and exposed position when viewed from Finnis Road compared with that of the proposed site (which is sited to cluster with the existing development grouping and therefore appears a much less conspicuous feature in the landscape). The current proposal is appreciably more modest in its scale and it is of appropriate design for this area, while rising land to the rear will aid integration. The design of the new access (which is sited to run inconspicuously alongside the boundary with the adjacent dwelling at No 72) will help to ensure that there is no resultant negative impact upon the character of the area.
18. As detailed above, a suitable access arrangement for the approved development cannot be achieved. The nature of the business to which this access is shared means that vehicles attending the business are typically large in nature, e.g. large vans and lorries. If this access was also to be used for residential traffic it would be necessary to provide for passing vehicles. This is, technically, unachievable since the current access is only 4.5 metres in width. The owner of the business (the applicant's brother) is understandably concerned about the impact that additional traffic on this lane and the liabilities arising from same.
19. At present the prospective residents would have to access their property through working business premises. It is highly probable that the means of access will be frequently impassable due to commercial vehicles manoeuvring and unloading in the access area. There are significant safety concerns relating to the position of the access through the business premises. The presence of large vehicles and close proximity of the workshop to the access presents a safety hazard particularly for children making their way on foot from the dwelling towards the public road.
20. The siting of the extant approval, adjacent to the workshop, would have resulted in a dwelling that has unacceptably low levels of amenity expectation. The noise levels from the business would be significantly greater at the locations of the existing and approved dwellings than at the proposed site (which will benefit from a significant existing boundary between the workshop and the dwelling, and will also be designed with the living area situated as far as possible from the workshop – not adjacent to and overlooking the business as per the extant approval).



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21. The proposed location of the replacement dwelling will overcome all of these concerns as the dwelling will be independent of the workshop and not adversely affected by noise or vehicles. Transport NI has no objections to the new access arrangement as proposed.
22. The benefits in terms of amenity are significant and they alone would justify the proposal to re-site this replacement dwelling outside of the established curtilage.
23. The overall size of the new dwelling is appropriate for this location, and it will not appear as a conspicuous feature in the landscape given its modest proportions and scale. Indeed, in terms of its visual impact, it will be much less obvious than the extant approval, which appears elevated and lacks integration when viewed from the east along Finnis Road.
24. The addition of substantial planting will provide a degree of enclosure for this dwelling and rising land to the rear (north) will provide a backdrop for the development. The dwelling will lie 3.5 metres below the roof level of the workshop and will read visually as being clustered with the grouping (which includes the dwelling to be replaced).
25. This application represents an improvement in planning terms since the potential impact on the rural character of the area is lessened. The proposed dwelling is appropriately sited for this landscape and is of a scale that will ensure it will not be a prominent or conspicuous feature.
26. The design of the dwelling is appropriate for this locality. It is not out of place with surrounding existing development and materials to be used are appropriate for this rural area.
27. Necessary facilities can be provided without any impact on the rural character of this area and Transport NI has no objections to the proposed access arrangement.

Conclusion

28. The planning officer's concerns in relation to this site centre on the issue of integration and the proposal does not appear to have been judged against the previous approval, which ought to represent a common benchmark. On balance, this amended proposal will have a much reduced impact on the landscape than the previous proposal.



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29. The amended proposal is justified for the reasons outlined above and although it is proposed to move the dwelling outside of the established curtilage of the existing dwelling, it has been demonstrated that the benefits in terms of landscape, access and amenity are sufficient to justify the amended siting arrangement and overall the current proposal will have a significantly lesser visual impact than the approved dwelling.
30. We respectfully request that the Council reconsider the decision to refuse this application.

Yours Faithfully,



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



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Chartered Town Planner





ITEM NO	15				
APPLIC NO	LA07/2016/0446/O	Outline	DATE VALID	3/10/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mrs S A McBride 5 Orchard Road Rathmullan Downpatrick BT30 8TA		AGENT		
				NA	
LOCATION	Lands 250 m east of 23 Clanmaghera Road Downpatrick				
PROPOSAL	Proposed replacement dwelling				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0
					Signatures
					0

- 1 Having notified the applicant/agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information, NI Biodiversity Checklist & a scale 1:500 access plan, is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0446/O

Date Received: 10th March 2016

Proposal: Proposed replacement dwelling

Location: The site is located on land 250m east of no23 Clanmaghery Road, Tyrella. The site is located approximately 8km to the south south east of Downpatrick.



Site Characteristics & Area Characteristics:

Characteristics of site

The site contains a single storey vernacular building with several small outhouses. The vernacular building is constructed of red brick and natural stone. Walls are finished with render and the roof is finished with red roof slates. There are 2 no red brick chimneys located on the main ridge. The roof has partially collapse into the building and is sagging toward the middle. The northern section of the building is an outhouse with corrugate sheet roofing and of natural stone construction. There are several derelict outbuildings which consist of 4 external stone walls.

The site contains numerous mature trees within its curtilage. The site is slightly elevated above Clanmaghery Road.

Characteristics of area

The area is characterised by open countryside and sparsely located rural dwellings. The topography of the area is relatively flat toward the south leading to the sea. The land rises gently to the north. The landscape is relatively open and exposed however there are a number of mature trees surrounding the site.

Site History:

- R/2003/0272/O - Site to rear side of 23 Clanmaghery Road, Tyrella - Erection of new dwelling - Granted 04.12.2003
- R/2003/0544/O - 210m east of 23 Clanmaghery Road, Clanmaghery, Downpatrick, Northern Ireland, BT30 8SU - Replacement dwelling – Withdrawn 14.01.2004
- R/2005/0176/O - Lands 120 metres to the rear of no. 23 Clanmaghery Road, Downpatrick - Site for dwelling and garage – Appeal dismissed
- R/2006/1275/RM - Site to rear and side of 23 Clanmaghery Road, Tyrella, BT30 8SU - Erection of New dwelling – Granted 13.08.2007

Planning Policies & Material Considerations:

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

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

Consultations:

Statutory	Transport NI – Amended plan required to show sightlines
Statutory	NIEA – Requested Biodiversity Checklist – Priority species likely to be affected
Statutory	Historic Environment Division – Content subject to conditions
Non-Statutory	NI Water – No objections
Advice and Guidance	Environmental Health – No objections

Objections & Representations

The following neighbouring occupiers where notified on 25th April 2016:

- 23 Clanmaghera Road, Clanmaghera, Killard, Downpatrick, Down, BT30 8SU
- 25 Clanmaghera Road, Clanmaghera, Killard, Downpatrick, Down, BT30 8SU
- 32 Clanmaghera Road, Clanmaghera, Killard, Downpatrick, Down, BT30 8SU
- 34 Clanmaghera Road, Clanmaghera, Killard, Downpatrick, Down, BT30 8SU
- 36 Clanmaghera Road, Clanmaghera, Killard, Downpatrick, Down, BT30 8SU
- 38 Clanmaghera Road, Clanmaghera, Killard, Downpatrick, Down, BT30 8SU
- 40 Clanmaghera Road, Clanmaghera, Killard, Downpatrick, Down, BT30 8SU

The application was advertised on 27th April 2016

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

Consideration and Assessment:

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

The site is located within the open countryside outside any defined settlement limit and is within an Area of Outstanding Natural Beauty.

Principle

The building does exhibit the essential characteristics of a dwelling and all external walls are considered to be substantially intact. There are internal fireplaces and existing chimneys on the main roof ridge. The dwelling has not been lived in for some time and is in derelict condition with sections of the roof collapsing. Whilst the dwelling does exhibit non-listed vernacular qualities, the dwelling is screened from public view by the existing vegetation surrounding the curtilage. It cannot be considered that the dwelling makes an important contribution to the heritage, appearance or character of the locality. It is not considered that the proposal to replace the dwelling is contrary to CTY3 of PPS21, however further information has been requested from the applicant to allow the Council to fully assess the proposal.

The information requested is as follows:

- NI Biodiversity Checklist
- A 1:500 plan showing sightlines achievable at the access point
- Q26 of P1 to be completed

This information was request from the applicant on the following occasions:

- Letter dated 10th June 2016
- Letter & email dated 5th July 2016
- By telephone conversation on 16th August 2016

To date no information has been submitted to the Council – therefore it is not possible to make a full and informed recommendation on this application.

CTY13

There are views of the site from the Clanmaghery Road to the southeast, south, and southwest and a long view from Ballylucus Road to the east of the site. The site is on a slope which rises to the north. The rising land to the north of the site provides a backdrop when viewed from these positions. The site is surrounded by mature trees which provide screening of the dwelling. It is not considered that a suitably designed single storey dwelling within the existing curtilage would appear prominent in this location and would integrate suitably into the surrounding landscape by virtue of the existing natural boundaries. The proposed access would follow existing field boundaries. The outline proposal would comply with CTY13 however this would require further assessment at the reserved matters stage.

CTY14

A single storey dwelling would not appear prominent in the landscape and would not result in a suburban style build up. The proposal does respect the traditional pattern of settlement exhibited in the area and would not result in ribbon development.

CTY16

NIEA Water Management Unit have been consulted and have no objections to the proposal. The proposed septic tank location would be assessed at the reserved matters stage and the onus is on the applicant to obtain all necessary consent from NIEA and NI Water.

NH6

The proposed design should be in accordance with the Departments design guidance Building on Tradition, CTY3, CTY13, CTY14, and policy NH6 of PPS2.

Access

Further information has been requested by Transport NI to enable an assessment of proposed access. There is no existing access lane to the dwelling and the proposed access is from an existing agricultural lane. As no further information has been submitted there is insufficient information to assess the suitability of the proposed access.

Natural Heritage

NIEA have advised that the proposal is likely to impact priority species and have referred the applicant to the NI Biodiversity Checklist. This information has been requested however again this information has not been submitted – therefore there is insufficient information to ascertain the impact of the proposal on natural environment - in particular bats.

Summary

There is insufficient information to fully assess the proposal. Further information has been requested from the applicant on three separate occasions between June 2016 – August 2016. No information has been submitted. It is therefore recommended to refuse this application.

Recommendation:

Refusal

Refusal Reasons:

Having notified the applicant/agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information, NI Biodiversity Checklist & a scale 1:500 access plan, is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

ITEM NO	18			
APPLIC NO	LA07/2016/0559/F	Full	DATE VALID	4/27/16
COUNCIL OPINION	REFUSAL			
APPLICANT	J.W & S Watson 135 Ballylough Road Castlewellan BT31 9JQ		AGENT	Ewart Davis 14 Killynure Avenue Carryduff Belfast BT8 8ED 07969919145

LOCATION 90m North of 121 Ballylough Road Castlewellan Bt31 9JQ
PROPOSAL Dwelling with amended siting and change of house type in substitution for approval R/2007/0115/RM

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

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that:
 - the proposed building, access and curtilage is a prominent feature in the landscape
 - the proposed site lacks long established natural boundaries to integrate into the landscape
 - the proposed building relies primarily on the use of new landscaping for integration);
 - the ancillary works do not integrate with their surroundings.
 - the design of the proposed building is inappropriate for the site and its locality
 - the proposed building fails to blend with the landform and slopes.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0559/F

Date Received: 27th April 2016

Proposal: Dwelling with amended siting and change of house type in substitution for approval R/2007/0115/RM

Location: 90m N of 121 Ballylough Road, Castlewellan



Site Characteristics & Area Characteristics:

The site in question is located off the Ballylough road via an existing wide laneway that serves another dwelling. The site is located on a rolling hill and is considerably higher than the road in question.

The site in question has a good planted boundary to the south east of the site, however all other boundaries are largely undefined as the site is part of a larger agricultural field. The lane has no planting along it and runs up the hill and is

exposed. Planting has been put in place around the access point which helps the access point integrate. On the actual site itself foundations have been laid. The site sits lower to the existing dwelling on the adjacent site.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is however within the Mourne AONB.

Site History:

R/2014/0033/F – 125 Ballylough Road – Replacement dwelling – 8-05-2014 – granted.

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

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

R/2007/0115/RM – 225m NE of 113 Ballylough Road – 8-06-2007 – granted

Planning Policies & Material Considerations:

The application is considered against the Ards and Down Area Plan 2015, PPS 3, PPS 21 and SPPS.

Consultations:

NI Water and Transport NI both have no objections to the proposal, no other consultations were required.

Objections & Representations

5 neighbours were notified on 10th May 2016 which expired 24th May. Advertisement took place on 18th May 2016 and expired 01-06-2016. No objections have been received on the application. 1 letter of support has been received from Cllr Patrick Clarke.

Consideration and Assessment:

The previous permission was R/2007/0115/RM and Building Control documentation has been submitted to confirm that development had commenced on the site, therefore this application can proceed as change of house type under CTY 13 of PPS 21.

The overall curtilage of the dwelling has drastically increased from the previous approval encompassing a large section of an agricultural field which is on a section of hill.

The overall design of the dwelling has changed with previously there being a large two storey dwelling on the plot. The previous dwelling had a ridge of 8m in height, the revised scheme offers a reduction of 0.6m with a ridge of 7.4m from ground at the highest point dropping to 5.6m from ground and the frontage length is 19.5 and 25.5m deep. While there is an existing lane in place the proposal is to branch off a new lane that access onto the old lane 10m from the point of access onto the road.

In relation to consideration against policy CTY 13 of PPS 21

It is considered that the proposed building would be a prominent feature in the landscape, the proposed access lane would also be a prominent feature in the landscape running along an already quite exposed lane. The overall design of the building on a sloping site which will rely heavily on new planting would be considered a prominent feature in the landscape.

The site lacks long established natural boundaries, there is one good boundary to the south/southeast of the site and some to the north east of the site however due to the site using half the breadth of the field in question a considerable amount of natural planting would be considered to screen the site from the Ballylough Road and the proposed lane would also require planting to screen it. The site will therefore rely on new planting for integration.

As previously stated the access lane will not integrate with the surroundings. There already is an access that was considered adequate for the previous approval and only serves one other dwelling at present and it would be difficult to consider an access that will create a greater visual impact and not integrate when there is a n accessible lane in place at present. Therefore it is not considered that ancillary works will integrate with the surroundings.

The design is not appropriate for the site. The sprawling nature of the dwelling with extremely long facades and roof heights on a more exposed plot would have a detrimental impact on the site and locality sitting above existing roadside development with views into private rear amenity however there is an acceptable distance between the two so as to not impact demonstrably on private amenity. The whole building will not be visible from the road given the landform and the slope on the land however the length of the building, the complicated shape and the extended curtilage will not blend with the existing landform and will have a demonstrably greater impact than the dwelling and siting already approved. The proposal is contrary to CTY 13 and therefore would be considered a refusal.

The application is also considered contrary to CTY 14, Rural Character as the impact of the proposed ancillary works in the creation of the lane and the much increase curtilage would damage rural character. The site is more open and exposed than the previous site approved and will cause greater detriment on the landscape than the previous approval and is detrimental in its own right.

The SPPS aims to promote high standards in the design, siting and landscaping of development, this proposal would be contrary to this aim.

As this is a change out house type and amended siting and there is no overlap of building revocation would be required as the previous approval has commenced. Under current policy it would not appear that this would be eligible for approval. Original approval R/2002/1778/O and R/2007/0115/RM.

Recommendation:

For the reasons stated above a refusal is recommended.

Refusal Reasons:

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

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that:

- the proposed building, access and curtilage is a prominent feature in the landscape
- the proposed site lacks long established natural boundaries to integrate into the landscape
- the proposed building relies primarily on the use of new landscaping for integration);
- the ancillary works do not integrate with their surroundings.
- the design of the proposed building is inappropriate for the site and its locality
- the proposed building fails to blend with the landform and slopes.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character.

Case officer:

Authorised by:

Date:

ITEM NO	19			
APPLIC NO	LA07/2016/0561/F	Full	DATE VALID	4/25/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr & Mrs Samuel Duke 19 Inishbeg Killyleagh BT30 9TR		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822

LOCATION 19 Inishbeg
Killyleagh
Downpatrick
BT30 9TR

PROPOSAL Extension to existing curtilage of dwelling. Retention of existing pigeon loft and construction of additional loft

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the development would, if permitted, be detrimental to the residential amenity of neighbouring properties by reason of noise, odour, nuisance, general disturbance and other associated negative impacts.

- 2 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.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0561/F

Date Received: 25th April 2016

Proposal: Extension to existing curtilage of dwelling. Retention of existing pigeon loft and construction of additional loft

Location: The site is located at 19 Inishbeg, Killyleagh which is to the south of the village of Killyleagh and is approximately 8km to the northeast of Downpatrick.



Site Characteristics & Area Characteristics:Site Characteristics

The site contains a 2 storey detached dwelling with internal garage located at 19 Inishbeg, Killyleagh. The dwelling is part finished with red brick and part finished with dry dash. The roof is finished with profiles roof tiles. There is a steep driveway leading up to the rear of the property where there is a small rear garden. There is a set of steps leading to an upper amenity area where the proposed curtilage extension and existing pigeon loft is located. This area is in an elevated position above the dwelling and is partially enclosed by a 1.8m close board timber fence and partially enclosed by a 1m post and wire fence.

Area Characteristics

The area is characterised by a mix of sizes and styles of residential properties set along both sides of Inishbeg to the south of Killyleagh. Inishbeg is located in an elevated position with views over Killyleagh to the east of the site. To the west of the site is open countryside outside the Killyleagh settlement boundary. There are residential properties to the north, east and south of the site.

Site History:

<u>R/2008/1040/F</u>	17 Inishbeg, Killyleagh Downpatrick BT30 9TU - Conversion of garage to residential accommodation and single storey extension to rear elevation.- Granted 25.03.2009
<u>R/2015/0020/CA</u>	19 Inishbeg, Corporation, Killyleagh, Down,BT30 9TR - Alleged unauthorised pigeon lofts – Negotiate to resolve

Planning Policies & Material Considerations:

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

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

Consultations:

Advice and Guidance – Environmental Health – Comments provided

Objections & Representations

The following neighbouring properties were notified on the 12th May 2016:

- 17 Inishbeg, Corporation, Killyleagh, Down, BT30 9TR
- 21 Inishbeg, Corporation, Killyleagh, Down, BT30 9TR
- 26 Inishbeg, Corporation, Killyleagh, Down, BT30 9TR
- 28 Inishbeg, Corporation, Killyleagh, Down, BT30 9TR
- 30 Inishbeg, Corporation, Killyleagh, Down, BT30 9TR

The application was advertised on 18th May 2016.

There have been two objections received in relation to this application.

A letter was received 23rd May from the occupiers of no17 Inishbeg, Killyleagh. The issues raised in this letter are:

- Existing Pigeon loft does not have planning approval and subject to an enforcement case
- Extension of curtilage extends into open countryside outside settlement limits
- Concerns related to pigeon droppings, such as Histoplasmosis, Cryptococcosis, Psittacosis and Salmonella.

An email was received on 23rd May 2016 from Councillor William Walker to support the residents of Inishbeg who are opposed to the application. The issues raised are:

- The application is outside the settlement limit and contrary to policy.

Consideration and Assessment:

This application is for the extension of the existing curtilage of the dwelling, retention of existing pigeon loft and construction of additional loft.

The rear gardens of residential properties along the southern section of Inishbeg back onto the open countryside. There is a clear demarcation between the settlement of Killyleagh and the surrounding countryside which is defined by the boundary of the rear gardens of these residential properties and the agricultural land beyond.

The curtilages of no19 Inishbeg and no17 Inishbeg have previously been extended without planning permission beyond the settlement limit into the agricultural field to the rear of the properties. This extension consists of a triangular wedge from the southern boundary of no19 to the northern boundary of no17. An application for a rear extension to the dwelling at no17 Inishbeg was granted in 2009 under application R/2008/1040. The site location plan submitted with this application showed the extended curtilages. Therefore it appears that these curtilages have been in existence since at least 8th December 2008 and as such are immune from enforcement action.

This application proposes a further extension to the curtilage of no 19 into the countryside by an additional 85sqm (approx.) along with the retention of the existing pigeon loft and proposed construction of a new pigeon loft. The proposed extension to the curtilage is also retrospective as the extended curtilage has already been demarked by a 1m post and wire fence with ground cut out and site levelled.

With regard to the pigeon loft to be retained, it is unclear from aerial photography whether this building was previously located within the immune curtilage; however, the existing loft is now sited and orientated to be located half within the immune curtilage and half within the unauthorised curtilage. The shed/loft to be retained no longer benefits from any immunity it may once have had if it was located within the curtilage. No evidence has been submitted to show there has previously been a pigeon loft located on this site. There are no permitted development rights in relation to pigeon lofts within the Planning (General Permitted Development) Order (Northern Ireland) 2015 Class D (D.4).

The SPPS under para 3.8 states that 'the guiding principles 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 conflict with an up-to-date plan should be refused, unless material considerations indicate otherwise.'

PPS 21 CTY1 states that...'There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development...Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.' One of the exceptions is for 'an extension to a dwelling house in accordance with the Addendum to PPS7.

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

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

The first element of the proposal is the extension of the curtilage beyond settlement limits.

The second element of the proposal is for the retention of the existing pigeon loft and proposed additional pigeon loft.

No19 Inishbeg is located within the defined settlement of Killyleagh. The extension to the curtilage would extend the site further into the open countryside. The extended curtilage is located in an elevated position accessed by a set of steps from the rear of the dwelling.

Policy EXT1 states that 'the impact of an extension or alteration on the visual amenity of the countryside and, in particular, Areas of Outstanding Natural Beauty needs to be considered. Proposals should be in keeping with the character of the existing property and its countryside setting. Through poor design the individual and cumulative effect of extensions and alterations which are disproportionate in size to the existing property, or which require the use of land outside the established curtilage of the property, will result in a detrimental change to rural character.

Although a small curtilage extension is immune from enforcement action, it is considered that a further extension of the curtilage would set a precedent which would result in further development pressures that would be difficult for the Council to resist. The extension to the curtilage is located in an elevated position and it is considered that the extended curtilage to accommodate 2 buildings would be detrimental to the rural character and the Area of Outstanding Natural Beauty.

Visual Impact

The proposed curtilage extension and lofts are located in an elevated position above the dwelling and Inishbeg. Views of the existing pigeon loft can be achieved from along the Shore Road to the south of Killyleagh. There are also brief views available from Inishbeg when approaching from the north.

The land to the west of the site slopes steeply upward. When viewing from the east along The Moorings, views of the existing pigeon loft are restricted by the roofline of no19 Inishbeg. There are long views of the site from the northeast, however there is a backdrop provided by the hill to the west of the site.

There are limited short/mid-range views of the site given the screening from surrounding dwellings, and the backdrop to the west of the site. It is not considered that the buildings would appear prominent.

(ii) retention of existing pigeon loft and proposed pigeon loft

The existing pigeon loft measures 5.45m (l) x 2.1m (w) x 2.1m (h). The loft has a mono-pitched roof which slopes from 2.1m to 1.6m in height. The loft is constructed from timber panels with corrugate felt roof. The loft has a side access door and front opening with an extendable roof over the landing area. It is located on sloping ground and is elevated on bricks at one end by 0.7m. This decreases as the land rises and the western side of the loft is raised off the ground by a single brick.

The proposed pigeon loft is to be located wholly within the proposed curtilage extension and would have the same dimension and layout as the existing loft. The proposed loft would not be elevated above the ground. This loft would be located approximately 0.5m from the post and wire fence along the south-western boundary of the curtilage.

The lofts combined would have a floor area of 26.1m.

Environmental Health in their response dated 31st May 2016 state that the planning officer should ensure that the proposed development meets the following guidelines:

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

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

The lofts are located 16m from no17 Inishbeg and 13m to no21 Inishbeg. The proposed loft is to be located to the very rear of the site close to the existing boundary fence. The loft to be retained has been located at juxtaposition to the proposed loft. It is considered that the siting maximises the distance between the loft and the neighbouring properties.

The lofts are to be constructed from timber boards. The material is appropriate and could be adequately maintained.

The loft in situ is partially raised above the ground by 0.7m - the other end of the loft is located on a single brick. The second loft is not elevated above the ground. There is potential that the lofts would attract vermin. The lofts are not adequately raised above the ground to prevent this and to allow for cleaning.

The loft would open toward the existing residential properties. An objection letter received from the neighbouring property raises concern regarding the potential for overflying and associated problems with droppings etc. I agree that the orientation of the lofts could result in the potential for flights over the neighbouring properties and the built up area.

It is not considered that the lofts would not result in loss of daylight or sunlight, although there is a possibility of casting a shadow over the rear of no 17 during the evening in winter months.

The lofts would each have an area of 13sqm with a total floor area of 26sqm. Whilst no information has been submitted as to how many birds are to be kept within the 2 lofts, upon site inspection there were a number of birds within the existing loft and a cooing could be heard surrounding the loft.

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

Given the scale, design and siting of the proposed lofts in close proximity to neighbouring properties within an urban area, it is considered that the lofts have potential to adversely impact the amenity of neighbouring properties by way of general disturbance, noise, nuisance and pest problems.

Neither of the proposed lofts complies fully with Environmental Health guidelines in that neither is raised above the ground to discourage vermin and facilitate cleaning. Whilst this could be easily addressed it is considered that the overall scale of the 2 pigeon lofts combined in proximity to neighbouring dwellings is unacceptable.

It is not considered that there is any overriding reason why the proposed extension of the curtilage is essential and could not be located within a settlement.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the development would, if permitted,

be detrimental to the residential amenity of neighbouring properties by reason of noise, odour, nuisance, general disturbance and other associated negative impacts.

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.

Planning Committee Schedule of 23rd Nov 2016

Planning reference: **LA07/2016/0561/F**

Proposal: **Extension to existing curtilage of dwelling, Retention of existing pigeon loft and construction of additional loft**

Applicant: **Mr & Mrs Duke**

Location **19 Inishbeg, Killyleigh**

Recommendation: **Refusal**

Reasons

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the development would, if permitted, be detrimental to the residential amenity of neighbouring properties by reason of noise, odour, nuisance, general disturbance and other associated negative impacts

2 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.

Planning Policy & Considerations

- Reginal development strategy
- Strategic Planning Policy statement (SPPS)
- Ards & Down Area Plan 2015
- PPS 2
- PPS 7
- PPS 7 addendum Residential Extensions and Alterations
- PPS 21
- Building on Tradition

Planning History

R/2015/0020/CA Current enforcement action re loft and extension of curtilage which resulted in this current proposal

Objections

2 Objections

Assessment of reason for Refusal

There are several aspects of this development which have to be assessed

1 The curtilages of No 17 & 19 have both been previously extended without the benefit of approval and due to the passage of time are now both immune from enforcement action.

Current proposal is to **seek approval** for a further extension of the curtilage of No19 which has been acquired by the owner of no 19.

2 The application is for the retention of an existing pigeon loft constructed without the benefit of planning approval

3 The proposal also involves the construction of a 2nd pigeon loft.

Refusal reason No1

States that the proposal would

“be detrimental to the residential amenity of the neighbouring properties by reason of noise, odour, nuisance, general disturbance and other associated negative impacts”.

This is a cover all reason which is not sustainable as the applicant has kept pigeons for most of his life and is annoyed that it is inferred that his loft would be responsible for odours and it is contended that the noise from the loft is minimal due to its location and we are unclear as to what is meant by **“general disturbance”** as no disturbance is associated with the proposal again due to its location and **we would ask** the Planning Department to quantify the statement **“other associated negative impacts”** as we are unable to rebut a statement that is so all in composite.

Refusal reason No2

This reason appears to state that the construction of the Pigeon lofts would be **acceptable** in the defined settlement limits (ie original boundary of No 19 prior to the 2 extensions of the property boundary which have occurs and which form legally binding agreements). The applicant has acquired the legal ownership of the entire application site.

It is indicated that the proposal is to extend the curtilage of the dwelling beyond the immune area and as such it has to be considered that the precedent has already been set in **this case** and permission should be granted for the extension of the curtilage which would legalise the immune area and bring it back under the control of the Planning Department which would result in the acceptability of the lofts due to their location as the locations of the lofts would have no impact on the neighbouring properties.

Conclusion

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

ITEM NO	21			
APPLIC NO	LA07/2016/0706/F	Full	DATE VALID	5/27/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Patrick Byrne 20 Killough Road Ardglass BT30 7UF		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT NA
LOCATION	20 Killough Road Ardglass BT30 7UF			
PROPOSAL	Retention of pigeon loft			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

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

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



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0706/F

Date Received: 27th May 2016

Proposal: Retention of pigeon loft

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



Site Characteristics & Area Characteristics:

Site Characteristics

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

Area Characteristics

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

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

Site History:

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

Planning Policies & Material Considerations:

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

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

Consultations:

Advice and Guidance – Environmental Health – Comments provided

Objections & Representations

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

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

The application was advertised on 15th June 2016.

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

Consideration and Assessment:

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

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

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

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

Proposal

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

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

Visual Impact

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

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

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

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

Amenity

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

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

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

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

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

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

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

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

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

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

Recommendation:

Refusal

Refusal Reasons/ Conditions:

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

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

Planning Committee Schedule of 23rd Nov 2016

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

Proposal: **Retention of pigeon loft**

Applicant: **Mr P Byrne**

Location **20 Killough Road Ardglass**

Recommendation: **Refusal**

Reasons

1

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

2

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

Planning Policy & Considerations

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

- PPS 21
- Building on Tradition

Site Characteristics

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

Planning History

R/2015/0017/CA Alleged unauthorised pigeon loft

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

Objections

No Objections have been received in relation to this proposal

Refusal reason No1

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

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

Refusal reason No2

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

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

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

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

Conclusion

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

ITEM NO	25			
APPLIC NO	LA07/2016/1001/O	Outline	DATE VALID	7/26/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Gareth Poole 1 Grange Crescent Saintfield BT24 7NP	AGENT		
LOCATION	Opposite 26 Peartree Road Ballynahinch BT24 8YB	NA		
PROPOSAL	Dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that:

the proposed building is a prominent feature in the landscape,

the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape,

the proposed building relies primarily on the use of new landscaping for integration,

the ancillary works do not integrate with their surroundings,

the proposed building fails to blend with the landform

and therefore would not visually integrate into the surrounding landscape.

- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS in that the building would, if permitted, be unduly prominent in the landscape and the impact of ancillary works would damage rural character.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1001/O

Date Received: 26th July 2016

Proposal: Proposed dwelling

Location: Site opposite 26 Peartree Road, Ballynahinch.



Site Characteristics & Area Characteristics:

The site in question sits on elevated lands off the Peartree Road. The site is also located on the bend of a road and at present is partly agricultural with a lane running up through the field. A small wooden shed is located to the NE of the site and there are no other buildings on the site. There has been an element of cutting in on the site

with an exposed bank visible. There are general field boundaries to the site with native planting hedges.

The area is a rural area not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is also located in proximity to an archaeological site and monument. The area is of a hilly topography of a drumlin type nature.

Site History:

LA07/2015/0561/PAD - Opposite 26 Peartree Road, Ballynahinch – reinstatement of stone walls and creation of single dwelling as per permission R/2010/0892/F – PAD concluded.

R/2010/0892/F – Opposite 26 Peartree Road, Ballynahinch – Proposed change of use and addition to traditional vernacular farm buildings to create a single dwelling – 15-06-2011 – granted.

R/2008/0756/F – Opposite 26 Peartree Road, Ballynahinch – proposed change of use from a barn and associated outbuildings) to form a dwelling – Granted – 29-12-2008.

R/2003/0890 – Opposite 26 Peartree Road Ballynahinch – Change of use from barns and associated outbuilding and dwelling – granted 13-01-2004.

Planning Policies & Material Considerations:

As this application is for a dwelling not located within any settlement development limits Ards and Down Area Plan 2015 is considered and the main policy requirement is PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

NI Water – no objections

NIEA Drainage and Water – no objections

Transport NI – no objections in principle however splays to be provided at reserved matters stage if approved.

HED – content with the proposal in relation to PPS 6 and SPPS.

Objections & Representations

The application was advertised 10th August 2016 which expired 24th August 2016. 2 neighbour notification letters were sent on 1st August 2015 which expired 15th August 2016. No letters of objection or support have been received in relation to this application.

Consideration and Assessment:

CTY 1 is considered in relation to the proposal; the application does not appear to fall into any of the types of development considered acceptable in terms of CTY 1. The history demonstrates that previously there was a change of use on the site

however there are no longer any buildings on the site therefore this opportunity no longer exists.

The application does not meet with any of the requirements set out in CTY 1 and therefore is considered a refusal.

- The site is not clustered with an existing group of buildings therefore is not eligible as an application under CTY 2a.
- There is no building on the site to consider for replacement therefore CTY 3 cannot be given consideration.
- No supporting evidence has been put forward to suggest that there is a need for a dwelling under special domestic or personal circumstances therefore CTY 6 is not applicable.
- Similarly there has been no evidence put forward that a dwelling could meet the test for needs of a non-agricultural business in accordance with CTY 7.
- The development does not represent a gap site in an otherwise built up frontage in accordance with CTY 8.
- There has been no P1c submitted or any information that would indicate a dwelling on a farm under CTY 10 has been submitted.
- As there are no buildings on site there cannot be any grounds for conversion or change of use. None of the previous approvals can be implemented as the previous buildings have been demolished.

The application is also considered against CTY 13 of PPS 21

Given the nature of the site laying on the side of the hill on elevated lands above the road the site would be considered a prominent feature in the landscape. The site is highly visible when travelling along aspects of Peartree Road. The existing field boundaries are low set and do not screen the site in question. It is considered that a dwelling on this site would be a prominent feature in the landscape. This application is an outline application however full drawings were given and a dwelling with a ridge height of 6.2m is presented with a depth of 15.8m which would all be highly visible in the landscape.

The site will rely on additional planting to help screen the site as outlined in red on the site location plan. The existing field boundaries are not enough to screen development and to allow a dwelling to integrate successfully into the landscape. Given the elevated nature of the site the lack of screening causes demonstrable harm especially as the dwelling has been placed on the top half of the field rather than on the lower lands making more use of the ground behind for a backdrop.

The existing stone lane which appears to be a quite recent addition and is in the position proposed for the access runs up the middle of an agricultural field which there is no boundary definition at present. This access does not follow the natural field boundary pattern and will make use of an existing agricultural access. The stone hard fill in place at present follows a bit of a curve where the drawings show a straight access. The artificial nature of the site and access boundary treatment will have a detrimental impact until matured and still may appear an artificial division of the field to accommodate the side.

As this is an outline application while consideration is given to full drawings if a decision was considered acceptable conditions could be attached to the outline application to ensure if a dwelling was acceptable it would integrate however it is not considered that this site, given its prominence and lack of screening would be suitable in principle for a dwelling. The overall design of the building is not considered acceptable as the ridge of 6.2m increases the overall impact and the depth is excessive.

While the building can make use of the back drop, in general it fails to blend with the overall landform and will be quite visible given the situation of the site on a bend on elevated grounds the building is set back up the hill rather than taking a lower position in the field and allowing the landform to provide a better backdrop.

The dwelling is contrary to CTY 13 Integration and Design of Buildings in the Countryside.

The application is also contrary to CTY14 Rural Character in that the building would be unduly prominent in the landscape and the ancillary works of the lane would damage rural character until planting had fully matured on the proposed boundaries.



Recommendation

Refusal

Refusal Reasons

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the proposed building is a prominent feature in the landscape

the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

the proposed building relies primarily on the use of new landscaping for integration

ancillary works do not integrate with their surroundings

the proposed building fails to blend with the landform,

and therefore would not visually integrate into the surrounding landscape.

- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and the impact of ancillary works would damage rural character.

Case officer:

Authorised by:

Date:

ITEM NO	27			
APPLIC NO	LA07/2016/1115/O	Outline	DATE VALID	8/23/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Roche McGreevy JNR 7 Lislea drive Crossgar BT30 9DB		AGENT	8a architects LTD 8a Catherine Street Killyleagh BT30 9QQ 028 44 821323

LOCATION 50 metres north east of 101a Manse Road
Rafferey
BT30 9LZ

PROPOSAL Proposed storey and half dwelling

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

- 1 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the creation of ribbon development along the existing laneway serving no.99 and 101, and does not represent a gap site within a substantially and continuously built up frontage.
- 2 The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement,



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**Newry, Mourne
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District Council

Application Reference: LA07/2016/1115/O

Date Received: Aug 2016.

Proposal:

Outline permission is sought for dwelling on lands 50 metres north east of 101a Manse Road, Raffrey.

Applicant: Mr Roche McGreevy

NOTE: This is a repeat application to an application which the Planning Committee agreed as a Refusal in May 2016, for the same proposal, whereby there has been no change in policy or circumstance. There is a small change to the red line however this does not alter the Planning Dept's opinion, thus a recommendation of Refusal remains as indicated below. The relevant history is also outlined below, namely LA07/2015/0958.

Location:

The site is located in the countryside between Darragh Cross and Derryboye as identified in the Ards and Down Area Plan 2015. While it is noted the site is located in the countryside there are a number of dwellings along this stretch of road, the majority of which front and open onto the Manse Road. It is also noted there is an un-scheduled site or monument beyond the rear of the site.

Site Characteristics & Area Characteristics:

The site outlined in red comprises a roughly squared shaped plot of land beyond the rear of no.101a Manse Road, whereby the red line extends to include an access road between no.101a and 103, and also the laneway to the far side of no.101a, whereby this laneway provides access to several dwellings beyond the application site (No.101, 99 and new dwelling under construction).

The plot comprising the application site includes a grassed area whereby the lands slope downhill from no.101a towards no.101. It is noted a new area of hardstanding has been constructed across the application site, with a new access also having been created onto the laneway which serves no.101, 99 and a new dwelling under construction (not occupied).

The majority of existing dwellings along this side and stretch of road are single storey in form, although no.101a is 1 1/2 storey, while the new dwelling under construction is 2 storey.

Site History

A history search has been carried out for the site and surrounds whereby it was observed there have been a number of applications along this stretch of road and also relating to the application site, the most relevant of which includes:

LA07/2015/0958- Site 50m NE of 101a Manse Road, dwelling, Full, Refusal, 01-06-16, Applicant: Mr Roche McGreevy Jr,

Reasons:

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement,
- The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that, the cluster does not appear as a visual entity in the local landscape; and, the cluster is not associated with a focal point and is not located at a cross-roads,
- The proposal is contrary to 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no appropriate gap site to develop within an otherwise substantially and continuously built up frontage, along a road frontage and without accompanying development to the rear.

R/2007/0680- Lands at 103 Manse Road, Redevelopment of existing PVC window manufacturing business to purpose built showroom with staff facilities, Full, Approval, 07-05-08, Applicant: Mr P McGreevy

R/1999/0215- Lands to rear of 101a Manse Road, Dwelling, outline, Refusal, 11-05-99,

Reasons:

- The proposal is contrary to Policy GB/CPA 1 & 3 of the Department's Planning Strategy for Rural Northern Ireland in that the site lies within the Greater Belfast Green Belt and does not merit being considered as an exceptional case as the stated need for this dwelling does not justify a relaxation of the stricter planning controls in this area.
- The proposed development is unacceptable in that it would, by addition to those dwellings existing within the area, create a group of houses in the countryside which

is contrary to Policy HOU 8 of the Department's Planning Strategy for Rural Northern Ireland.

- The proposed development would give rise to conditions which would prejudice the safety and convenience of road users since it would lead to the intensification of use of an existing sub-standard access.

R/2015/0056- Lands to the rear of 105 Manse Road, Dwelling and garage, Outline, refusal, 16-10-15, Applicant: Mr J McGreevy

Reason:

- The proposal is contrary to Policy CTY1 and 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, while it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

Consultees

Having account the nature of this proposal, and location and constraints of the site consultations have been carried out with Transport NI, NI Water, and NIEA WMU, as part of this application, who offer no objections in principle.

The constraints and zonings of the site and surrounds are noted whereby it is not considered necessary to seek any comments from any other body to determine this application.

Representations

None received to date (20-10-16)

Having account the extent of the red line and control/ownership of the applicant, neighbour notification was undertaken with a number of properties along Manse Road in Aug 2016, while the application was also advertised in the local press in Sept 2016.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS6, PPS21 and supplementary guidance

As stated above the site is located in the countryside thus the provisions of PPS21 apply.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans), whereby Policy CTY 1 sets out the range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

With regards to housing proposals, PPS21 states that 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 CTY2a;
- 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;

This is an Outline application for a dwelling whereby a P1 form, site location plan and site layout plan have been submitted.

The information submitted indicates the applicant (Mr Roche McGreevy JR) lives at no.7 Lislea Drive, Crossgar, whereby Certificate A has been completed on the P1 form.

It is noted Lislea Drive is located within the development limits of Crossgar, and is approx 5mile from the application site.

The content of the information submitted is noted, whereby no information or reference has been made to PPS21 or the associated policy exceptions for granting planning permission for a dwelling in this countryside location.

Having account the content of the PPS21 document, associated policies, and lack of any further supporting information, it is considered this proposal does not meet any of the exceptions listed for allowing a dwelling in this countryside location.

It is acknowledged this stretch of road includes a number of dwellings and buildings at present, however having account the above, it is considered the proposal is contrary to policy CTY1 of PPS21.

Based on the information available, it is considered the only policy context contained within PPS21, which could be considered any way applicable/ relevant includes CTY2a (New dwellings in existing clusters) and CTY8 (Ribbon development).

With regards to Policy CTY2a it is considered the application site indicated does not meet all the criteria outlined for granting planning permission for a dwelling. This policy clearly states that ALL criteria must be met.

Essentially it is considered the cluster does not appear as a visual entity in the local landscape, while there is also no focal point in this cluster.

Although the existing units along and fronting Manse Road are visible, the lands comprising the application site and also the units to the rear of the site including no.99 and 101 are not readily visible from the public road, thus this whole cluster does not appear as a visual entity in the local landscape.

While it is acknowledged this stretch of road includes a number of dwellings, there is no known focal point, such as those referred to in the policy context to cluster with.

As such it is considered the proposal fails this policy.

It is also considered the proposal fails policy CTY8 as it is considered the lands comprising the application site are not a gap site within an otherwise substantial and continuously built up frontage.

As stated above the site is located beyond the rear of no.101a, whereby the existing frontage to Manse Road is lined by dwellings, which includes the dwelling of no.101a. As such there is no gap site to accommodate an additional development along this road.

The red line of the application site extends to include the access drive between no.101a and 103, although also extends to include the laneway between no.101a and 93, whereby this laneway serves 3 dwellings (No.99, 101 and a dwelling under construction).

As stated above recent works have been carried out on site including the construction/formation of an area of hard-standing across the site and creation of new access onto the laneway which currently serves no.101 and 99.

It would appear this access has been created in an attempt to demonstrate a frontage to this laneway, which is located between no.101a and 99.

It is acknowledged the site could be described as being located between no.101a and 99/101.

No.101a is located to the south side of the site, whereby this dwelling fronts towards the Manse Road, although the curtilage extends to adjoin the same laneway which the application site opens onto. It is also noted this dwelling includes a detached garage to the rear.

The dwellings of no.99, 101 and also the dwelling under construction are located to the north of the site. The laneway ends at the entrance to no.99, whereby it is considered these properties do not share a common frontage to the laneway as the application site.

As such it is considered the proposal fails the policy requirements of policy CTY8.

Notwithstanding the comments above, in the event the principle of a dwelling is accepted, it is acknowledged the existing plot sizes along this stretch of road vary, whereby the plot size of the application site is comparable to several existing plots to accommodate 1 dwelling, thus on balance it is considered the plot size indicated will not damage or change the character of this area.

As this is an outline application no detailed plans have been submitted, however a site plan has been submitted while the P1 form makes reference to a 1 1/2 storey dwelling. Having account the existing character and house types, no objections are offered to the principle of a 1 1/2 storey dwelling. The site plan indicates the dwelling will front towards and access onto the existing laneway serving no.101 and 99, whereby sufficient provision appears to have been made for parking, turning and amenity space

In addition, having account the existing topography of the site and surrounds, and as the site is bounded by development to either side, no concerns are expressed regarding the site being unduly prominent, while it is also considered the site is large enough to accommodate a dwelling with sufficient spacing and separation distances to any existing property to prevent any unacceptable amenity issues.

However as the principle of a dwelling is not accepted, it is considered the proposal is contrary to PPS21.

Following initial consideration of the plans/information submitted a letter issued to the agents on 27th Sept advising the proposal fails to comply with the policy context and provisions of PPS21, thus is unacceptable in its present form, and afforded an opportunity to submit further information in support of the application.

Further information including a covering letter and site plan (existing and proposed) were received from the agent on 18th Oct, making specific reference to policy CTY8, and that the proposal accords with the requirements of this policy.

This information has been considered and discussed, whereby the original opinion that this proposal fails the policy test remains.

Accordingly Refusal is recommended.

Recommendation: Refusal

Refusal reason:

- **The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the creation of ribbon development along the existing laneway serving no.99 and 101, and does not represent a gap site within a substantially and continuously built up frontage.**

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

ITEM NO	11			
APPLIC NO	LA07/2016/0268/F	Full	DATE VALID	2/29/16
COUNCIL OPINION	REFUSAL			
APPLICANT	J Graham and Sons		AGENT	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY
				NA
LOCATION	Between 32 and 34 Eliza Close Newcastle			
PROPOSAL	Proposed storey and a half dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	5	0	0	
			Addresses	Signatures
			0	0
			SUP Petitions	
			0	
			Addresses	Signatures
			0	0

- The proposal is contrary to PPS 7: Quality Residential Environments in that it would result in overdevelopment of restricted site which is too narrow to accommodate a dwelling without causing harm to the character and appearance of the locality through inappropriate layout, form and design.



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Application Reference: LA07/2016/0268/F

Date Received: 29.02.2016

Proposal: The application is for full planning permission Proposed storey and a half dwelling.

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



site location plan



14/06/2016

Site Characteristics & Area Characteristics:

The site is located between Nos 32 & 34 Eliza Close, Newcastle. The site comprises a portion of redundant roadway approximately 9m wide between two of the existing bungalows. The area is currently hard surfaced area and used as a turning point for cars with a footpath extending along both sides towards the rear of the site. On the western boundary is an approximately 1-1.5m concrete wall separating the site from the property at No 32 Eliza Close. To the east, an approximately 1m concrete wall separates the site's boundary with No 34 Eliza Close. An approximately 1m wall and 1.5 - 2m timber fence on top marks the northern edge of the site and its boundary with the property located at 23 Tollymore Brae.

Eliza Close is a cul-de-sac containing bungalows that are of a similar design and style. The bungalows are typically around 12m wide and set on plots around 16m to 20m plus wide. The majority of the bungalows have driveways to one side with garages or parking within the plots. Some also have a turning area to the front of the dwelling. There is a development of semi-detached dwellings on a separate small cul-de-sac to the east. Marguerite Park and Heights to the south comprises similar bungalows and plots to those on Eliza Close. Tollymore Brae is to north which is a different area from Eliza Close with a different access onto Tollymore Road. This comprises of large detached houses on reasonably large plots.

Site History:

Permission is sought for the erection of a 1.5 storey dwelling.

Previous history on the site sought planning permission of the similar dwelling - this application R/2008/1068/F was refused on 26.08.09 with the following reason:

The proposal is contrary to PPS 7: Quality Residential Environments in that it would result in overdevelopment of restricted site which is too narrow to accommodate a dwelling without causing harm to the character and appearance of the locality through inappropriate layout, form and design.

In addition another application was submitted R/2010/0816/F which was also refused with the same reason as previous. A subsequent appeal was lodged 2011/A0052 which was dismissed at appeal.

The dwelling proposed in this case is the slightly different than those previously submitted.

R/2010/0816/F Between Nos 32 & 34 Eliza Close Tollymore Road Newcastle.
Proposed Erection Of A One And A Half Storey Dwelling. PERMISSION REFUSED
06.04.2011

R/2008/1068/F Between No 32 & No 34 Eliza Close, Tullymore Road, Newcastle
Proposed Erection Of A One And A Half Storey Dwelling. PERMISSION REFUSED
28.08.2009

R/2001/0610/F 32 Eliza Close, Newcastle. Extension & Alterations To Dwelling &
Garage/Boatstore.
PERMISSION GRANTED 02.07.2001

Wider area

R/1998/0579 Marguerite Park (Phase4) (North Of Marguerite Heights) Tollymore
Road
Newcastle - Change Of House Type Site 11 And Phase 4 Sites 19-24 (7 Detached
Dwellings)
Permission Granted

R/2000/0054/Q Tollymore Road, Newcastle Housing Development Pre Application
Enquiry - Non Committal

R/1996/6031 Land At Tollymore Road Housing Development Land At Tollymore
Road Newcastle

R/1999/0367 Site 19 Marguerite Park Newcastle Change Of House Type To Include
Roofspace
Conversion PERMISSION GRANTED

R/1999/0229 Site 25,33,34 Marguerite Park, Newcastle Housing Development -3
Detached Dwellings And Garages Plus Garages For 6 Previously Approved
Dwellings PERMISSION GRANTED 15.08.2000

Planning Policies & Material Considerations:

The site is located within the development limits of Newcastle as designated in the Ards and Down Area Plan 2015. It is therefore subject to consideration under SPPS

PPS 3 – Access, Movement and Parking

PPS 7 – Quality residential Environments

APPS 7 - Addendum to PPS 7,

PPS 12 – Housing in Settlements,

Creating Places,

DCAN 8 – Housing in Existing Urban Areas.

Consultations:

NI water – statutory response

Transport NI – No objections subject to conditions

NIEA Water management – No objections

Objections & Representations

In line with statutory requirements eleven neighbours have been notified on 08.03.2016. The application was advertised in the Mourne Observer 16.03.2016. Five letters of objection were received (two from the same address).

34 Eliza Close, Newcastle (2 letters)

- inappropriate location for a dwelling due to limited space

- will not blend in with surrounding houses because of height and other dimensions

- invade privacy

- building work could result in structural damage to neighbouring houses due to limited space

2 Eliza Close

- would cause disruption, location could not accommodate a building of the same type

- too many dwellings already

Donal and Lisa Rogan – 23 Tollymore Brae

- Two previous refusal on the site, can planning accept a third

- Object on the ground previously as proposal has not materially altered

- Proposal will alter character of the area and neighbouring development on basis of amenity and massing

- Layby incorporates NIE utility and way leave

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.

The proposal is acceptable in principle given its location within a residential area subject to other material considerations.

As mentioned previously the site consists of a portion of redundant roadway approximately 9m wide between two existing bungalows. The proposed dwelling would be approximately 7.3m wide, 6.4m in height, 12.5m deep and 1m from the boundary on each side. The proposed one and a half storey dwelling on this plot would be out of keeping with this established residential area. The proposal would appear cramped and the form of development would not respect the surrounding context in terms of the proposed dwelling or the plot size. The majority of those dwellings have driveways to the side and many have garages. The proposal provides for two parking spaces to the front of the dwelling with no driveway, would not be in keeping with the character of the area. The narrow nature of the application site does not compare satisfactorily in terms of scale to the more sizeable plots of the surrounding houses and as such a dwelling on this site will alter significantly from the existing urban grain in terms of form layout and design. As shown on the submitted plans the dwelling would appear restricted within the site with 1m access width to the west and less than 1m access width to the east.

The agent, with his submission has brought to the attention an appeal which was upheld by the PAC at lands between 79 & 81 Grahamville Estate in Kilkeel which also involved the use of a similar existing access road for a single dwelling. The agent states that the proposed dwelling in this case is of the same design as the upheld appeal house type with finishes amended to match the finishes of dwellings in Eliza Close and the removal of windows in the gables.

The points raised by the agent in relation to appeal decision 2012/A0002 are distinguishable from this plot. While the PAC may have approved a similar proposal, it is not located within an area of identical character to that submitted in this application, therefore the two can be distinguished. The spacing between buildings is very different than the current proposal where the PAC deemed that the proposal would not have a cramped appearance. PPS7 advises that proposals must take account of the specific circumstances of each site. It follows that there will be different circumstances for every case and they will often not be directly comparable. In this particular case it is the overall the limited size of the site and width of the

dwelling which would not be in keeping with the surrounding context of this area and that the proposal does not therefore comply with Policy QD 1 of PPS7.

Conclusion

In consideration of all of the above, taking into account objections and all other material considerations, there have been no significant changes since the previous two applications were refused and subsequent appeal that was dismissed. The submission of a similar appeal in another area with a different character and set of circumstances has not addressed the concerns raised in this application and therefore the same refusal reason applies in this case.

Recommendation:

Refusal is recommended.

Refusal Reasons:

The proposal is contrary to PPS 7: Quality Residential Environments in that it would result in overdevelopment of restricted site which is too narrow to accommodate a dwelling without causing harm to the character and appearance of the locality through inappropriate layout, form and design.

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	4			
APPLIC NO	LA07/2015/0704/O	Outline	DATE VALID	7/29/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Damien Murphy 21 Ryan Road Mayobridge		AGENT	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY NA

LOCATION 170m South west of No 111 Newry Road
Mayobridge

PROPOSAL Site for dwelling on farm

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

- 1 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
- 2 The proposal is contrary to Planning Policy Statement 3, Access Movement and Parking, Policy AMP3 in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.
- 3 Having notified the applicant under Article 4 (2) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that information on the status of other development opportunities is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0704/O

Date Received: 29th July 2015

Proposal: Site for dwelling on farm

Location: 170m South west of No 111 Newry Road, Mayobridge.
The site is located 1 mile west of Mayobridge.

Site Characteristics & Area Characteristics:

The site consists of three agricultural fields and a run-down farmyard. It is accessed via a laneway from Newry Road to the north and a bridge over a small stream which forms the northern boundary of the site. The site is well enclosed by mature trees including ash, sycamore and hawthorn. There is one existing agricultural shed at the western end of the site (used for animal housing) and further structures including a former dwelling with no roof and another shed where the roof has caved in. As these structures still display the basic characteristics of buildings, the holding can be considered to have a group of buildings for the purposes of policy CTY10.



The site is located approximately 1 mile west of Mayobridge on the main road to Newry (the B8 Protected Route). It is a rural area outside settlement limits on the Banbridge / Newry and Mourne Area Plan 2015. Development in the area consists of clustered farm groups and some dispersed single houses. The dominant land use is agriculture. There are three archaeological monuments surrounding the site: DOW047:071, DOW047:072 and DOW047:073.

Site History:

There have been no previous planning applications on the site. An application (P/1981/0465) for a site for a bungalow to the north of the existing farm group was refused on 8th September 1981 due to the access being onto a Main Traffic Route. There is no record of previous applications based on the agricultural business ID submitted with this application, though there were two other development opportunities approved on the holding during 2013:

- P/1982/013102/RM – Erection of Housing Development comprising 60 No. dwellings adjacent to Derryleckagh House, Hilltown Road, Derryleckagh, Newry – Approved 3rd May 2013
- P/2013/0538/O – Site for replacement dwelling opposite No. 77 Newry Road, Mayobridge – Approved 29th October 2013

Information on the status of these development opportunities was requested on 10th June 2016.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

Consultations:

TransportNI – Provided the proposal is considered an exception to the Protected Routes policy, approve subject to access with visibility splays of 2.4m x 120m being shown in detail at reserved matters stage.

NI Water – Standard informatives.

NIEA – No archaeological objections provided the dwelling is sited in the area shaded green; Standard advice on sewerage & drainage.

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

Rivers Agency – No objections. Standard informatives regarding nearby watercourse.

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

Objections & Representations:

The application was advertised in local newspapers on 21st August 2015. Two neighbouring dwellings were notified on 15th February 2016. No third party objections or representations were received.

Consideration and Assessment:

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

AREA PLAN

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan, and is unzoned. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

PRINCIPLE OF DEVELOPMENT

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

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

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

Criteria (b) requires that no dwellings or development opportunities have been sold off the farm holding since the introduction of draft PPS21 in November 2008. There were two other development opportunities approved on the holding during 2013 (P/1982/013102/RM and P/2013/0538/O). Information on the status of these development opportunities was requested under the provisions of Article 4 (2) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 on 10th June 2016 (with a reply deadline of 24th June). On the date the application was to appear before the Planning Committee as a refusal (28th September), a short solicitor's letter was submitted. It stated that a Mr Patrick Small of 43 Upper Burren Road, Warrenpoint had never sold off land from his agricultural holding for development purposes. This does not address the sites owned by the present applicant Mr Murphy. An earlier copy of the letter received by email had the name changed to Mr Murphy, but the original copy from the solicitor does not state this. In any case, the letter does not address the specific sites referred to or provide land registry checks on their ownership as requested. This information does not overcome the Council's concerns in this regard. It has not been demonstrated that

no development opportunities have been sold off the farm holding during the relevant period and the application cannot continue to be held pending receipt of further information. It should be refused on criteria (b), and also lack of information.

Criteria (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm. As stated above, this farm is considered to have an existing group of buildings here, despite the fact that some are somewhat derelict. A new dwelling in the area shaded green would visually link with them and access is obtained via the existing farm lane. Therefore criteria (c) is met.

As the proposal has failed to meet all the requirements of policy CTY10 it is unacceptable in principle as development in the countryside under policy CTY1 and paragraph 6.73 of the SPPS.

INTEGRATION AND DESIGN

Paragraph 6.73 of the SPPS confirms that *"Dwellings on farms must also comply with LDP policies regarding integration and rural character."* In the absence of an adopted LDP these considerations must be assessed under policies CTY8, CTY13 and CTY14 of PPS21.

With regard to integration, the site's set-back from the road behind several banks of trees means that a dwelling of modest scale (max. 6m ridge height) would not be unduly prominent in the landscape. The retention of the existing trees should be conditioned if the scheme is approved, along with the provision of new landscaping to define the curtilage. A dwelling would benefit from the backdrop of further trees to the rear and its visual linkage with the established group of farm buildings.

Turning then to rural character, a dwelling of the scale suggested above will not be unduly prominent in the landscape. It respects the traditional settlement pattern of the area (of clustered farm groups) and will not therefore create a suburban style build-up of development. It is not on the road frontage, so there is no issue of ribbon development. The proposal is in keeping with the requirements of policy CTY14.

ACCESS

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. In this case, visibility splays of 2.4m x 120m are required in both directions. TransportNI is content with the proposal subject to a condition requiring the access improvements to be detailed in the reserved matters submission.

The B8 from which the site is accessed is a Protected Route. Policy AMP3 of PPS3 (as amended by Annex 1 of PPS21) restricts the proliferation of new accesses onto Protected Routes. A new access for a farm dwelling (or intensification of use of an existing access) onto a Protected Route will only be permitted where it meets all the criteria set out in policy CTY10 and access cannot reasonably be obtained from an adjacent minor road. As this proposal does not meet all the criteria of Policy CTY10, it is contrary to policy AMP3 and should be refused. If information was supplied to address the CTY10 issue, the AMP3 reason would be overcome.

SEWERAGE

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

ARCHAEOLOGY

There are three archaeological monuments surrounding the site: DOW047:071, DOW047:072 and DOW047:073. NIEA Monuments Unit was consulted and has no archaeological objection to the proposal under PPS6 provided the dwelling is sited in the area shaded green on the site location map.

AMENITY

There is sufficient separation distance from surrounding dwellings to ensure that their amenity will not be adversely affected.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other development opportunities have not been sold off from the farm holding within 10 years of the date of the application.
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Case Officer Signature:

Date:

Appointed Officer Signature:

Date: