



October 18th, 2018

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 24th October 2018** at **10:00 am** in the **Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

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

# Agenda

## 1.0 Apologies.

- Councillor Craig
- Councillor Hanna
- Councillor Harte
- Councillor Murnin
- Councillor Ruane

## 2.0 Declarations of Interest.

## 3.0 Declarations of Interest in relation to Paragraph 19 of Planning Operating Protocol - Members to be present for entire item.

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### *Minutes for Confirmation*

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## 4.0 Minutes of Planning Committee Meeting held on Wednesday 26 September 2018. (Attached).

 *Planning Committee Minutes -26 September 2018.pdf*

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### *For Discussion/Decision*

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## 5.0 Addendum list - planning applications with no requests for speaking rights/written submissions. (Attached).

 *Addendum list - 24-10-2018.docx*

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### *Development Management - Planning Applications for determination*


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## 6.0 LA07/2017/1136/F - Newry, Mourne and Down District Council (see proposal below) - land approximately 32m NE of the Courtyard Buildings, Slieve Gullion Forest Park, 89 Drumintee Road, Killeavy, Newry. (Case Officer report attached).

**Proposal:** New car and coach park to provide approximately 52 no. additional car parking spaces and to accommodate relocation of coach parking from the existing car park. Replace existing coach parking in existing car park with car parking to provide 32 no. additional car spaces. Total additional car parking spaces proposed: 84 no. new car & coach park finishes: retaining walls; ashfelt hard standing with white lining indicating parking spaces. Approximately 8m deep strip of land times the full width of the new car park will be planted west of the new car park to provide screen planting.

Rec: APPROVAL

- Addendum list


 *LA07-2017-1136-F - Council.pdf*

*Page 15*

**7.0 LA07/2017/1455/F - Newry, Mourne and Down DC - proposed new bowling club pavilion to include main hall, toilets and changing facilities - adjacent to existing pavilion at Castle Park, Newcastle. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

 *LA07-2017-1455-F - Council.pdf*

*Page 25*

**8.0 LA07/2018/0894/F - Dundrum Cross Community Playgroup - retrospective application for Dundrum Cross Community Play Group Facility (temporary permission) (amended description) - Dundrum Methodist Church 7-9 Manse Road, Dundrum. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list


 *LA07-2018-0894-F - Dundrum Play Group.pdf*

*Page 33*


**9.0 LA07/2017/1671/F - Mr and Mrs McConnell - farm dwelling - 50m east of No. 77 Ballynahinch Road, Saintfield. (Case Officer report attached).**

Rec: REFUSAL

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

 *LA07-2017-1671-F - McConnell.pdf*

*Page 43*


 *Item 9 - LA07-2017-1671-F (McConnell).pdf*

*Page 55*


**10.0 LA07/2016/0758/0 - Mr and Mrs Hickland - new dwelling and garage - lands approximately 50M south of 56 Crawfordstown Road, Drumaness. (Case Officer report attached).**

Rec: REFUSAL

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

 *LA07-2016-0758-0 - Hickland.pdf*

*Page 69*

 *Item 10 - LA07-2016-0758-0 (Mr and Mrs Hickland).pdf*

*Page 76*

**11.0 LA07/2017/1485/F - Mr J McCabe - conversion and extension of barn previously approved under R/2014/0654/F with additional extension to form new domestic dwelling on lands approx 250m SE of 60 Killyleagh Road, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

 *LA07-2017-1485-F - McCabe.pdf*

*Page 114*


**12.0 LA07/2017/1694/RM - Mr R Hutton - replacement dwelling (off site) - adjacent to junction of Vianstown Road and Bishopsbrae Road, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

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

 *LA07-2017-1694-RM - Hutton.pdf*

*Page 121*

 *Item 12 - LA07-2017-1694-RM (R Hutton).pdf*

*Page 133*


**13.0 LA07/2018/0658/RM - Mrs N Little - proposed infill dwelling and garage - lands located between 58 and 60 Drumgooland Road, Loughinisland. (Case Officer report attached).**

Rec: REFUSAL

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

 *LA07-2018-0658-RM - Little.pdf*

*Page 169*


 *Item 13 - LA07-2018-0658-RM (N Little).pdf*

*Page 177*


**14.0 LA07/2017/1299/F - Patrick Small - erection of dwelling on a farm - 58m SE of 43 Upper Burren Road, Warrenpoint. (Case Officer report attached).**

Rec: REFUSAL

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

 *LA07-2017-1299-F - Small.pdf*

*Page 185*

 *Item 14 - LA07-2017-1299-F (Patrick Small).pdf*

*Page 190*

**15.0 LA07/2018/0537/0 - James Donaldson and Roberta Heaney - proposed site for infill dwelling and domestic garage - 35m east of 63 Ballinran Road (between No. 63 Ballinran Road and 4 Ballinran New Road) Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

 *LA07-2018-0537-0 - Donaldson and Heaney.pdf*

*Page 192*


**16.0 LA07/2018/0661/0 - Eileen and Dermot O'Hare - erection of dwelling and domestic garage - between 17a and 17b Hilltown Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

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

 *LA07-2018-0661-0 - O'Hare.pdf*

*Page 199*

 *Item 16 - - LA07-2018-0661-O (Eileen and Dermot O'Hare).pdf*

*Page 206*

**17.0 LA07/2018/0694/0 - E F McClorey - 2 No. dwellings with domestic garages on gap/infill site (amended site address) - adjacent and immediately east of No. 2 Islandmoyle Road, Cabra. (Case Officer report attached).**

Rec: REFUSAL

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

 *LA07-2018-0694-0 - McClorey.pdf*

*Page 210*

**18.0 LA07/2018/0679/0 - Michael D O'Hare - site for dwelling - immediately to rear of 27 and 29 Dublin Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from John Young, agent, in support of the application - no **written submission was received by the closing date.**
- **Addendum list**

LA07-2018-0679-0 - O'Hare.pdf

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*For Noting*

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**19.0 Department for Infrastructure -visits to Planning Committee Meetings by Departmental staff. (Attached).**

Letter to Council Chief Executives re Dfl visits to Planning Committees - 03.10.18.pdf

Page 229

**20.0 Historic Tracking Sheet. (Attached).**

Planning HISTORIC TRACKING SHEET - UPDATED 10-10-2018.docx

Page 230

**21.0 September 2018 Planning Committee Performance Report. (Attached).**

SEPTEMBER 2018 Planning Committee Performance Report.pdf

Page 240

**22.0 Record of meetings between Planning Officers and Public Representatives. (Attached).**

Record of Meetings.pdf

Page 246

**23.0 September 2018 Appeals and Decisions. (Attached).**

September 2018 - Appeals and Decisions.pdf

Page 247

**24.0 Register of Contacts Q2 July-September 2018. (Attached).**

REGISTER OF CONTACTS - Q2 July - Sept 2018.pdf

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**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 26 September 2018 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor M Larkin

**In attendance: (Committee Members)**

Councillor C Casey  
 Councillor W Clarke  
 Councillor G Craig  
 Councillor G Hanna  
 Councillor K Loughran  
 Councillor J Macauley  
 Councillor M Murnin  
 Councillor M Ruane

**(Officials)**

Mr A McKay	Chief Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms J McParland	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms C McAteer	Democratic Services Officer

**P/084/2018: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor Devlin, Councillor Harte and Councillor McAteer.

**P/085/2018: DECLARATIONS OF INTEREST**

There were no Declarations of Interest received.

**P/086/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM**

- **Item 8 – LA07/2016/1632/0 – Jason Fegan – proposed farm dwelling – lands 45m NW of No. 12 Upper Knockbarragh Road, Warrenpoint – Councillor Loughran was not present for the first presentation on 6 June 2018 and Councillor Murnin was not present for the site visit on 5 June 2018. They did not therefore take part in the discussion/decision on this application.**
- **Item 10 – LA07/2017/0290/0 – Mr and Mrs McMurray – single storey 200sqm house with outbuildings – 110m south of 52 Carsonstown Road, Saintfield – Councillor Murnin was not present for the first presentation on 11 April 2018 and therefore did not take part in the discussion/decision on this application.**
- **Item 13 – R/2013/0375/F – Mary O'Prey – proposed house and garage on the farm for a family member – lands 40m NW of 9 Wateresk Road, Dundrum – Councillor W Clarke declared an interest in this application at its first presentation to Committee on 8 June 2016 and did not take part in the discussion on the application. Councillor**

Kuane was absent from the Planning Meeting on 8 June 2016 and therefore did not take part in the discussion/decision on this application.

## **MINUTES FOR CONFIRMATION**

### **P/087/2018: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 29 AUGUST 2018**

Read: Minutes of Planning Committee Meeting held on Wednesday 29 August 2018. **(Copy circulated)**

**AGREED:** On the proposal of Councillor Craig, seconded by Councillor Murnin, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 29 August 2018 as a true and accurate record.

## **FOR DISCUSSION/DECISION**

### **P/088/2018: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 29 September 2018. **(Copy circulated)**

**AGREED:** On the proposal of Councillor Murnin, seconded by Councillor Hanna, it was agreed to approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 26 September 2018:-

- **Item 6 – LA07/2017/1424/F** – Newry, Mourne and Down District Council – alterations to the approved new leisure centre in Downpatrick including changes to site levels along ramped access from Ballyduggan Road, provision of external steps from building, revisions to car parking layout and relocation of NIE substation (amended description/plans received). **APPROVAL**
- **Item 7 – LA07/2018/1114/F** – Newry, Mourne and Down District Council – prefabricated single storey building for use by community group for meetings and activities. Existing bitmac surface is for access route and on-site parking. Grass areas to be retained for outdoor open space, and other associated community activities. **APPROVAL**
- **Item 13 – LA07/2016/0983/F** – Kathleen Dobbin – replacement dwelling (amended plans) – 8 Grove Road, Annalong. **APPROVAL**

## **DEVELOPMENT MANAGEMENT – PLANNING APPLICATIONS FOR DETERMINATION**

### **P/089/2018: PLANNING APPLICATIONS FOR DETERMINATION**

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



- **Item 18 - LA07/2016/0159/F** – Patrick Murphy - New dwelling house and garage on farm - Land adjacent to and immediately south of 19 Ryan Road, Mayobridge – **application withdrawn from the planning process by the agent in a withdrawal letter dated 14 September 2018.**
- **Item 19 – P/2013/0242/F** – MJM Group Ltd - Proposed residential housing development of 200 no. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements and widening of existing Watsons Road and Doran's Hill, introduction of new roundabout and distributor road, planting of acoustic barrier along distributor road, proposed landscaping, open space, car parking, site and access works. (Amended Plans/Scheme including a reduction in the site area boundary, amendments to the garden area) – **application withdrawn from the schedule by Planning Officers in light of various issues raised and in the interests of securing sufficient clarification on these matters.**

The following applications were then determined by the Committee:-

(Councillor Loughran and Councillor Murnin withdrew from the meeting – 10.15 am)

**(1) LA07/2016/1632/0 – Jason Fegan**  
**(Audio recorded – YES)**

**Location:**

Lands 45m NW of No. 12 Upper Knockbarragh Road, Warrenpoint

**Proposal:**

Proposed farm dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Eoin Morgan, Planning Consultant, presented in support of the application detailing and expanding upon a written statement that had been circulated to Committee Members. A power-point presentation was also made.

**Power-point presentation:**

Ms J McParland, Senior Planning Officer gave a power-point presentation on the application, with supporting information including a site location plan; lands available on the farm holding; existing buildings on the farm holding; Policy CTY8 infill assessment and views of the site and site photographs.

During discussion the agent gave details as to why the site should be considered as an infill site and said the gap in frontage, when measured from building to building, was approximately 100m and should not be measured diagonally.

Ms McParland advised countless Planning Appeals had defined a gap as being from building to building and when measured this site could fit more than 2 dwellings (2.8). Policy only allowed a maximum of 2 dwellings and did not include buildings sited behind the building line. She said the agricultural building referred to at No. 12 did not have frontage and the next available building was No. 14.

Councillor Larkin proposed and Councillor Clarke seconded to approve the application, contrary to Officer recommendation, on the basis that having had the opportunity to view the proposed location on a site visit, it was apparent that the site was a small gap site that could accommodate two dwellings.

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

FOR:	4
AGAINST:	2
ABSTENTIONS:	1

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Clarke it was agreed approve application LA07/2016/1632/0 – Jason Fegan, proposed farm dwelling on lands 45m NW of No. 12 Upper Knockbarragh Road, Warrenpoint, contrary to Officer recommendation, on the basis that having had the opportunity to view the proposed location on a site visit, it was apparent that the site was a small gap site that could accommodate two dwellings.

(Councillor Loughran returned to the meeting – 10.45 am)

**(2) LA07/2017/0290/0 – Mr and Mrs McMurray**  
**(Audio recorded – YES)**

**Location:**

110m south of No. 52 Carsonstown Road, Saintfield

**Proposal:**

Single storey 200sqm house with outbuildings garage and stores

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

A written statement was submitted by the agent, Stephen Douglas, who had not requested speaking rights. The statement was circulated to Members.

**Power-point presentation:**

Ms A McAlarney, Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and photographs from various critical views of the site, including a DAERA map.

Ms McAlarney said that DAERA had confirmed that a Farm Woodland Grant Scheme for this business had commenced on 4 March 1999 and finished in 2013. It was a requirement of this scheme that the trees must be retained for a further 15 years after 2013. She said it was clear there was no agricultural activity taking place on these lands.

**AGREED:** On the proposal of Councillor Loughran seconded by Councillor Ruane it was agreed to issue a refusal in respect of planning application LA07/2017/0290/0 – Mr and Mrs McMurray – as per the information and recommendation contained in the Case Officer report presented to Committee.

**(3) LA07/2017/1256/0 – Mr Trevor Mawhinney**  
**(Audio recorded – YES)**

**Location:**

On lands between No. 205-209 Belfast Road, Ballynahinch

**Proposal:**

Dwelling on a farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Seamus Fay, agent and Ms Mawhinney, applicant's daughter, presented in support of the application detailing and expanding upon a written statement that had been circulated to Committee Members.

**Powerpoint presentation:**

Ms A McAlarney, Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and photographs from various critical views of the site and farm buildings referred to by the applicant.

Ms McAlarney advised an additional reason for refusal was being offered by the Planning Office in relation to PPS 3 AMP3 – New Access to a Protected Route. She added that Roads Service had already stipulated that the proposal met the necessary sight splays.

Following a request for clarification from Ms Largey, Legal Advisor, the agent confirmed he was happy for this additional reason for refusal to be included in the Committee's consideration of the application.

The agent then spoke in detail on the security needs of the fishery and the welfare of the fish, particularly the fry that were being raised, saying these were overriding reasons why a dwelling at the site was essential. He also said that DAERA had confirmed the fish farm was active and had a licence to operate since 1978 and it was the only licenced carp breeding business in Northern Ireland. He said the applicant had applied for a farm I.D. and DAERA had carried out an inspection and their only issue was what category to put it into.

Ms McAlarney stated that policy CTY10 set out what agricultural activity was and Planners did not consider that commercial breeding and stocking of carp was an agricultural activity that led to an agricultural product.

During discussion by Members, views were expressed that there seemed to be ambiguity in the Policy and that aquaculture was in essence "farming in water". A view was also expressed that the agent/applicant had demonstrated the need for security on the site as the stock was very valuable and there were records to show there had been breaches in security on the site, which had led to the loss of stock. The welfare of the stock and the requirement for continuous maintenance and feeding regime was also referred to.

Councillor Hanna referred to two houses which had already received planning permission on the applicant's lands and transferred to his two sons.

Mr McKay clarified that in relation to policy, "sold on" referred to a disposal by whatever means, including transfer to any other person including a member of the family.

Ms McAlarney said the application was for a dwelling on a farm but it was the view of Planning Officers that there was no farm business in operation on the site; no farm I.D. and no evidence of farming activity. There was a commercial business on site but an application for a dwelling on a commercial business was a separate Policy to a dwelling on a farm.

The agent confirmed that DAERA had actively considered this as an agricultural business.

Councillor Larkin proposed and Councillor Murnin seconded that whilst there was no doubt there was a commercial business operating at the site, it was not a farm business with a farm I.D. and therefore the Officer's recommendation to refuse the application should be accepted.

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

FOR:	4
AGAINST:	5
ABSTENTIONS:	0

The proposal was declared lost.

Councillor Clarke proposed and Councillor Hanna seconded to approve planning application LA07/2017/1256/0 – Mr Trevor Mawhinney on the basis that this was a farm business as confirmed by DAERA and the applicant had put on record bona fide evidence that it was an agricultural business and there was a need to be on site to protect their investment. They also proposed that Planning Officers be granted authority to impose any relevant conditions.

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 Clarke seconded by Councillor Hanna it was agreed to approve planning application LA07/2017/1256/0 – Mr Trevor Mawhinney on the basis that this was a farm business as confirmed by DAERA and the applicant had put on record bona fide evidence that it was an agricultural business and there was a need to be on site to protect their investment.

**It was also agreed that Planning Officers be granted authority to impose any relevant conditions.**

(Councillor Clarke and Councillor Ruane withdrew from the meeting – 11.20 am).

**(4) R/2018/0375/F – Mary O'Prey**  
**(Audio recorded – YES)**

**Location:**

Lands 40 NW of 9 Wateresk Road, Dundrum

**Proposal:**

Proposed house and garage on the farm for a family member

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Barry Fletcher, agent, and Tony O'Prey, applicant, presented in support of the application detailing and expanding upon a written statement that had been circulated to Committee Members.

**Power-point presentation:**

Ms A McAlarney, Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and photographs from various critical views of the site.

The agent said this application had previously been heard by Committee on 26 April 2016 and their view was that the Council had unanimously voted to approve the application but that legal advice was to be sought before issuing approval. He said nothing had changed since the last time this application had been heard although, despite a request, they had been unable to view the legal opinion that the Council had received.

Ms McAlarney said this application had been refused on the basis that no farming activity had taken place by the applicant. Planners accepted that there was a farm I.D. from 2012 but the issue was that the land was let in conacre and the single farm payment was being claimed by a third party. There were no issues with clustering.

Ms Largey referred to the legal advice received from Stuart Beattie QC which stated that lands let in conacre could not be used to meet the test for an active farm business. Mr Beattie had also advised that someone engaged in activity such as cutting hedges etc. was not evidence of a farm business – such evidence would be in the form of accounts, herd-books, insurance etc.

Councillor Murnin referred to an appeal decision 2017/A0252 - Stuart Moffett paragraph 6 - in which the Commissioner stated:

*"the appellant presented me with evidence spanning a number of years which indicates that he grows and harvests silage for sale to other farmers. In order to establish active farming the period referred to in both PPS21 and SPPS is described as "currently active" which to my mind means "in the here and now".*

Ms Largey said the appeal referred to by Councillor Murnin was based on active farming by the appellant, whilst with the current application under consideration by the Committee; the land was being farmed by someone else.

Ms E McParland referred to the Minutes of the previous Planning Committee Meeting when this application had been heard and said the decision was recorded as "to defer Planning application R/2013/0375/F and that, in the interim, Officers engage a barrister to assist in preparing a report providing details on the following issues in order to provide the Planning Committee with more details information before proceeding with issuing a determination on Planning application R/2013/0375/F:-

- a) Clarification on issues regarding letting of land on conacre
- b) Clarification on what defines "active farming"
- c) Advice on Planning Appeal 2014/A0133 and other significant Appeal decisions on these issues.

She confirmed these minutes had been approved as an accurate record at the next Committee Planning Meeting.

Councillor Craig proposed and Councillor Hanna seconded that, given the clear legal advice on land let in conacre, to issue a refusal on planning application R/2013/0375/F – Mary O’Prey as per the information and recommendation contained in the Case Officer report presented to Committee.

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

FOR:	5
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed that, given the clear legal advice on land let in conacre, to issue a refusal on planning application R/2013/0375/F – Mary O’Prey as per the information and recommendation contained in the Case Officer report presented to Committee.

(Councillor Clarke and Councillor Ruane re-joined the meeting – 12 noon)

(Councillor Macauley was absent from the meeting – 12 noon)

**(5) LA07/2017/0449/F – Tony Cunningham**  
**(Audio recorded – YES)**

**Location:**

Vacant ground between Dromore Heights and Cloughmore View and east of No. 4 Dromore Heights, Upper Dromore Road, Warrenpoint

**Proposal:**

Proposed 2 No. dwellings (further amendments)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Tony Mackle, Planning Consultant and John Cole, agent, presented in support of the application detailing and expanding upon a written submission that had been circulated to Members.

**Power-point presentation:**

Ms J McParland, Senior Planning Officer gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and details of the proposals for the site showing over-development.

Mr Mackle addressed the reasons for refusal and said this proposal was to provide two dwellings which would round off two separate housing estates. He said it was important to consider the existing character of the area, the mixture of development styles and plot sizes and the variety of finishes on existing dwellings, including the use of granite stone.

In response to Members’ queries Ms McParland said that Planners were yet to be convinced that two houses could work on this site. The proposed design as submitted was not

acceptable in terms of Planning Policy and Guidance and the agent would need to consider an amended design.

Councillor Craig proposed that the application be deferred for further discussions between the agent and Planning Officers on the submission of a development scheme on the site that would be acceptable in terms of density and layout and that officers be delegated authority to impose relevant conditions and issue the decision.

In response to a comment from Ms McParland that the application had attracted 9 objections from 9 different addresses, Ms Largey said under the Scheme of Delegation individual applications could be delegated where they had been heard by Committee and Committee had agreed that the decision could issue under delegated authority.

Councillor Craig proposed and Councillor Ruane seconded that planning application LA07/2017/0449/F – Tony Cunningham, be deferred for further discussions between the agent and Planning Officers on the submission of a development scheme on the site that would be acceptable in terms of density and layout and that officers be delegated authority to impose relevant conditions and issue the decision.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Ruane it was agreed planning application LA07/2017/0449/F – Tony Cunningham, be deferred for further discussions between the agent and Planning Officers on the submission of a scheme for a development on the site that would be acceptable in terms of density and layout and that officers be delegated authority to impose relevant conditions and issue the decision.

**(6) LA07/2017/1619/F – Thomas Grant  
(Audio recorded – YES)**

**Location:**

NW of 48 Leode Road, Hilltown, Newry

**Proposal:**

Proposed dog kennel including office and storage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Neil Byrne, agent, and Thomas Grant, applicant, presented in support of the application detailing and expanding upon a written submission that had been circulated to Members.

**Power-point presentation:**

Ms J McParland, Senior Planning Officer gave a power-point presentation on the application, with supporting information including a site location plan; images of the buildings to be

converted, elevations and floor plan and receptors and dog walking area identified in the noise impact assessment.

Neil Byrne, agent, said the outbuildings which the applicant proposed to re-use, whilst not being of special character or interest, were well established buildings and if left vacant would become run down and this would have a negative impact on the surrounding countryside. He also advised that an amended noise assessment report had been submitted to the Planning Office which showed that the proposed walking area for the dogs was now within the red line of the application site.

In response to queries from Members, Ms McParland said that the building in question added nothing to the character of the local area. She also advised the amended noise assessment report was new information which was submitted after Planners had made their recommendation and after the agenda for the meeting had issued and therefore it had not formed part of the determination on this application.

Councillor Murnin proposed and Councillor Hanna seconded to approve planning application LA07/2017/1619/F – Thomas Grant, contrary to Officer recommendation on the basis that it would be better for the building to be brought back into use and subject to Environmental Health being re-consulted on the amended noise assessment report. It was also proposed that officers be delegated authority to impose relevant conditions and issue the decision.

The proposal was put to the meeting and unanimously agreed.

**AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed approve planning application LA07/2017/1619/F – Thomas Grant, contrary to Officer recommendation on the basis that it would be better for the building to be brought back into use and subject to Environmental Health being re-consulted on the amended noise assessment report.**

**It was also agreed that officers be delegated authority to impose relevant conditions and issue the decision.**

(Councillor Macauley re-joined the meeting – 12.50 pm)

**(7) LA07/2018/0698/0 – Niamh D’Arcy  
(Audio recorded – YES)**

**Location:**

Adjacent to and west of No. 4 Ballykeel Road, Mullaghbawn

**Proposal:**

Dwelling house (infill)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Seamus P Malone, agent, and Niamh D’Arcy, applicant, presented in support of the application detailing and expanding upon a written statement that had been circulated to Members.



**Power-point presentation:**

Mr A McKay, Chief Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and photographs from various critical views of the site including a building discounted by PAC decision 2017/A0204.

Mr McKay said the garage at No. 4 Ballykeel Road was set back from the dwelling and could not be used to provide the necessary 3 buildings with frontage as required by Policy. The PAC Commissioner was clear that where the garage was to the rear of the dwelling it did not form part of the frontage.

Councillor Murnin said the Committee had previously taken the view that sheds at the bottom of fields were part of built up frontage.

Councillor Larkin referred to the large agricultural shed at the road junction and said he believed this was previously two separate buildings and in his view this application would benefit from a site visit.

**AGREED: On the proposal of Councillor Clarke seconded by Councillor Hanna it was unanimously agreed to defer planning application LA07/2018/0698/0 – Niamh D’Arcy, for a site visit.**

(Lunch break 1.15 pm – 2.00 pm  
Councillor Ruane left the meeting)

**(8) LA07/2018/0401/0 – Mr and Mrs Colm Cunningham  
(Audio recorded – NO)**

**Location:**

60m south of No. 24 School Road, Ballymartin, Kilkeel

**Proposal:**

Proposed site for infill dwelling and domestic garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Glyn Mitchel, agent, presented in support of the application detailing and expanding upon a written submission that had been circulated to Members. A power-point presentation was also made.

**Power-point presentation:**

Ms J McParland, Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and photographs from various critical views of the site including calculation of frontages and gap between buildings.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Clarke it was unanimously agreed to defer planning application LA07/2018/0401/0 – Mr and Mrs Cunningham, for a site visit.**

**(9) LA07/2016/0865/F – Mr and Mrs Dean Brown  
(Audio recorded – NO)**

12

**Location:**

60m SE of No. 34 Wood Road, Castlewellan

**Proposal:**

Proposed farm dwelling and domestic garage

**Conclusion and Recommendation from Planning Official:**

**AGREED:** On the proposal of Councillor Murnin, seconded by Councillor Macauley it was agreed to exclude the press and public from the Meeting during discussion on the following matter which related to exempt information by virtue of Paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to an individual.

**Speaking rights:**

Glyn Mitchell, agent, in support of the application detailing and expanding upon a written submission that had been circulated to Members. A power-point presentation was also made.

**Power-point presentation:**

Ms A McAlarney, Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and photographs from various critical views of the site; a concept layout and proposed elevations and floor plans.

**On the proposal of Councillor Hanna, seconded by Councillor Clarke, it was agreed to come out of closed session.**

When the Committee was out of closed session the Chairman reported the following:-

Councillor Hanna had proposed and Councillor Macauley seconded to approve the application contrary to Officer recommendation on the basis that records and accounts had been submitted which demonstrated an active stud farm business.

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

FOR:	4
AGAINST:	4
ABSTENTIONS:	0

The Chairman had used his casting vote against the proposal and the proposal was declared lost.

Councillor Larkin had subsequently proposed and Councillor Craig seconded to refuse planning application LA07/2016/0865/F Mr and Mrs Dean Brown, as per the information and recommendation contained in the Case Officer report presented to Committee.

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

FOR:	4
AGAINST:	3
ABSTENTIONS:	1

The proposal had been declared carried and the following decision taken:

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed by 4 votes to 3, with 1 abstention, to refuse planning application LA07/2016/0865/F Mr and Mrs Dean Brown, as per the information and recommendation contained in the Case Officer report presented to Committee.

**FOR NOTING**

**P/090/2018:** **HISTORIC ACTION SHEET**

Read: Planning historic action sheet. **(Copy circulated)**

**AGREED:** It was unanimously agreed to note the Planning historic action sheet

**P/091/2018:** **PLANNING COMMITTEE MEETING PERFORMANCE REPORT JANUARY 2018**

Read: Planning Committee Performance Report August 2018. **(Copy circulated)**

**AGREED:** It was agreed to note the Planning Committee Performance Report August 2018.

Councillor Murnin referred to applications which had been approved by the Planning Committee but the decision notice had not been issued by the Planning Office. He said the Planning Committee should be kept updated on such applications.

Councillor Hanna expressed concern at the high number of enforcement live cases.

**P/092/2018:** **MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representatives 2017-2018. **(Copy circulated)**

**AGREED:** It was agreed to note the record of Meeting between Planning Officers and Public Representatives.

**P/093/2018:** **APPEALS & DECISIONS**

Read: Report re: Appeals and Decisions – August 2018. **(Copy circulated)**

**AGREED:** It was agreed to note the Appeals and Decisions August 2018.

The Meeting concluded at 2.50 pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 24 October 2018.

**Signed:** \_\_\_\_\_ **Chairperson**

**Signed:** \_\_\_\_\_ **Chief Executive**

## Item 5 - Addendum List

### Addendum list - planning applications with no representations received or requests for speaking rights - Planning Committee Meeting on Wednesday 24 October 2018

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 - LA07/2017/1136/F** - Newry, Mourne and Down District Council (see proposal below) - land approximately 32m NE of the Courtyard Buildings, Slieve Gullion Forest Park, 89 Drumintee Road, Killeavy, Newry - New car and coach park to provide approximately 52 no. additional car parking spaces and to accommodate relocation of coach parking from the existing car park. Replace existing coach parking in existing car park with car parking to provide 32 no. additional car spaces. Total additional car parking spaces proposed: 84 no. new car & coach park finishes: retaining walls; ashfelt hard standing with white lining indicating parking spaces. Approximately 8m deep strip of land times the full width of the new car park will be planted west of the new car park to provide screen planting. **APPROVAL**
- **Item 7 - LA07/2017/1455/F** - Newry, Mourne and Down DC - proposed new bowling club pavilion to include main hall, toilets and changing facilities - adjacent to existing pavilion at Castle Park, Newcastle. **APPROVAL**
- **Item 8 - LA07/2018/0894/F** - Dundrum Cross Community Playgroup - retrospective application for Dundrum Cross Community Play Group Facility (temporary permission) (amended description) - Dundrum Methodist Church 7-9 Manse Road, Dundrum. **APPROVAL**
- **Item 11 - LA07/2017/1485/F** - Mr J McCabe - conversion and extension of barn previously approved under R/2014/0654/F with additional extension to form new domestic dwelling on lands approx 250m SE of 60 Killyleagh Road, Downpatrick. **REFUSAL**
- **Item 15 - LA07/2018/0537/0** - James Donaldson and Roberta Heaney - proposed site for infill dwelling and domestic garage - 35m east of 63 Ballinran Road (between No. 63 Ballinran Road and 4 Ballinran New Road) Kilkeel. **REFUSAL**
- **Item 18 - LA07/2018/0679/0** - Michael D O'Hare - site for dwelling - immediately to rear of 27 and 29 Dublin Road, Newry. **REFUSAL**

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

**ITEM NO** 2

**APPLIC NO** LA07/2017/1136/F

**COUNCIL OPINION** APPROVAL Full

**APPLICANT** Newry, Mourne and Down Council O'Hagan House  
 Monaghan Row  
 Newry  
 BT35 8DJ

**DATE VALID** 25/07/2017

**AGENT** Estates Section Council  
 Offices Greenbank  
 Industrial Estate  
 Newry  
 BT34 2QU

**LOCATION** Land approximately 32 m North East of the Courtyard Buildings  
 Sileve Gullion Forest Park  
 89 Drumintee Road  
 Killeavy  
 Newry  
 BT35 8SW

028 3031 3031

**PROPOSAL**

New car and coach park to provide approximately 52 no. additional car parking spaces and to accommodate relocation of coach parking from the existing car park. Replace existing coach parking in existing car park with car parking to provide 32 no. additional car spaces. Total additional car parking spaces proposed: 84 no. new car & coach park finishes: retaining walls; ashfelt hard standing with white lining indicating parking spaces. Approximately 8m deep strip of land times the full width of the new car park will be planted west of the new car park to provide screen planting.

**REPRESENTATIONS**

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



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1136/F

**Date Received:** 25.07.17

**Proposal:** New car and coach park to provide approximately 52 no. additional car parking spaces and to accommodate relocation of coach parking from the existing car park. Replace existing coach parking in existing car park with car parking to provide 32 no. additional car spaces. Total additional car parking spaces proposed: 84 no. new car & coach park finishes: retaining walls; ashfelt hard standing with white lining indicating parking spaces. Approximately 8m deep strip of land times the full width of the new car park will be planted west of the new car park to provide screen planting.

**Location:** Land approximately 32 m North East of the Courtyard Buildings, Slieve Gullion Forest Park, 89 Drumintee Road, Killeavy, Newry

**Site Characteristics & Area Characteristics:**

Site comprises part an existing car park and embankment between the existing car park and road at Slieve Gullion Forest Park.

**Site History:**

LA07/2017/0208/F - Refurbishment and extension to existing Chambre House with associated site works and car parking to create new Interpretive Centre for Slieve Gullion Forest Park. Chambre House, Slieve Gullion Forest Park. (Current)

LA07/2017/0103/F - Amenity building to provide: an office for council forest/play park attendants; tourism office, public toilets and showers; store for 4WD utility vehicle, store. Granted.

P/2009/1304/F - Erection of temporary playschool facility to accommodate increase of student numbers at existing youth training college. Granted

P/2000/0349/F - Change of use to form 2 No. additional apartment units (formerly management suite & part craft area) & extended restaurant area (formerly exhibition area). Granted

**Planning Policies & Material Considerations:**

**Banbridge/ Newry and Mourne Area Plan 2015:** AONB, Historic, Park and Demesne, Special Countryside Policy Area, and Site of Local Nature Conservation Importance

**SPPS and PPS2:** Proposals are complementary to the existing parking facilities at the site that it will not be out of keeping with its surroundings. Although proposals will result in loss of existing vegetative screening this will be compensated by landscaping to the other side of the road including the surrounding embankment which will assist in the screening of the development and avoid any adverse visual impact within the AONB.

**PPS3, DCAN 15 and Parking Standards:** Transport NI have no objection to proposals raised no concerns. Parking provision adequately compensates for loss of parking associated with application LA07/2017/0103/F as well as providing additional parking on site

**SPPS and PPS6:** HED have raised no concerns with regard to the development and impact upon the setting of the listed building or demesne

**SPPS and PPS21:**

The policy provides a list of non-residential uses which may be deemed acceptable within the countryside. CTY 1 specifically states that other types of development will be permitted where there are overriding reasons as to why the development is essential and could not be located within a settlement.

The site is currently used as a forest park with existing car parking on site with need for such development already established at this location. Proposals are for relocation of existing spaces and provision of new within the confines of the existing park immediately adjacent to existing facilities that proposals will not be misplaced in its setting.

**Consultations:**

NIEA (01.10.18):

- Drainage and Water - Content
- Natural Heritage and Conservation Areas - No concerns

HED (17.09.18) Monuments - Content proposals satisfy the SPPS and PPS6 archaeological requirements.

HED (17.09.18) Buildings - Considered the impacts of the proposal on the listed building and on the basis of the information provided given the topography it could not sustain an argument affecting the setting of a listed building.

Forest Service (11.09.17) - No objection



Transport NI (17.09.18) - No objection

### **Objections & Representations**

5 Neighbours notified  
Advertised August 2017  
No objections received

### **Consideration and Assessment:**

Proposals complement and extend the existing car parking facilities within the forest park. Whilst the development will initially incur loss of vegetation to facilitate such proposals this will be relatively short lived with proposals incorporating screen planting along the road, within and surrounding the car park to avoid adverse visual impact. No objections have been received and consultees have raised no major concerns with proposals. On this basis it is recommended to approve the application.

**Recommendation:** Approval

### **Conditions:**

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The retaining walls shall be designed in accordance with the relevant British Standards and Codes of Practice and that the retaining wall design accommodates any lateral loading from the retained slope. Any such designs and assessments should be certified by an appropriately qualified engineer.

Reason: To ensure that the structure is designed meet relevant British Standards and Codes of Practice

3. During the first available planting season prior to the operation of the car park for its permitted use, planting shall be carried out in accordance with drawing ..... date stamped ..... and the proposed planting scheme (Trees and Woodland Mix Planting) uploaded on the planning portal 19<sup>th</sup> October 2017.

Reason: In the interests of visual amenity

4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. Native species screening shall be implemented to triangular banks north and south of the new car park (behind sightlines) to provide screening.

Reason: To ensure the nature of the use proposed respects the character of the setting of the building.

6. Detailed drawings of crash barrier(s) shall be submitted to and approved in writing by the Planning Authority to the satisfaction of Transport NI or any relevant statutory consultee.

Reason: In the interests of visual amenity.

Case Officer

Authorised Officer

Photographs



Court yard buildings and existing embankment



View from court yard buildings



Court yard buildings and existing embankment



Existing coach parking area within carpark (embankment below this area)



View from existing carpark. Existing coach parking area within carpark (embankment below this area)



North of existing embankment (View of existing car parking area)



Northern boundary of area of proposed car park



North of embankment looking South



View from Ballintemple Road



View from Wood Road



4

LA07/2017/1455/F  
**APPROVAL**

Full

**DATE VALID** 22/09/2017

Newry Mourne and Down DC Council  
Offices  
Haughey House  
Greenbank Industrial Estate  
Newry  
BT34 2QU

**AGENT** Estates NMDDC Council  
Offices  
Haughey House  
Greenbank Industrial  
Estate  
Newry  
BT34 2QU

02830313222

Adjacent existing pavilion Castle Park  
Newcastle

Proposed new bowling club pavilion to include main hall, toilet's and changing facilities

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



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**Newry, Mourne  
 and Down**  
 District Council

**Application Reference: LA07/2017/1455/F**

**Date Received: 22.09.2017**

**Proposal: Proposed new bowling club pavilion to include main hall, toilet's and changing facilities**

**Location: Adjacent existing pavilion Castle Park Newcastle**

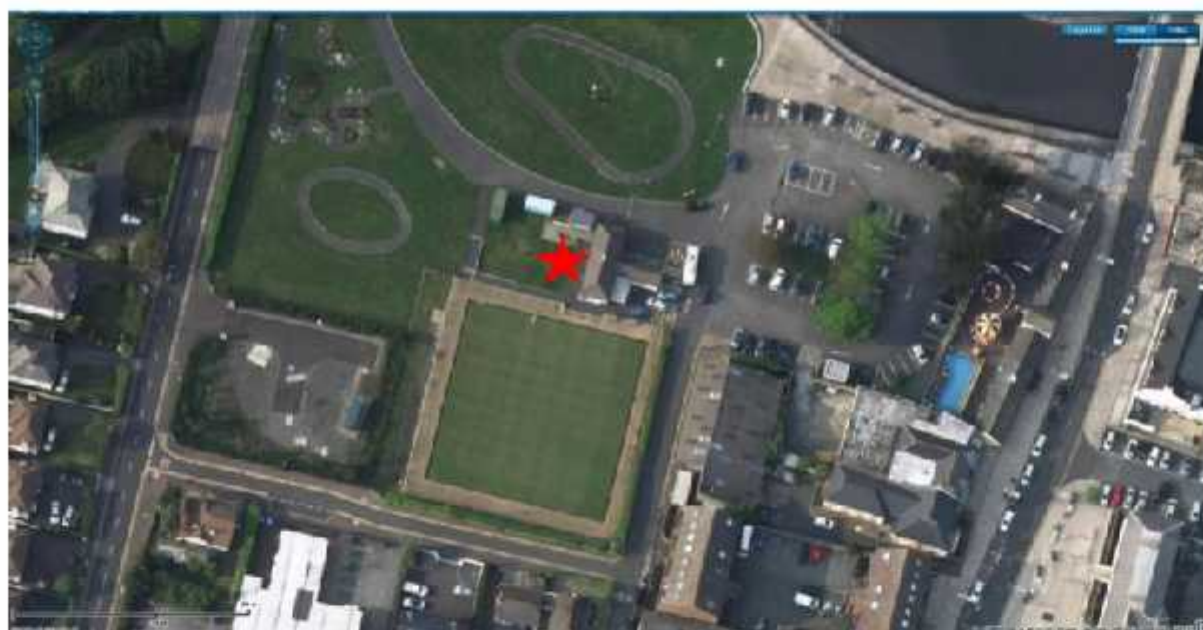
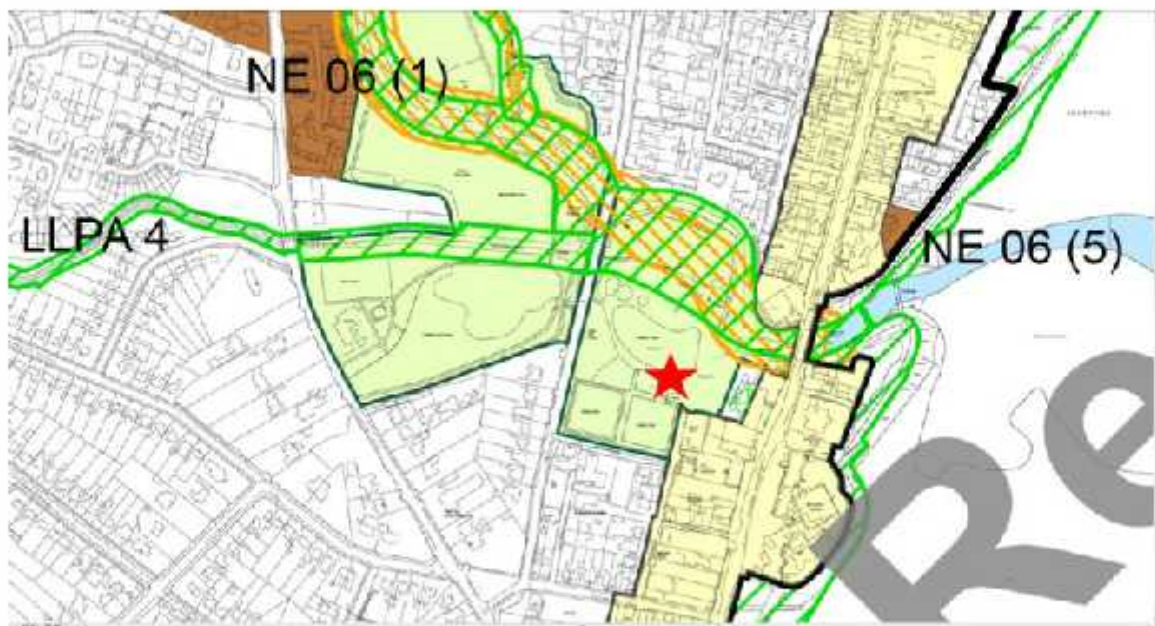
**Site Characteristics & Area Characteristics**

The site lies within the settlement limits of Newcastle and adjoins the Town Centre. The site is located on lands zoned in the Ards and Down Area Plan as an Area of Existing Amenity Open Space NE 20. Located within the AoNB.

The site lies adjacent to the existing Bowling Pavilion in Castle Park. The application proposes a new Pavilion Building to include Hall, Changing rooms and Toilets. The existing Bowling Pavilion is to remain whilst a number of temporary structures (containers) will be removed.







**Site History**  
None relevant.

**Planning Policies & Material Considerations**

- SPPS
- PPS2 Natural Heritage
- PPS8 Open Space
- PPS 15 Planning and Flood Risk
- PPS3 Access Movement and Parking

**Consultations**

Rivers Agency	No Objection
Historic Monuments Division	No objection
DFI Roads	No Objection
NIW	No objection
NIEA Water Management Unit	No objection

**Objections & Representations**

The site was advertised in Mournie Observer 11.10.2017  
33 neighbours were NN. No reps received.

**Consideration and Assessment:**

The proposal is assessed against the SPPS, PPS8 Open Space, PPS15 Planning and Flood Risk, PPS 3 Access Movement and Parking.

The application proposed a single storey pavilion building constructed on columns finished in grey Tegral cedar click board cladding and smooth render. Grey aluminium windows and doors and galvanised metal railings. The proposed pavilion shall replace a number of temporary structures on site and will also sit on an existing grassed area. The site will be enclosed with a 1.8m paladin fencing.

**The SPPS**

There is no conflict between the SPPS and PPS15 and PPS8.

**PPS15 Planning and Flood Risk**

The application site is located within the 1 in 100 year fluvial and 1 in 200 year Coastal Flood Plain. As such the development must be deemed an exception against Policy FLD1.

Policy FLD 1 requires

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', as set out below under the Exceptions heading, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- a) All sources of flood risk to and from the proposed development have been identified; and
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

It is considered that the proposed development falls within the following exception.

**f) The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children.**

The applicant has submitted a Flood Risk Assessment which has been accepted by Rivers Agency, a number of conditions will be attached referring to a Flood Emergency Management Plan to be in place in the event of a flooding incident.

In terms of Coastal Flooding, from the Tidal Shimna River and the Irish Sea, the predicted 0.5% AEP sea level at the location is **3.7m OD**. Predicted coastal flood depths at the north of the site where the development is proposed would range to a maximum of 0.55m. The proposed finished floor level of the proposed building would be 3.83m OD, thus providing a freeboard of 0.13m.

Rivers Agency have stated that this freeboard of 0.13m is below the recommended 600mm freeboard.

Similarly, in terms of the fluvial Floodplain which sits at **3.45 AOD** adjacent to the site, given the FFL of the building is 3.83m, thus providing a freeboard of 0.38m. Again below the 600mm recommended by Rivers.

The FRA accepts that "Dry access and egress from the proposed development would not be possible during the flooding of this site. Consequently there is a risk that access and egress to and from the development will not be feasible until flood waters abate"

Rivers Agency have recommended that given the 600mm freeboard is not being provided and given that the building is within the Floodplain it is imperative that a robust Flood Emergency Management Plan is in place and managed appropriately.

The applicant, NMDDC have provided a Community Flood plan which will be conditioned to the approval.

FLD 3 : Drainage Assessment received and assessed by Rivers Agency who have no reason to disagree with its conclusions.

FLD5 Reservoirs, contact has been made with the Reservoir owner and demonstrated that the condition, management and maintenance regime of the Reservoir is appropriate to provide sufficient reassurance regarding reservoir safety. This policy has been satisfied.

### **PPS 8 Open Space**

The main objectives of PPS 8 are

- to safeguard existing open space and sites identified for future such provision;
- to ensure that areas of open space are provided as an integral part of new residential development and that appropriate arrangements are made for their management and maintenance in perpetuity;
- to facilitate appropriate outdoor recreational activities in the countryside;
- to ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, the elderly and those with disabilities;

- to achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- to ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

As the site is zoned as Existing Amenity Open Space then Policy OS 1 Protection of Open Space applies.

Policy OS1 states the

The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:

(i) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or

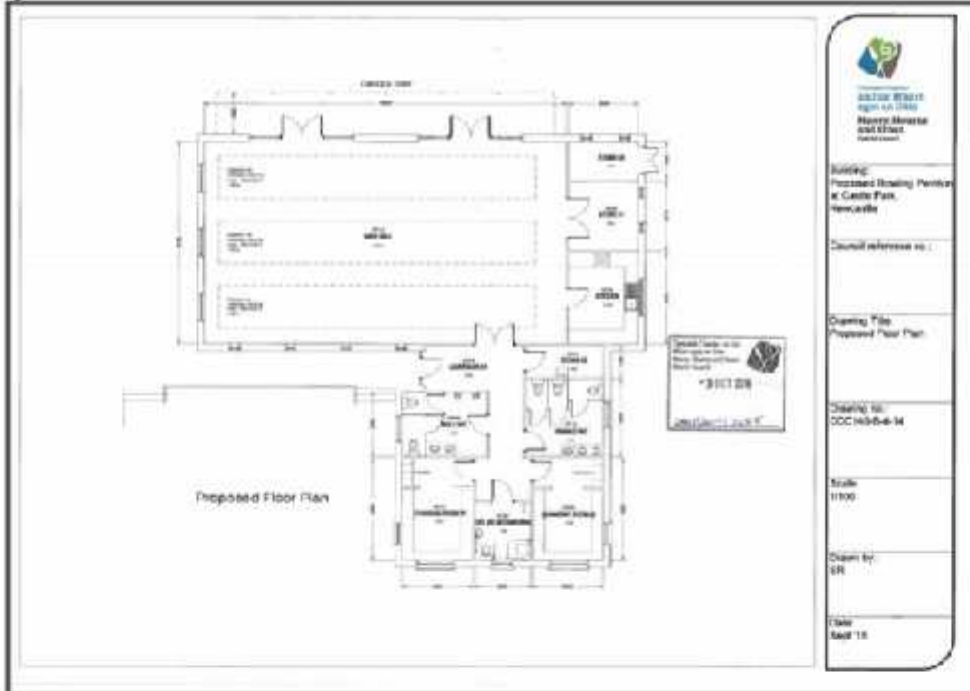
(ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.

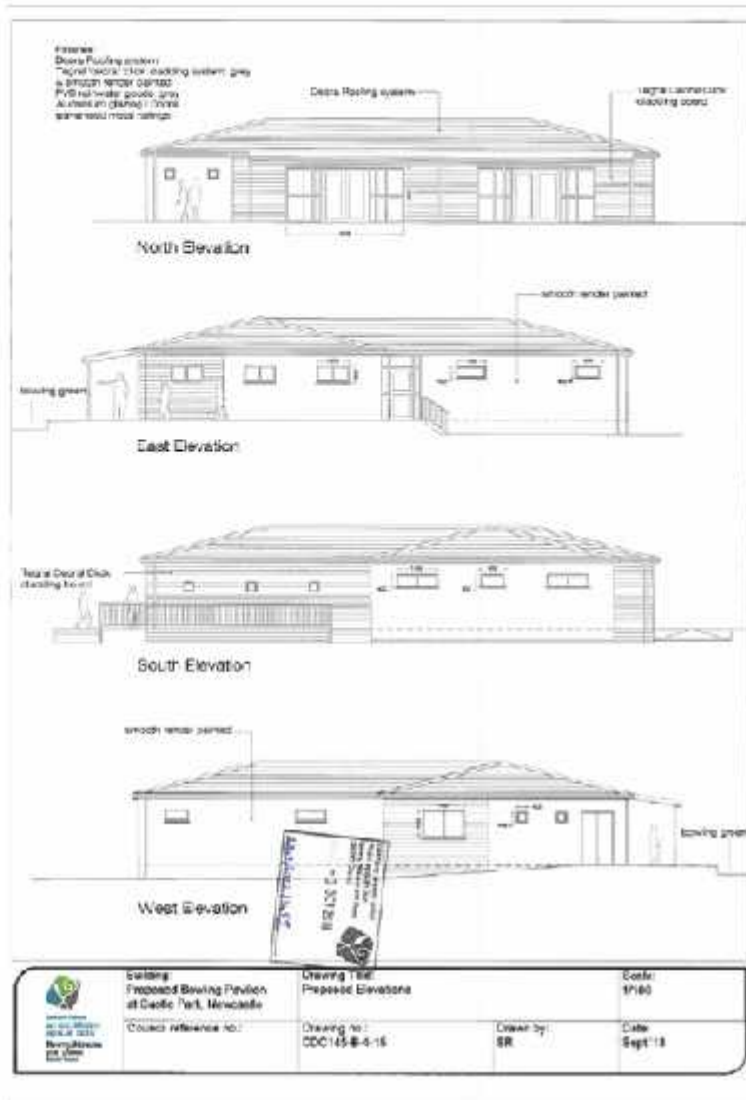
The current proposal does not result in the loss of open space, merely the addition of an ancillary building to serve the existing Bowling Pavilion. The new Pavilion building will be placed on an area of pre-existing hard standing and a small grassed area. The proposal does not therefore offend Policy OS1.

In terms of PPS 3 Access Movement and Parking, the application does not propose an access or increased parking as this is an existing facility with no increase in parking required.

The finishes to the Pavilion building include a Decra Roofing System, Tegral Cedral click cladding system (grey) and smooth render painted walls. PVC rainwater goods, grey aluminium windows and doors.

The scale and mass and finishes of the proposed development finishes are considered acceptable for this functional building, it is recognised that the building is located within an Area of Outstanding Natural Beauty, however given the functional nature of this building and the adjacent uses namely the existing amenity block and Council depot, the proposed development is considered acceptable.





**Approval Recommended.**

As this is a Council application it is necessary to present the application to Planning Committee.

**Authorised by** .....

.....

**Date:**

<b>ITEM NO</b>	13				
<b>APPLIC NO</b>	LA07/2018/0894/F				
<b>COUNCIL OPINION</b>	<b>APPROVAL</b>	Full	<b>DATE VALID</b>	11/06/2018	
<b>APPLICANT</b>	Dundrum Cross Community Playgroup 6		<b>AGENT</b>	McCready Architects 8	
	Carriagvale			Market Place	
	Dundrum			Lisburn	
	BT33 0SZ			BT28 1AN	
<b>LOCATION</b>					
<b>PROPOSAL</b>					028 92662357
<b>REPRESENTATIONS</b>	Dundrum Methodist Church 7-9 Manse Road				
	Dundrum				
	Retrospective application for Dundrum Cross Community Play Group Facility (Temporary Permission)				
	(Amended Description)				
	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	23	68	0	0	
		<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>	<b>Signatures</b>
		0	0	0	0



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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0894/F

**Date Received:** 12.06.2018

**Proposal:** Retrospective application for Dundrum Cross Community Play Group Facility (Temporary Permission).

**Location:** Dundrum Methodist Church 7-9 Manse Road, Dundrum

**Site Characteristics & Area Characteristics:**

The application site comprises a roughly rectangular shaped plot of land off the Manse Road. The site currently contains Dundrum Methodist Church, a hostel, and youth centre building and the retrospective play group portacabin structure, which is located along the north east corner of site.

The church, hostel and youth centre building partly screen the play group structure to the rear. A lawn/ recreation area is located behind these buildings which are currently used for various types of outdoor activities. The topography of the site has a continuous rise upwards from southern to northern boundary. This results in the playgroup structure being particularly elevated from the public road.

The site is currently accessed via the Manse Road, this vehicle access continues between the church and hostel buildings with parking to the rear of the hostel. The boundaries of the site consist of approx. 2m high wall along the northern and eastern boundaries, the western boundary to the rear consists of approx. 1.2m high wall and a wooden fence along the front western boundary, the front boundary consists of approx. 0.8m high stone wall.

The application site is located within the Settlement Limit of Dundrum, and zoned within the Area of Townscape Character (ATC) as defined within the within the Ards and Down Area Plan 2015 and within the Strangford and Lecale Area of Outstanding Natural Beauty (AONB).





*View along Manse Road*



*Location of retrospective Play Group*



*Location of retrospective Play Group*

### **Site History:**

LA07/2018/1258/F

Outdoor play area at Dundrum Methodist Church, 7-9 Manse Road, Dundrum  
Permission: Application still live.

R/1983/0172

CONFERENCE AND WORKSHIP CENTRE- 7-9 MANSE ROAD, DUNDRUM  
Permission Granted: 26.07.1983

R/1981/0084

DWELLING- MANSE ROAD, DUNDRUM  
Permission Granted: 17.04.1981

R/1980/0077

BUNGALOW- MANSE ROAD, DUNDRUM  
Permission Granted: 12.05.1980

R/1976/0751

CHANGE OF USE TO CONFERENCE CENTRE- METHODIST MANSE, MANSE  
ROAD, DUNDRUM  
Permission Granted: 03.03.1977

**Planning Policies & Material Considerations:**

Regional Development Strategy

Ards and Down Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

PPS 2- Natural Heritage (AONB)

PPS 3- Planning Policy Statement 3 – Access, Movement and Parking

PPS 6- Planning, Archaeology and the Built heritage

Development Control Advice Notice Note 13- Crèches, Day Nurseries and Pre School Playgroups.

**Consultations:**

Environmental Health- Have reviewed the information provided in support of this application. It is our understanding that the proposal is for temporary structure for the sole use by the playgroup for 22 children. Environmental Health has no objections provided the building is used solely for the playgroup.

Transport NI- No objections subject to conditions.

NI Water Strategic Applications- No objections.

Historic Environment Division (HED)- No objections.

**Objections & Representations**

37 Neighbours notified on 09.07.2018 and 17/09/2018 the application was advertised on 27.06.2018, 26/09/2018 and 03/10/2018. Representations received: 92- 68 letters of support and 23 objections.

**Description of proposal**

The application is a retrospective application seeking temporary planning permission for a single storey pre-fabricated building. The proposal is for the relocation of the Dundrum Cross Community Playgroup to the application site. The structure is a portacabin and has a space for approx. 22 children and is not a permanent building. It has a maximum height of 2.9m from Finish Floor Level (F.F.L), a maximum width of 24.2m and a maximum depth of 6m. Internally there will be a foyer, two playgroup spaces, two toilets and boiler room.

The finishes would see white painted walls and plinth white frames; the plans also show steps and ramp to the structure.

**Planning Assessment of Policy and Other Material Considerations**

The application is located within the development limits of Dundrum, off the Manse Road, as identified within the Ards and Down Area Plan 2015, on land zoned within

an Area of Townscape Character (ATC). The surrounding area is primarily characterised by housing however there are other uses. As these lands are located within the development limits, there can be no objections to the principle of development.

The proposal has been assessed under The Ards and Down Area Plan 2015- Plan Policy COY 1- Community Uses. Planning permission will be granted for community uses provided all the following criteria are met:

- **There is no significant detrimental effect on amenity-** The planning department consider that there is no significant detrimental effect on amenity.
- **The proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites-** The planning department consider that the proposal does not prejudice the comprehensive development of surrounding lands.
- **The proposals are in keeping with the size and character of the settlement and its surroundings-** Officers consider the proposal is not in keeping with the character of the area, this is further outlined below in regards to visual impact.
- **Where necessary, additional infrastructure is provided by the developer-** Connections to water, sewerage and electricity will be required.
- **There are satisfactory access, parking and sewage disposal arrangements-** The agent has submitted a Traffic Management Scheme (TMS) and site plan, which proposes an improved access and one way traffic flow system to be in place. The TMS states the 22 children and 3 staff will arrive and leave by foot and car at the front of the site (along the Manse Road), there will be a two drop off bays behind the Methodist church and three parking bays to the front of the church. There is an additional pedestrian access located on the public right of way that links Mourlough View with Castlehill to the rear of the site. Transport NI has raised no objections, officers consider there is satisfactory access and parking on site. NI water has been consulted and have raised no objection in regards to sewage disposal arrangements which propose connection to the Mains.

Further advice is proposed under the Development Control Advice Notice 13 (DCAN 13) - Crèches, Day Nurseries and Pre School Playgroups that particular regard should be given to:

Scale of operation- The scale of operation is felt to be proportionate to the surrounding buildings, this is a single storey portacabin and has space for approx. 22 children, it is noted that this application is for a temporary period of 3 years.

Potential Nuisance and Disturbance- Environmental health have been consulted and have no objections provided the building is used solely for the playgroup and is a temporary structure.

**Visual Impact-** DCAN 13 states that careful consideration should be given to materials used on surfaces, applications which involve the use of temporary structures such as portacabins will be considered only in the most exceptional circumstances, and if approved the permission will be for strictly limited period time. The retrospective portacabin is located along the north east section of the application site which results in the playgroup structure being particularly elevated from the public road.

The application site is located within an Area of Townscape Character (ATC). Proposal DM 05- Area of Townscape Character of the Ards and Down Area Plan 2015 states that: *'Proposals should value and respect patterns of existing development and land use and be subordinate in terms of massing, form, style and function and be accurate in matters of detail, material and finishes'. 'Where new development is appropriate, contemporary solutions are not ruled out but quality of design should reflect the existing townscape and its setting in terms of scale, materials, massing and general character'.*

It is therefore considered that this application is contrary to this policy in regards to materials, form, style and general character of the area. It is acknowledged that public views of the proposal are limited to a certain extent by the existing buildings on site. The exceptional circumstances of this case have been made by the applicant in that the Play Group had lost access to their previous premises and had sought a temporary location until they find a more permanent location. The Planning Office whilst they consider this to an inappropriate form of development for an ATC are willing to allow the placement of this structure on site for a Temporary period of 3 years. Had this application been submitted for permanent use in the ATC on this site the Planning Office would not be recommending approval.

### **PPS6 Addendum to Planning Policy Statement 6 Areas of Townscape Character**

#### **Policy ATC 2 New Development in an ATC**

The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area.

The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

Designation as an ATC puts an onus on prospective developers to produce a high standard of design, which respects and is sympathetic to the particular qualities of the area in question. Notwithstanding the acceptability of proposals in terms of other planning issues, the Department will operate a presumption against development that would detract from or fail to maintain the character of the distinct townscape displayed within an ATC.

The current development on site does not represent a high standard of design which is sympathetic to the qualities of the surrounding ATC. However sympathetic

consideration has been given the individual case put forward by the applicants and consideration is had to the fact that only temporary permission is being sought.

### **Objection Letters and Petition**

The application was advertised and neighbour notified and received 92 representations- 68 letters of support and 23 objections. The objectors have raised a number of concerns outlined below:

- Work has commenced on the application site and the portacabin is in place- The description on the p1 form has been amended to state 'Retrospective'- the application was re-advertised and re-notified with the description changed.
- The structure does not integrate in to the surrounding area- As outlined above the planning office consider the proposal does not represent an acceptable type of development for the ATC.
- Proposal will cause noise and disturbance on the surrounding residents- Environmental Health has no objections to the proposal in regards to noise and disturbance.
- Ownership of the lands to the rear- The lands to the rear of the site are located outside the red line and therefore are not applicable to this application.
- Access and Traffic management concerns- As outlined above, the planning office has no concerns following the Traffic Management Scheme submitted and consultation with Transport NI.

### **Recommended**

The planning office considers that the relocation of the Dundrum Cross Community Playgroup to the application site on a temporary basis to service the need of the local community is acceptable. The council have received a large number of representations showing support of the application and the benefits it brings to the local community. Whilst it is outlined above that the temporary portacabin is contrary to the Ards and Down Area Plan 2015 COY 1 and PPS 6- Addendum Areas Of Townscape Character in regards to visual impact and not in keeping with the character of the settlement and its surroundings within the Area of Townscape Character (ATC), the planning office must consider all material considerations and therefore are attaching determining weight to the need for this facility to serve a local need. Approval is granted for a temporary period of 3 years in order that a more appropriate long-term solution is found within the settlement of Dundrum.

### **APPROVAL**

**Appointed Officer Signature**

**Appointed Officer Signature**

**Date:**

**Conditions:**

1. Temporary permission for 3 Years
2. The building associated ramp and steps hereby permitted and as indicated on Drawing ref xx, , shall be dismantled and removed from the site and the land restored to its former condition, on or before 3 years from the date of this permission.

Reason: The permanent retention of such a temporary building would impact on the Area of Townscape Character in regards to materials, form, style and general character of the area.

3. The path/ steps shall be erected in accordance with approved plan no.04 REV A date stamped 19<sup>th</sup> July 2018, prior to the occupation of the temporary building.

Reason: To ensure safe access to the temporary structure.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 05REVA bearing the date stamp 10 Sept 2018, prior to the occupation of the development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

6. All services within the development should be laid underground.

Reason: In the interests of visual amenity

7. The development shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Council.

Reason: In the interests of public health.

8. The Development shall not be occupied until surface water drainage works on-site and off-site have been submitted to approved and constructed by developer and the Council.

Reason: To safeguard the site and adjacent land against flooding and standing water.



**ITEM NO** 6  
**APPLIC NO** LA07/2017/1671/F  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr & Mrs M McConnell C/O Agent

Full

**DATE VALID** 30/10/2017

**LOCATION** 50m east of 77 Ballynahinch Road  
 Saintfield  
 BT24 7LZ

**AGENT** GT Design 10 Comber Road  
 Carryduff  
 BT8 8AN  
 90813784

**PROPOSAL** Dwelling on a farm

**REPRESENTATIONS** **OBJ Letters** 0 **SUP Letters** 1

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

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 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.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1671/F  
**Date Received:** 30.10.2017  
**Proposal:** Dwelling on a farm  
**Location:** 50m east of 77 Ballynahinch Road Saintfield

### **Addendum to report**

The application was recommended for refusal on 6 April 2018 and the Agent was advised of such.

A meeting was requested by Cllr Burgess and held on the 27 April 2018 to discuss the application and the recommendation for refusal.

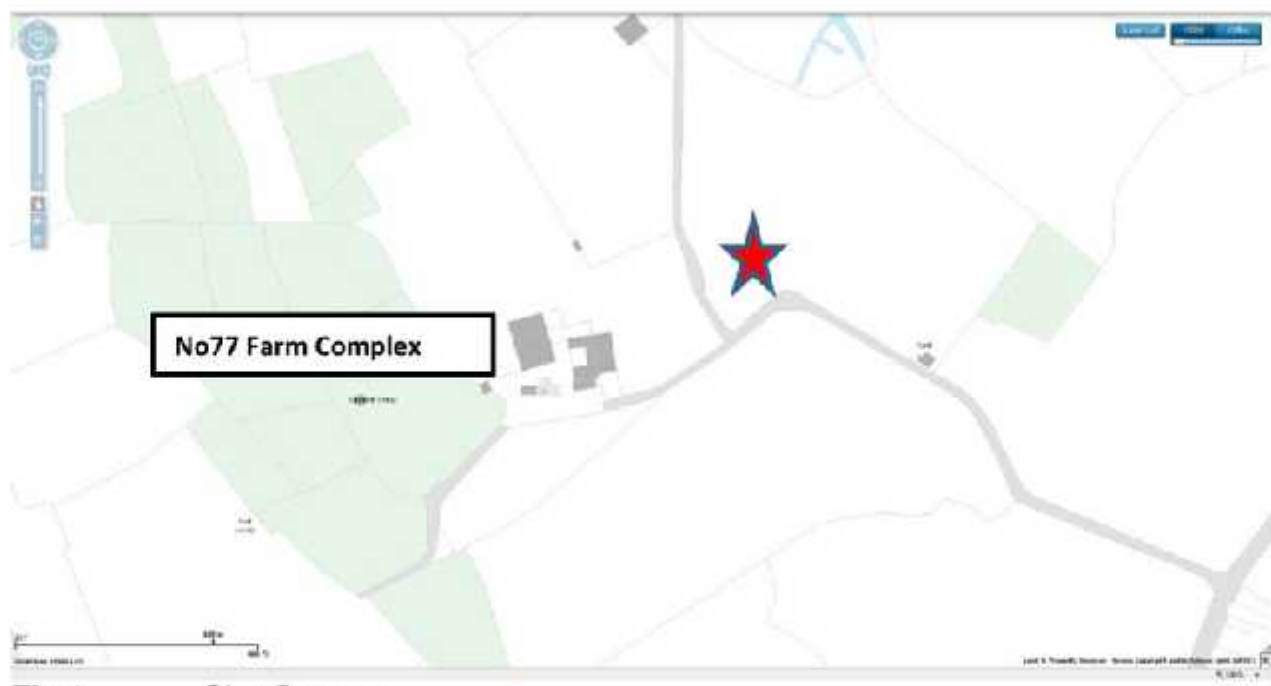
A follow up site inspection of the site was carried out following the meeting. It is clear that the steel frame for a shed has been erected on site. See Fig 4.

The requirements of PPS 21 Policy CTY10 is that the new building is visually linked or sited to cluster with an established group of buildings on the farm

The structure on site does not represent a building for the purposes of policy. The proposed siting therefore offends this element of policy.

Design amendments for proposed dwelling were received following the 27 April 2018 meeting. Design amendments are considered acceptable.

Refusal reasons referring to CTY14 and Ribbon development are not being offered.



**Fig 1 Site Context**



**Fig 2 Site Location**





Fig 5 View of site

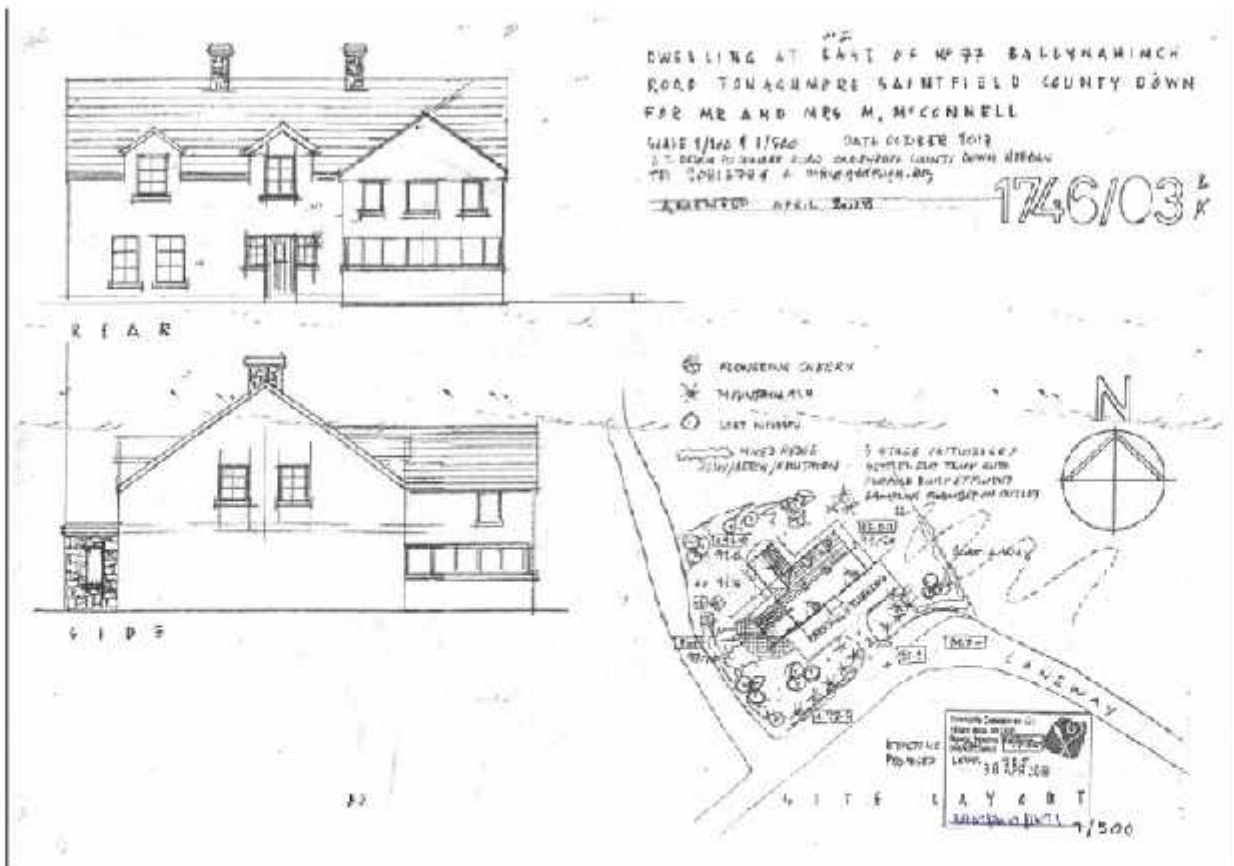


Fig 6 Amended Design

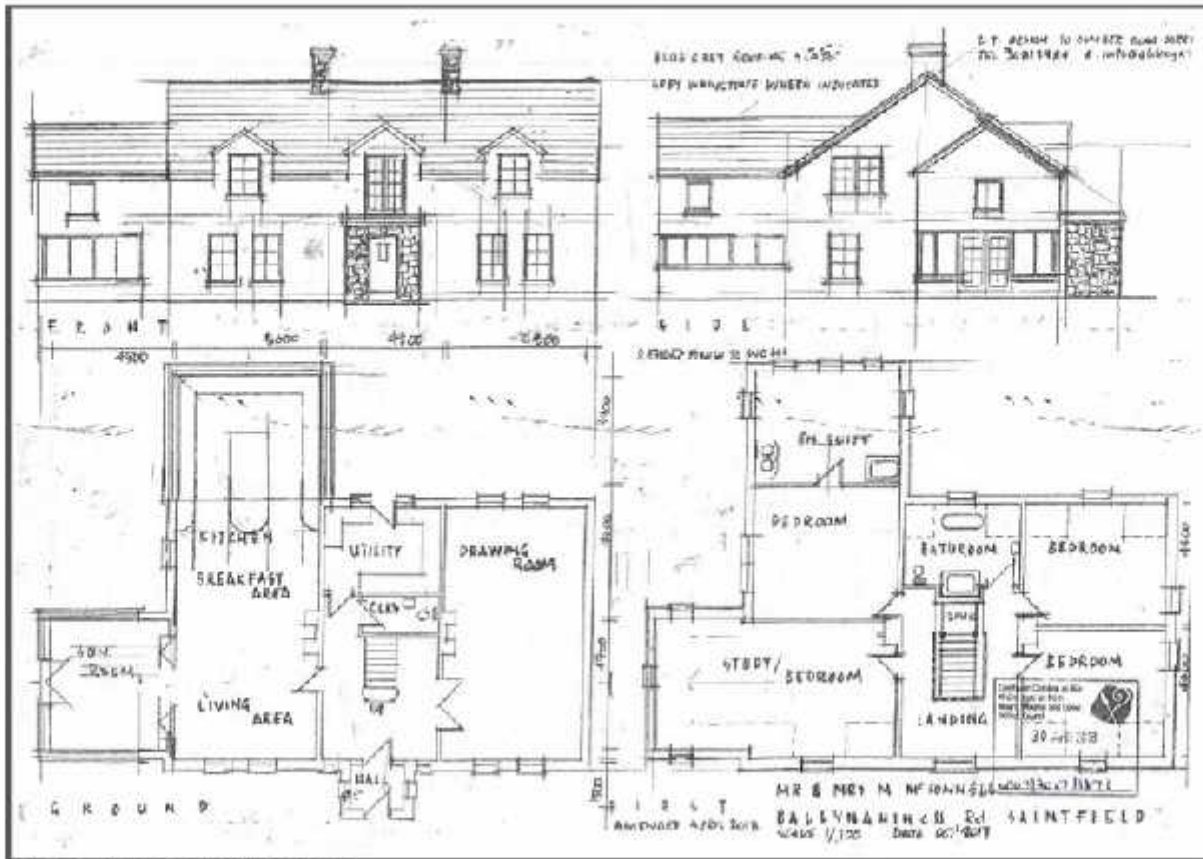


Fig 5 Amended Design

**Recommend Refusal**

- 1. **The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
- 2. **The proposal is contrary to 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.**
- 3. **The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.**

**Signed** .....

.....



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1671/F

**Date Received:** 30<sup>th</sup> October 2017

**Proposal:** Farm Dwelling

**Location:** 50m East of No 77 Ballynahinch Rd Saintfield



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

The site is comprised of a portion of land cut out of a larger agricultural field currently used for grazing. It is accessed via an existing lane which serves a dwelling at 77 Ballynahinch Road and associated farm buildings. The site is defined by a post and wire fence on all sides, with a deep grass verge where the site meets the access lane. The site is elevated above the level of the public road but given the sloping nature of the intervening land and the speed at which traffic travels along the road, views of the site on approach from both directions would be difficult.

#### **Site History:**

Planning history refers to a dwelling on this farm under planning reference number R/2014/0067/O REFUSED March 2016 on the same site as currently proposed,



subsequently to which a Lawful Development Certificate was granted for the erection of an agricultural shed see LA07/2017/0379/LDP.

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

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 6 – Archaeology and the Built Heritage
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

Ards & Down 2015 – the site is located within the open countryside outside any defined settlement area.

### **Consultations:**

Transport NI – No objections

NI Water - No objections

DARDNI – Confirmed 6 years active business and payments claimed

HED Historic Monuments – No objections

### **Objections & Representations**

The following neighbouring properties were notified on 10th November 2017:

- Nos 70, 77 and 79 Ballynahinch Road Saintfield

The application was advertised in the local press on 15<sup>th</sup> November 2017.

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

### **Consideration and Assessment:**

The proposal is an application for full planning permission for a farm dwelling and garage.

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

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

The applicant has provided a DARD business ID. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years.

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

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

The proposed site is located west of No 77 Ballynahinch Road, Saintfield and the associated agricultural buildings adjacent. There is an intervening field and therefore the proposed site would not visually link and site to cluster with the existing buildings located to the west.

It is noted that this site has received recent approval for an agricultural shed see LA07/2017/0379/LDP, this shed has not been erected on site to date. In assessment of this it is noted that Criteria C of CTY 10 states that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s)

It is considered that the above mentioned approved certificate of lawful use proposed would not represent verifiable plans to expand the farm business and as such the proposed dwelling would not cluster with the buildings on the farm.

The proposal does not therefore comply with Criteria (c).

### CTY13

The applicant proposes a two-storey dwelling with a maximum ridge height of 7.5m, a frontage of 14.5m and a gable depth of 9m. The dwelling will have a two-storey return to the rear and a one-and-a-half storey return to the side of the dwelling. It will be finished with blue/grey slates to the roof, rendered external walls with grey whinstone to the front porch area. The chimneys of the dwelling will be expressed centrally on the ridge and the dwelling will display a good solid to void ratio, with good symmetry on the front elevation. The dwelling will be orientated to front onto the laneway providing access to the site. The design of the dwelling is considered to be unacceptable, given its scale and massing.



As discussed above, the dwelling is not located immediately adjacent the existing farm complex, and would therefore not cluster and/or visually link with an established group of buildings on the farm and would not therefore integrate into the surrounding landscape.

In terms of prominence, the proposed two-storey dwelling will be elevated above road level and considered to be visible on approach from the west along Ballynahinch Road, however, it will be located some 280m from the public road. Given this distance, and the existing vegetation it is considered that the visual impact of the dwelling will be minimised.

It is considered therefore that the proposal is not compliant with CTY 13.



#### CTY14

It is not considered that the proposed dwelling would appear prominent in the landscape, as discussed above; however, the approval of a dwelling at this location, given the existing development along the lane would create a ribbon of development and therefore have a detrimental impact on the rural character of the area. The proposal is therefore considered to be contrary to CTY 14.

#### CTY16

A septic tank is proposed and will be located approximately 10m NE of the dwelling, with a soak away proposed in the adjacent field which is under control / ownership of the applicant. The proposal is compliant with CTY16.

**Summary**

The proposed farm dwelling does not meet the criteria of the SPPS or policy CTY10. It has also been considered that the design is unacceptable for this rural location and would if permitted result in the creation of ribbon development given the existing development adjacent. The proposal is therefore also contrary to policies CTY 13 and 14.

**Recommendation REFUSAL**

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary the Strategic Planning Policy Statement (SPPS) to Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signed: .....

Date: .....

Signed: .....

Date: .....

**Planning application  
LA07/2017/1671/F**

**Dwelling in accordance with  
PPS21 CTY10**

**at**

**50m East of 77 Ballynahinch  
Road Saintfield**

**for**

**Mr M McConnell**

**STATEMENT**

G.T.Design  
85 Hillsborough Road  
Carrycluff  
County Down  
BT8 8HT

Tel: 90813784 E: [info@gtdesign.biz](mailto:info@gtdesign.biz)

October 2018

Planning application submitted 12 months ago for a dwelling on a farm in compliance with PPS21 CTY10 has been recommended for refusal as it is considered not to cluster or visually link with established buildings on the farm. The application site is around 20m from farm outbuildings under construction and visually linked with the same. Whilst it was contended that the adjacent building wasn't complete. The "Planning Act (Northern Ireland) 2011" at Part 15 define a "building" (*includes any structure or erection, and any part of a building, as so defined*) Therefore the building under construction is a building as defined by the Act and is visually linked and clustered with the proposal. CTY10 of PPS21 further indicated that "Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

**Verifiable plans to expand the farm business at the existing building group"**

The McConnell farm expansion plan is borne out by the application and approval of a "Certificate of Lawful Development" (LA07/2017/0379/LDP) This approved and commenced development bears testimony to the bone-fide expansion of the farm.

The site of the current application was chosen due to its low elevation it is the lowest and least prominent area of the McConnell holding whilst retaining its visual linkage and clustering with the existing buildings on the farm. The plot has rising ground to the rear assisting in the integration of the proposal into the landscape. Elsewhere on the holding would be remote from the buildings and on higher ground creating a visually prominent location. The principle of dwelling on the McConnell holding has not been disputed and the application complies with all the criteria of PPS21 CTY10 and bullet point 3 of paragraph 6-73 of SPPS. The McConnell holding is accessed from the Ballynahinch Road via a 300m long laneway and the proposed site unseen from any public viewpoint. Considering the above we would on the McConnell's behalf implore the committee to approve the application

## Appendices

**Appendix A** overhead showing site in relation to farm buildings

**Appendix B** section through existing farm buildings and site

**Appendix C** extract from PPS21 CTY10

**Appendix D** extract from SPPS

**Appendix E** extract from Planning Act (Northern Ireland)2011

## Appendix A



# Mr & Mrs McConnell 1/2500

## East of 77 Ballynahinch Road Saintfield

### APPENDIX A

# 1746103

**GTO Design**  
 10 Corbet Road  
 CARRIDUFF COUNTY DOWNS  
 B18 8NN  
 Tel: 02880913784  
 E: info@gtodesign.ie



# APPENDIX A

M. NICOWEN BALTHAMINCH BOOD SANITARIA



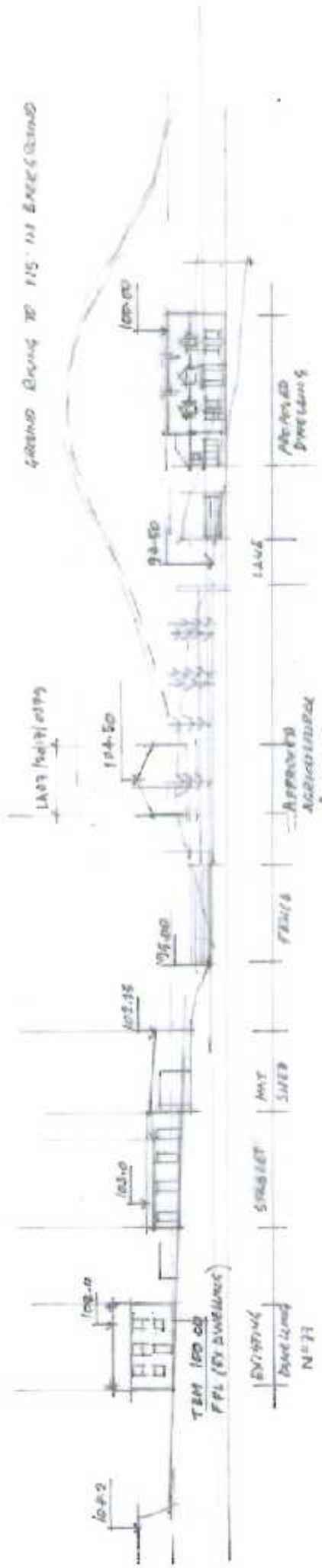
## Appendix B

# APPENDIX B

DWELLING AT EAST OF N° 77 BALLYNAHINCH  
 ROAD TONNAGHMORE 4 DAINIFFIELD COUNTY  
 DOWN FOR M McCONNELL

## 1746106

SCALE: 1/500 DATE: FEBRUARY 2018  
 C.T DESIGN TO COMPASS ROAD CLARIBUFF COUNTY DOWN ST99AM  
 TEL: 00353784 6 11894848484.003



ELECTRICAL ELEVATION

1/500

## Appendix C

## APPENDIX C

**Policy CTY 10 – Dwellings on Farms**

Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 5 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2009; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - demonstrable health and safety reasons; or
  - verifiable plans to expand the farm business at the existing building group (3).

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

Planning permission granted under this policy will only be forthcoming once every 10 years.

A proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy.

**Justification and Amplification**

- 5.37 In recognition of changing farming practices and to help support rural communities, it is considered that there is a continuing need for new dwellings on farms to accommodate both those engaged in the farm business and other rural dwellers.
- 5.38 New houses on farms will not be acceptable unless the existing farming business is both established and active. The applicant will therefore be required to provide the farm's CARD business ID number along with other evidence to prove active farming over the required period.
- 5.39 For the purposes of this policy 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, making, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition. This is in line with

## Appendix D

## APPENDIX D

• **Replacement dwellings:** provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances;

• **Dwellings on farms:** provision should be made for a dwelling house on an active<sup>45</sup> and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years, no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to a cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years;

• **Dwellings for non-agricultural business enterprises:** provision should be made for a new dwelling in connection with an established non-agricultural business enterprise. A site specific need must exist that makes it essential for an employee of the business to live at the site of their work;

• **Infill/ribbon development:** provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development;

• **The conversion and re-use of existing buildings for residential use:** provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and other traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained

<sup>45</sup> For the purposes of the SPSS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1207/2013.



## Appendix E

## APPENDIX E

Planning Act (Northern Ireland) 2011

c. 23

68

## PART 15

## PART 15

## SUPPLEMENTARY

## Interpretation

250.—(1) In this Act—

"the Act of 1968" means the Land Development Values (Compensation) Act (Northern Ireland) 1965 (c. 23);

"address" in relation to electronic communications, means any number or address used for such purposes;

"advertisement" means any word, letter, model, sign, placard, board, notice, drawing, blind, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and (without prejudice to the preceding provisions of this definition) includes any hoarding or similar structure used or designed, or adapted for use and anything else principally used, or designed or adapted principally for use for the display of advertisements, and references to the display of advertisements shall be construed accordingly;

"adverse condition" has the meaning given in section 53(2);

"agriculture scheme" has the meaning given in section 53(3);

"agricultural" includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes;

"breach of condition notice" has the meaning given in section 152;

"breach of planning control" has the meaning given in section 131;

"building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;

"buildings or works" includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly and references to the removal of buildings or works include demolition of buildings;

"building operations" has the meaning given in section 23;

"building preservation notice" has the meaning given in section 81(1);

"clerk of the council", in relation to a council, means the clerk appointed in accordance with section 41 of the Local Government Act (Northern Ireland) 1972 (c. 9);

"conservation area" has the meaning given in section 104(12);

"conservation area consent" has the meaning given in section 105(2);

"contravention of hazardous substances control" has the meaning given in section 117(2);

"council", except in Schedule 5, means a district council;

"the Department", except where otherwise specified, means the Department of the Environment;

**APPLIC NO** LA07/2016/0758/O  
**COUNCIL OPINION** REFUSAL  
**APPLICANT** Mr and Mrs Hickland

**DATE VALID** 09/06/2016

**AGENT** Matrix Planning  
 Consultancy Saba Park  
 14 Balloo Avenue  
 Bangor  
 BT19 7QT  
 NA

Outline

**LOCATION** Lands approximately 50m south of 56 Crawfordstown Road  
 Drumanness  
 BT24 8LZ

**PROPOSAL** New dwelling and garage

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

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

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

- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development along Crawfordstown Road and would therefore result in a detrimental change to further erode the rural character of the countryside.
- 4 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 the agent has failed to provide information requested by Transport NI. This information is material to the determination of this application.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2016/0758/O**

**Date Received: 08<sup>th</sup> June 2016**

**Proposal: New dwelling and garage**

**Location: lands approximately 50M South of 56 Crawfordstown Road,  
Drumaness.**



**Site Characteristics & Area Characteristics:**

The site in question is located along the Crawfordstown Road on what appears to be rocky lands that are heavily overgrown with access lanes running off at differing points. There are differing styles of dwellings and agricultural lands and facilities in the area. The site itself is generally overgrown to the south and east and has what

appears as walls providing an enclosure and container units on the site operating as a yard as such but not clear exactly what. An access lane runs through part of the site that serves two dwellings.

The area is a rural area not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. There are no specific site constraints identified. The character of the area is generally of single dwellings in a nucleated fashion with large curtilages to dwelling and set back away from the road.

### **Site History:**

R/2001/1281/O – Site for dwelling – 130m South West of 58 Crawfordstown Road, Drumaness – Granted – 04-04-2002

R/2000/0607/O – site for dwelling – 160m N of 48 Crawfordstown Road, Drumaness – site for dwelling – 05-03-2001

R/2001/1007/RM – 160m NW of 48 Crawfordstown Road Drumaness – private domestic dwelling – granted – 16-10-2001

R/2003/0710/RM – 130m SW of 58 Crawfordstown Road – private domestic dwelling – granted – 05-09-2003

R/1993/0224 – Crawfordstown Road (140 M SE of 56 Crawfordstown Road – Refused 24-11-1993

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

The application is considered against Ards and Down Area Plan 2015, PPS 3 Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS.

### **Consultations:**

NIEA – Water Management Unit – no objections, no specific comments to make.  
NI Water – no objections

Transport NI – originally requested that the applicant amend the 1:500 scale plan clearly showing 2.4m and full frontage setback and amend P1 question 12 accordingly. The agent was not willing to submit the information and Transport NI was re consulted but could not provide comment in the absence of the requested drawings and therefore did not comment due to lack of information.

### **Objections & Representations**

The application was advertised 22<sup>nd</sup> June 2016 which expired 06<sup>th</sup> July 2016. Neighbour notification took place 23<sup>rd</sup> June 2016 which expired 07<sup>th</sup> July 2016. To date no representations have been made.

### **Consideration and Assessment:**

The application has not been submitted with any supporting information or clear policy intention, therefore all aspects of PPS 21 must be given consideration.

Policy CTY 2 is clearly not applicable as this is for a single dwelling.

Policy CTY 2A relates to a single dwelling however this application clearly does not meet with this section of policy with there being no focal point, no visual entity.

Policy 3 for replacement dwellings is not applicable as there is no building to replace, the applicant makes reference to a mobile home being on the site, there is a mobile classroom type building on the site but this would not be eligible for replacement.

Policy CTY 4 is not applicable as there are no buildings of permanent construction to convert.

Policy CTY 6 is not applicable as no evidence has been put forward to support an application of this nature which would be essential.

Policy CTY 10 is not applicable as there has not been any information submitted in relation to a farm dwelling and the site demonstrates no farming activity.

Having considered the aspects of PPS 21 it appears the application is most suitably considered against CTY 8 Ribbon Development.

SPPS makes comment on infill and ribbon development however does not add any additional weight than that in PPS 21 Sustainable Development in the Countryside, CTY 8.

The main policy context for this application is PPS 21, CTY 8 Ribbon Development. Policy requirements states that planning permission would be refused where a building creates or adds to ribbon development. Exception would be made for the development of a small gap site sufficient enough to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided that the development respects the existing development pattern along the frontage.

The site in question from the public view point's appears as an area of rough growth with an access lane through it. While it is not evident from the road the access through the site serves two properties that are set back off the road and are accessed onto the lane at adjacent points and fork off the lane.

When travelling in a north western direction towards Drumaness there is no perception of a continuous and built up frontage with a small gap in place. The site includes an access lane that serves two dwellings however said dwellings are not visible from the road and face onto the lane, there is no frontage onto the road and the access point is not manicured to either side so there is no perception of dwellings even being located on the lane. When standing on the site, adjacent to the structure shown on the site location plan within the red line there is an awareness of a building either side, being no 56 Crawfordstown Road and 54A Crawfordstown Road. This awareness is not present when moving to the Road and does not constitute or make a contribution to a continuous and built up frontage. 56 Crawfordstown Road does

face onto the road however no 54A clearly does not and is set well back from the road and faces onto a separate access lane.

To the south of the site is an agricultural crush yard, not a building but rather walls and a crush yard for handling livestock. Beyond this fronting onto the road are agricultural fields. Property no 54A is set back from the road, Fronts onto a separate lane and would not be considered to be part of a continuous and built up frontage along the Crawfordstown Road.

There are a number of dwellings in the area however given the siting of the existing dwellings there has been a continuous frontage created and therefore a continuous frontage, nor gap exists to accommodate a dwelling. Furthermore this application would lead to the creation of ribboning along the Crawfordstown Road along with 56 and 58 Crawfordstown Road.

As there is no gap to be filled as there is no development suitable for consideration to the south of the site consideration of the size of the gap cannot be considered. The red line of the application site would however not be an unreasonable plot size when read in the context of the wider area however would offer 67m of frontage in comparison to no 56 which is 25m wide and no 58 which is 40m at the frontage however occupies a narrower plot of 25-27m generally. The plot size curtilage could be reduced to respect the existing pattern. It is important to note the frontage is that of the site outlined in red only as there is no gap size here that can be considered.

It is also noted that the application, being at the end of the lane and not in a gap offers no possibility of fulfilling policy in terms of a gap in an otherwise substantial and continuously built up frontage along the lane.

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

A building would be unacceptable where it would be a prominent feature in the landscape however the site in question could accommodate a well-designed dwelling that would not be a prominent feature in the landscape.

The site has boundaries at present in the form of rough planting and whinn and does sit in a hollow area of land. There are no long distance views of the site given the topography of the land and existing planting. The site would not be considered to lack boundaries or be unable to provide a suitable degree of enclosure, nor would the site rely on new planting and landscaping for integration.

As this is an outline application full particulars of siting and design have not been submitted, however, it is considered that a dwelling could be accommodated on the site to meet with all aspects of CTY 13.

The application is also considered against CTY 14 Rural Character. Planning permission will not be granted for a dwelling where it would cause a detrimental change to or further erode the rural character of the area. It is clear when travelling through this particular area and when viewing the aerial images that this area has seen a considerable amount of development that through the nature of single dwellings has no formal plan, adding to this already heavily developed area will



further erode the rural character of the rural area and lead to further detrimental change.

The application also fails point D of CTY 14 in that the site will create a ribbon of development along the Crawfordstown Road.

Additional information was requested in order to allow Transport NI to fully consider if the application however the agent was not willing to submit the requested information and therefore Transport NI have not been able to provide full comment.

Having considered the relevant policy context the application is not considered acceptable.

**Recommendation:**

Refusal

**Refusal Reasons:**

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage and would, if permitted, result in the creation of ribbon development along Crawfordstown Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development along Crawfordstown Road and would therefore result in a detrimental change to further erode the rural character of the countryside.
- Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 the agent has failed to provide information requested by Transport NI. This information is material to the determination of this application.

**Case officer:**

**Authorised by:**

**Date:**



### **Democratic Services**

Newry, Mourne & Down, District Council  
Downshire Civic Centre  
Downshire Estate  
Ardglass Road  
Downpatrick  
BT30 6GQ

17<sup>th</sup> October 2018

Dear Democratic Services

### **Speaking Request for Item 1 - Planning Application Reference – LA07/20160758/O**

### **Location – Lands approximately 50m south of Nos.56 Crawfordstown Road, Drumaness**

This submission seeks to rebut the interpretation of the officers in reaching a recommendation to refuse permission for the above application being presented at the Planning Committee Meeting of 24<sup>th</sup> October 2018.

### **Reason for Refusal 1 & 2 – Policy CTY1 & CTY 2a & CTY8 - Principle of Development**

PPS21 sets out and identifies a range of types of development, which in principle are acceptable in the countryside and that will contribute to the aims of sustainable development.

There are two exceptions within the residential development, which are deemed to be relevant to this proposal under Policy CTY 1, these are:

- 1 – A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a and;
- 2 – The development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8

Whilst paragraph 5.0 is not policy it introduces how the relevant planning policy is to be construed and more importantly that it must be read in conjunction with the contents of other relevant planning policy publications (*DOE's Application for Judicial Review v Planning Appeals Commission (2014) NIQB 4*).

Paragraph 5.0 states that the provisions of policies contained within (PPS21) will prevail unless there are other overriding policy or material considerations to outweigh them and justify a contrary decision. On that basis Policy CTY 1 must be considered subject to Paragraph 5.0

It is accepted that if the proposal meets the policy requirements of either exception, then it inherently meets the requirements of Policy CTY1 – Development in the Countryside and is a policy exception.

In addition, the Council would be obligated to consider all other material consideration under Paragraph 5.0 of PPS21 and I note appeals 2011/A0178, 2013/A0133 and 2017/A0147 also support this approach.



### **Policy CTY2a – New Dwellings in Existing Clusters**

The Case Officer's Report describes the area as "nucleated" by single dwellings. This is an acceptance of a formation or cluster of development at this location.

It is significant that there is no explanatory text to accompany Policy CTY2a. Where there is any ambiguity in its wording or approach, the applicant is entitled to have their proposal assessed on the basis of the interpretation most favourable to them - The presumption in favour of development - as indicated in the "Planning Appeals Principles 4<sup>th</sup> Edition 2014 by William Orbinson QC

The Officer's consideration and analysis of Policy 2a extends to six words, where it states; "no focal point, no visual entity". This is a direct reference to criteria 2 and 3 in Policy CTY2a and therefore a clear acceptance that criteria 1,4,5 and 6 of Policy CTY2a are all met.

It would be opportune to highlight that policy does not need to be "slavishly" adhered to and Policy does not confer legally enforceable rights or duties. It provides guidance as to the approach the LPA will generally adopt in considering planning applications.

The criteria are therefore not mandatory requirements and any failure to meet one or more of them must be considered against other material considerations and the broad thrust and direction of the policies objectives - as indicated in the "Planning Appeals Principles 4<sup>th</sup> Edition 2014 by William Orbinson QC

The proposed site is located in the middle of an accepted concentration of development, which is nucleated at this location. There is strong awareness of the cluster of development, which extends along both sides of the Crawfordstown Road, as accepted by the Council's Officer and the Head of Planning when we visited the site on 31/08/2018.

Development is particularly concentrated at this section along both sides of the Crawfordstown Road. It constitutes approximately >30 buildings and extends for >900m. It clearly appears as a visual entity in its own right, when considering the scale and saturation of development is outwith the settlement limits of Drumaness to the north west and Loughinisland to the south east

Both appeals below did not have the same concentration of buildings over a prolonged distance. However, were regarded as meeting the visual entity in the local landscape, as per Criterion 2 of Policy CTY2a.

A further appeal 2015/A0160 would provide reassurance that the cluster of development at this location on the Crawfordstown Road would satisfy the policy test of Criterion 2.

In respect of Criterion 3 and the consideration of a "focal point". I would direct the Planning Committee to a very recent appeal decision under 2017/A0222, where the Commissioner provided balanced consideration of the 6 criteria contained in Policy CTY2a. The proposal complied with 5 out of the 6 criteria and the Commissioner determined that;

*"The proposal meets the other five requirements of Policy CTY2a and can be said to comply with the overall thrust of the policy, which is to round off and consolidate existing development without changing the overall character of the area. This being the case I do not find it a determining failing that the cluster is not located at a focal point or a crossroads. Policy CTY2a is met in the round and the proposed development is acceptable in principle"*



This approach was also expressed in appeal 2D10/A0202 where in considering criteria 3 the Commissioner stated:

*"There is no social/community building/facility currently in the vicinity of the appeal site. There is merit in the appellants' point that the criterion is not exclusive in its definition of a focal point and that stated examples of such is not an exhaustive list. Notwithstanding, the term "focal point" suggests a single entity and not an existing cluster of development otherwise the third criterion would add nothing to the policy in the round and be extraneous".*

Whilst this cluster is not associated with a focal point and does not meet the letter of Criterion 3, the referenced appeals would indicate that this is not always determined, as the Commission will always consider the objectives and essential thrust of the policy where a proposal on its face fails to meet the letter of the policy

Therefore, taking account of the above the following factors would also outweigh that the cluster is not associated with a focal point – Criterion 3;

- There are several focal points in the wider vicinity of the application site at either end of the Crawfordstown Road, namely St Colemans GAC, cross roads at the junction with the Heights and Loughinisland GAQ at the junction of Tecconnaught Road/Crawfordstown Road;
- The site is previously developed land in the context of the existing buildings, containers and hardcored yard that are present;
- It is contained by adjoining dwellings on two of its three side and taking account of its size and relationship it accords with the existing pattern of development;
- The site is unsuitable for agricultural use and all services are available on site;
- There would be environmental improvement as result of its redevelopment;
- It is a small gap site under Policy CTY 8 within an otherwise substantial and continuously built up frontage that extends for 350m along this side of the Crawfordstown Road. It is contained by Nos.56, Nos.58 and No.60 to the North and an agricultural building to the south. There are more than 3 buildings, which all have road frontage.
- The vegetation and rocky outcrops contain the development and there is no demonstrable harm if the site was developed for a single dwelling.

On this basis the proposal is not at odds with the spirit of Policy CTY2a of PPS21 and would represent sustainable development as per the overarching aims and objectives of PPS21, as such the Council has failed to demonstrate reasoned analysis of the Policy CTY2a's implications for the proposed development and have not sustained their reasons for refusal.



### **Reason for Refusal – 3 – Policy CTY 14 – Rural Character**

Policy CTY14 indicates that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. It goes on to state that a new building will be unacceptable in instances where, *inter alia*, it is unduly prominent in the landscape, results in suburban style build-up of development when viewed with existing and approved buildings, or it does not respect the traditional pattern of settlement exhibited in that area.

The area is characterised by numerous single dwellings with road frontage or set back off the road and I note the Case Officer's Report accepts that development is "nucleated" at this location.

The report openly accepts that "*this area has seen a considerable amount of development*" by way of single dwellings and that it is "already heavily developed".

Paying regard to the analysis provided by the Case Officer, it could not be reasonably or logically be suggested that the existing character of the area is rural in nature, as it has already witnessed significant change following the development constructed on the ground and is more suburban in appearance.

Notwithstanding this the Case Officer accepts that; "There are no long-distance views of the site given the topography or the land and existing planting" and that the site is well integrated and lacks prominence. Furthermore, the case officer considers the application site "would not be an unreasonable plot size when read in the context of the wider area".

The characteristics of the site and the area would not support a conclusion that the proposal would cause a detrimental change to the rural character of the area and this conclusion runs contrary to the Case Officer's own analysis.

The proposal is not unduly prominent in the landscape and has a suitable degree of enclosure. Taking account of the character already displayed, this proposal would have no detrimental change and can be absorbed into the existing grouping through rounding off and consolidation and the reason for refusal has not been sustained.

In respect of the proposition that the proposal is contrary to Criterion (d) and will create a ribbon of development. A ribbon is defined at paragraph 5.33 and allows for buildings set back, staggered or at angles and with gaps between them if they have common frontage or they are visually linked.

The Planning (General Permitted Development) Order (NI) 2015 defines a "building" to include "any structure or erection", and any part of a building, as so defined, but does not include plant or machinery comprised in a building.

There are clearly buildings to the south and north of the site that meet the definition of a building as per the GPDO that constitute a ribbon and as such a building on the proposed site would be contained by this development and could not create or add to a ribbon of development that already exists and to which it is contained within.



### **Reason for Refusal – 4 – Article 3 (6) of the GDPO – Access**

An email was sent to the Local Planning Office on 12/10/2018 with an attached map depicting visibility splays of 2.4m x 60m.

The following points were also presented in respect of this aspect;

1 – The Case Officer nor DFI Roads can lawfully seek the alteration of an existing access, which serves the two existing dwellings for more than 5 years. Therefore Q.12 is correctly completed.

2 – The Case Officer accepts that the site is "operating as a yard, but not clear exactly what". Therefore, taking account of the fact that the existing access serves two dwellings and a yard to which there is no condition on the frequency of two-way trips (arrivals/departures). The proposal would accord with paragraph 1.2 of DCAN 15 in that no intensification is considered to occur when a proposed development would increase the traffic flow using an access by <5% (See Attached extract from DCAN 15)

3 – The response from DFI Roads of 2.4m x full frontage is ambiguous, for example; does it mean frontage of the site, development frontage or road frontage? I have never seen a request for visibility splays expressed in that manner. Attached are the available splays.

Following the common law principles in the judicial interpretation of *Belfast City Council v PAC (2018)* *NIQB 17* and the direction of Section 59 of The Planning Act (NI) 2011. The Council is required to consult with DFI Roads in respect of the following information, as it is materially relevant to the Council decision.

### **Conclusions**

The guiding principle is that planning permission should be granted unless there is demonstrable harm to the interests of acknowledged importance.

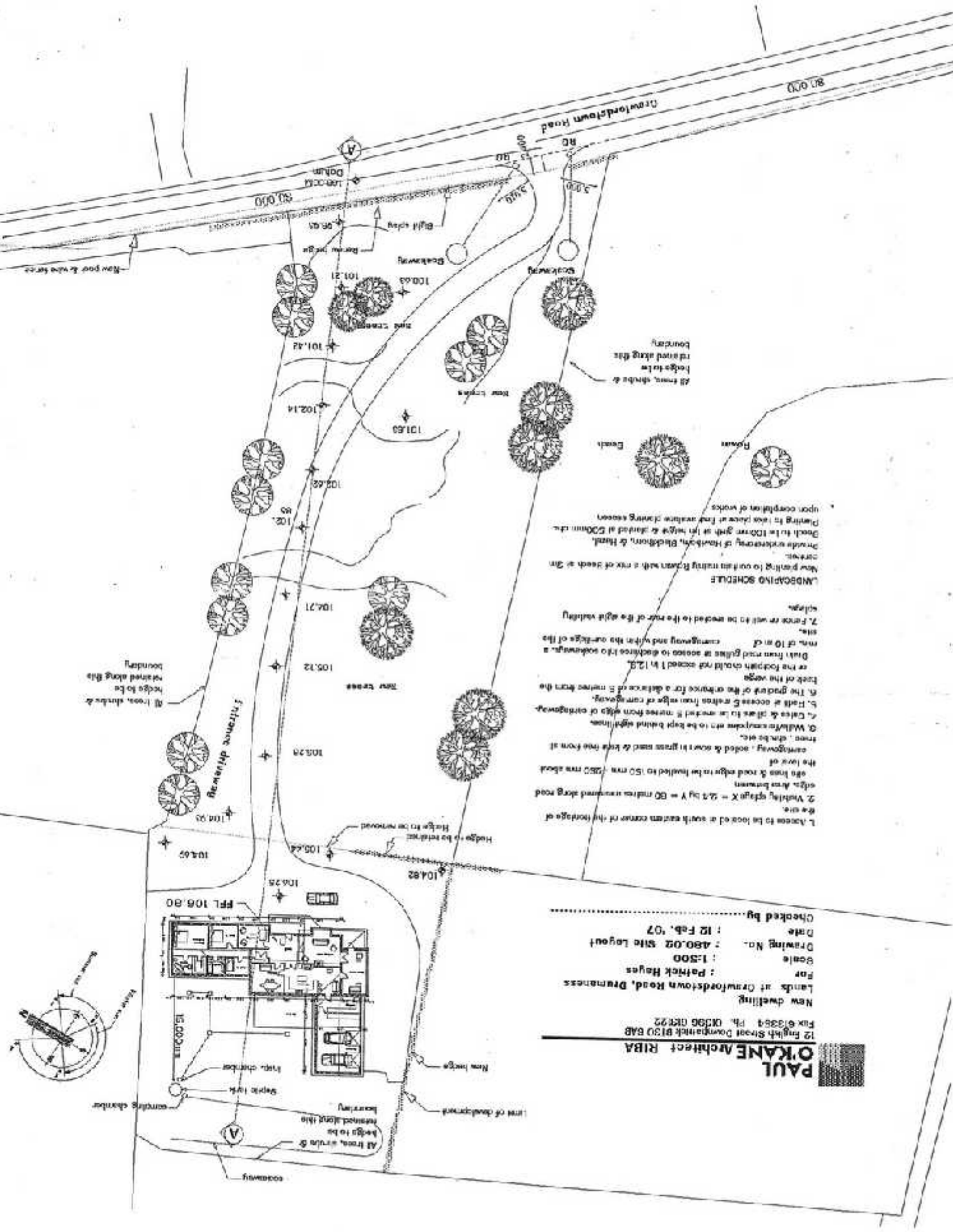
The proposal is an exception under Policy CTY2a as indicated and it would also accord with Policy CTY8. Taking account of all material considerations and demonstrating reasoned analysis to the Policies implications to the proposed development, it is apparent that the Officer's have not sustained their reasons for refusal.

No harm has been demonstrated and there are no 3<sup>rd</sup> party objections.

If you require anything further, then please do not hesitate to contact me.

Yours sincerely

**Andy Stephens**  
BA Hons, MSc  
Planning Consultant



**PAUL O'KANE Architect RIBA**  
 12 English Street Dramaness BT30 6AB  
 Fax 01304 341000 Ph. 01304 341022

New dwelling  
 Lands at Crawfordtown Road, Dramaness  
 For Patrick Hayes  
 Scale : 1:500  
 Drawing No. : A80.02 Site layout  
 Date : 12 Feb. 07  
 Checked by.....

- LANDSCAPING SCHEDULE**
1. Access to be provided at north eastern corner of the footage of the site.
  2. Existing edge of X = 50.7 by Y = 50 metres measured along road edge. Area between edge line & road edge to be limited to 150 metres, 250 metres about the level of the carriageway, & covered to cover by grass sward & kept free from all trees, shrubs etc.
  3. All trees & shrubs etc. to be kept behind sight lines.
  4. Cuts & gullies to be marked 5 metres from edge of carriageway.
  5. The gradient of the entrance for a distance of 5 metres from the front of the verge
  6. The footpath shall not exceed 1.2m.
  7. Drain from road gullies to access to discharge to watercourse, a min. of 10 m. of carriageway and within the curbside of the verge.
  8. New planting to suit an existing program with a mix of deciduous & evergreen.
  9. Provide watercourse of Hawthorn, Blackthorn, & Hazel.
  10. Stock to be 100mm girth at 1m height & placed at 200mm min. upon completion of works.
  11. Planting to take place at final weather clearing season.
  12. All trees, shrubs & hedges to be retained along this boundary.

All trees, shrubs & hedges to be retained along this boundary.

104.95  
104.67  
104.54  
104.25  
104.82

101.42  
101.21  
100.63  
101.50  
102.14  
102.62  
102.71  
105.12  
105.26  
105.44

106.00  
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106.00

106.00  
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106.00



## Appeal Decision

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*Appeals are the NDAAP's priority*

**Appeal Reference:** 2017/A0222  
**Appeal by:** Mark Adamson  
**Appeal against:** Refusal of outline planning permission  
**Proposed Development:** Dwelling in a cluster with access from Craigdarraigh Road  
**Location:** Between 59, 61 and 63 Craigdarraigh Road, Helen's Bay, Ards and North Down Borough Council  
**Planning Authority:** LA06/2017/0179MC  
**Application Reference:** LA06/2017/0179MC  
**Procedure:** Written Representations  
**Decision by:** Commissioner Helen Fitzsimons 6<sup>th</sup> June 2018.

### Decision

1. The appeal is allowed subject to conditions.

### Reasons

2. The main issues in this appeal are -
  - the appropriate Local Development Plan(LDP) context;
  - whether development is acceptable in principle in the countryside
  - the impact of the development on the environment; and
  - if it would prejudice road safety.
3. Section 45 (1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the LDP, so far as material to the application, and to any other material considerations. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. As a result of this, the North Down and Ards Area Plan 1984 – 1995 (NDAAP) operates as the LDP for the area with draft BMAP (dBMAP) remaining a material consideration.
4. Both the NDAAP and dBMAP identify the appeal site as being outside any settlement limits. In NDAAP the appeal site is located in what is termed 'the rural remainder'. dBMAP identifies the area within which the appeal site lies as the Seahill Local Landscape Policy Area SLO6 and the Seahill Rural Landscape Wedge ND 08. The council did not give me any indication of the likelihood of dBMAP being adopted or even if it was the likelihood of those policies being included in the adopted plan. Even if it was to be adopted and those draft policies were retained the essential characteristics of the LLPA set out in SLO6 would not be detrimentally impacted upon by the proposed development. Given the



juxtaposition of the appeal site to the existing adjacent dwellings it would not offend the objectives of the designation of Seahill Rural Landscape Wedge ND 08. The seventh and eighth reasons for refusal are not sustained.

5. Given my conclusions above and that the appeal site is located in the countryside as designated by NDAAP the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 21 'Sustainable Development in the Countryside (PPS 21) are the main material considerations in this appeal.
5. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a new dwelling in an existing cluster under Policy CTY 2a. The Council's objections to the proposed development are that it does not meet the requirements of criterion 2 that the cluster appears as a visual entity in the landscape, criteria 3 that it should be located at a focal point such as a social/community building/facility or is located at a crossroads; and criterion 4 that the identified site provides a suitable degree of enclosure.
7. The appellant identified what he considers to be the extent of the existing cluster, as Nos 44 – 59 Craigharragh Road which span both sides of the road. This was not disputed by the Council who concur that there is 'loose cluster' of development in this location. Notwithstanding the mature vegetation that defines this part of Craigharragh Road and that some of the dwellings are screened by said vegetation, there is a strong awareness of the cluster and because of relatively undeveloped lands either side of it the cluster appears as a visual entity in the landscape. Criterion two of Policy CTY 2a is met.
8. In regard to criterion 4 the Council's only identified critical viewpoint is from the railway line, which lies on lower ground than the appeal site. Mature vegetation defines the railway embankment when seen from the appeal site. Evidence submitted by the appellant taken on a moving train is not of itself persuasive as it is impossible to verify where the photograph was taken from. However, it reinforces my own experiences that when travelling on a moving train where the tracks are bounded by mature vegetation little of the surrounding countryside is visible. I therefore conclude that lack of definition on the northern boundary of the appeal site is not critical to the provision of enclosure and criterion 4 is met.
9. The introduction of the proposed development would tie into the cluster being sited between Nos 59 and 61 and to the rear of No 63, and it would not encroach into open countryside. The proposal meets the other five requirements of Policy 2a and can be said to comply with the overall thrust of the policy which is to round off and consolidate an existing cluster of development without changing the overall character of an area. This being the case I do not find it a determining failing that the cluster is not located at a focal point or a crossroads. Policy CTY 2a is met in the round and the proposed development is acceptable in principle in the countryside under this policy. The Council has not sustained its third reason for refusal.

10. Policy CTY 8 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it also includes the exception that development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage will be permitted. For the purposes of this policy the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. Paragraph 5.33 advises that for the purposes of this policy a road frontage includes a footpath or private lane.
11. There is a private lane which currently serves No 61 and is for its sole use. However, No 63 does have frontage onto this lane and must be taken into account for the purposes of this policy. I agree with the Council that the extent of the private laneway ceases upon entering the curtilage of No 61 and consequently the boathouse cannot be taken into account as a building fronting a road. There is no substantial and continuously built up frontage in this location. The appeal proposal fails to meet the requirements of Policy CTY 8 of PPS 21.
12. Notwithstanding my conclusions in paragraph 11 above as the proposed development meets the requirements of Policy CTY 2a it also meets the requirements of the SPPS and Policy CTY 1 of PPS 21 and is acceptable in principle in the countryside.
13. Policy CTY 13 of PPS 21 'Integration and Design of Buildings in the Countryside' sets out a number of instances where a new building will be unacceptable in the countryside. The Council raised objections under (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. As I have already concluded that the proposed development meets the requirements of criterion 4 of Policy CTY 2a when viewed from the critical viewpoint it also meets the requirements of Policy CTY 13. The Council's reason for refusal five is not sustained. The objector's concerns regarding impact on the environment are not upheld.
14. Policy CTY 14 of PPS 21 'Rural Character' also sets out circumstances where a new building will be unacceptable in the countryside. The Council raised objections under (a) it is unduly prominent in the landscape; and (b) it results in a suburban style build-up of development when viewed with existing and approved buildings. As I have found the new dwelling to be acceptable under policy CTY 13 it would not be unduly prominent in the landscape. The proposed development meets the requirements Policy 2a the thrust of which is to which is to round off and consolidate clusters without changing the character of an area, and it does not offend criterion bullet (b) of Policy CTY 14 either. The Council has not sustained its sixth reason for refusal. The objector's concerns on the environment are not upheld.
15. Regarding the objector's other concerns as visibility splays of 2.4m x 90m at the access point with the road have been shown by the appellant can be provided and they meet Transport NI requirements; that bend referred to is some distance from the appeal site; and that a 40m p.h speed restriction has been imposed on Craiganagh Road, I am not persuaded that road safety issues would arise by dint of the proposed development. The objector referred in general terms to the

impact of the proposed development on flora and fauna but gave me no evidence as to what flora and fauna exists in and around the appeal site or what such impacts would be. The objectors other concerns are not determining in this appeal.

16. As none of the council's reasons for refusal have been sustained and the objector's concerns do not carry determining weight the appeal succeeds.
17. A landscaping condition is required to ensure the proposal would further integrate into the countryside in the interests its general visual amenities. The appeal site is located behind No 83 Craigharragh Road a substantial two storey dwelling, which sits at road level. The appeal site is some 4m above road level. Consequently a ridge height restriction is necessary to ensure that the proposed new dwelling would not be perceived as a prominent feature within the local landscape.

#### Conditions

1. Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be as approved by the Planning Authority – the siting, design and external appearance of the dwelling and the means of access thereto.
2. Before buildings works commence visibility splays of 2m x 90m shall be laid out in both directions at the junction of the appeal site access with Craigharragh Road shall be thereafter permanently retained.
3. The ridge height of the dwelling shall not exceed 7.45m above the existing lowest ground level within its footprint.
4. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing the vegetation to be retained along the eastern, western and southern boundaries of the appeal site, new native species planting on the northern boundary of the appeal site and the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme of planting as finally approved shall be carried out during the first planting season after any of the dwellings are occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.
5. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
6. Application for approval of the reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision

This decision is based on the following drawings referred to in the decision notice : The 1:1250 scale site location plan numbered SBP02 and the 1:200 scale access detail drawing numbered SBP02.v.03.

**COMMISSIONER HELEN FITZSIMONS**

**2017/A0129**

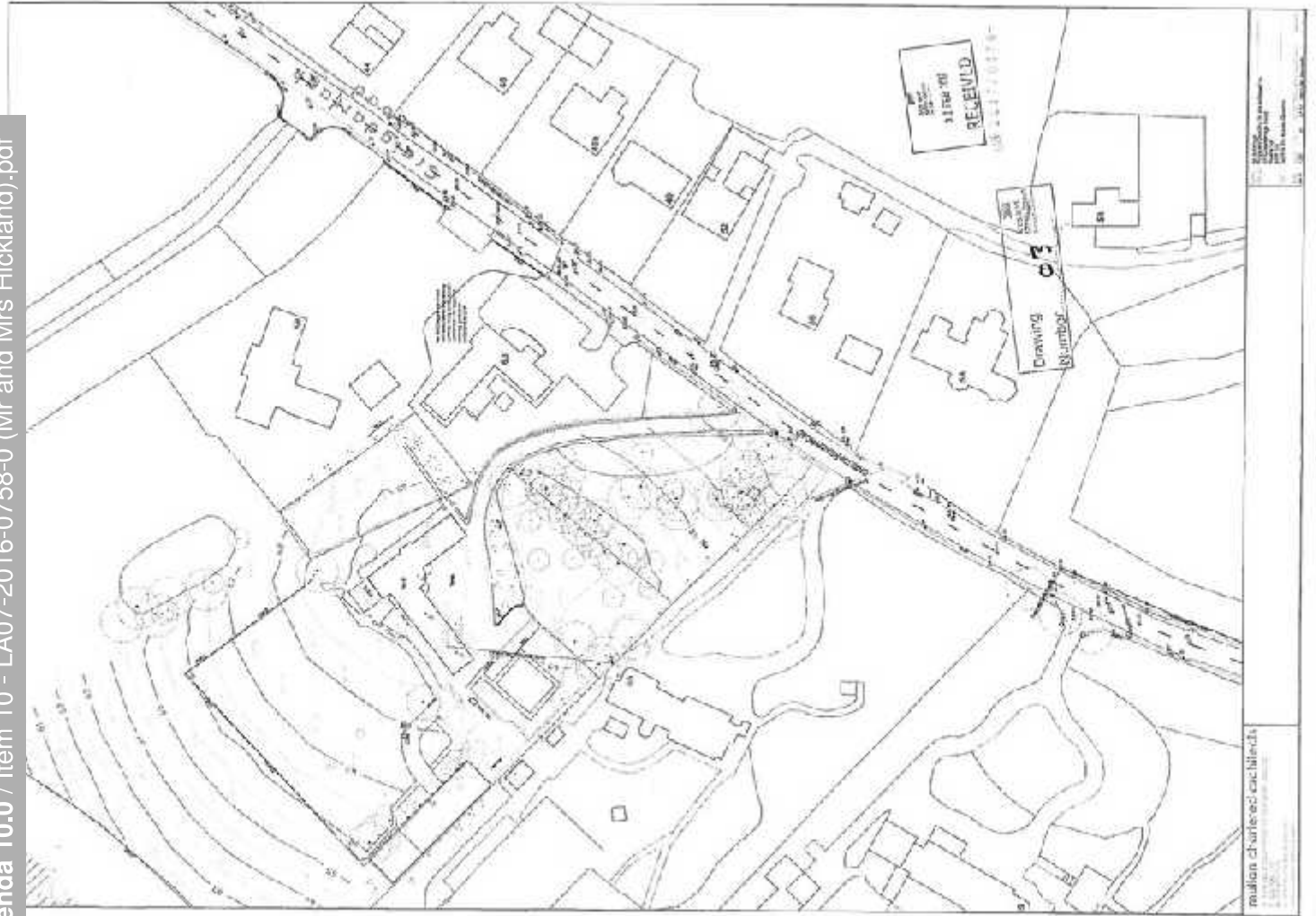
**List of Documents**

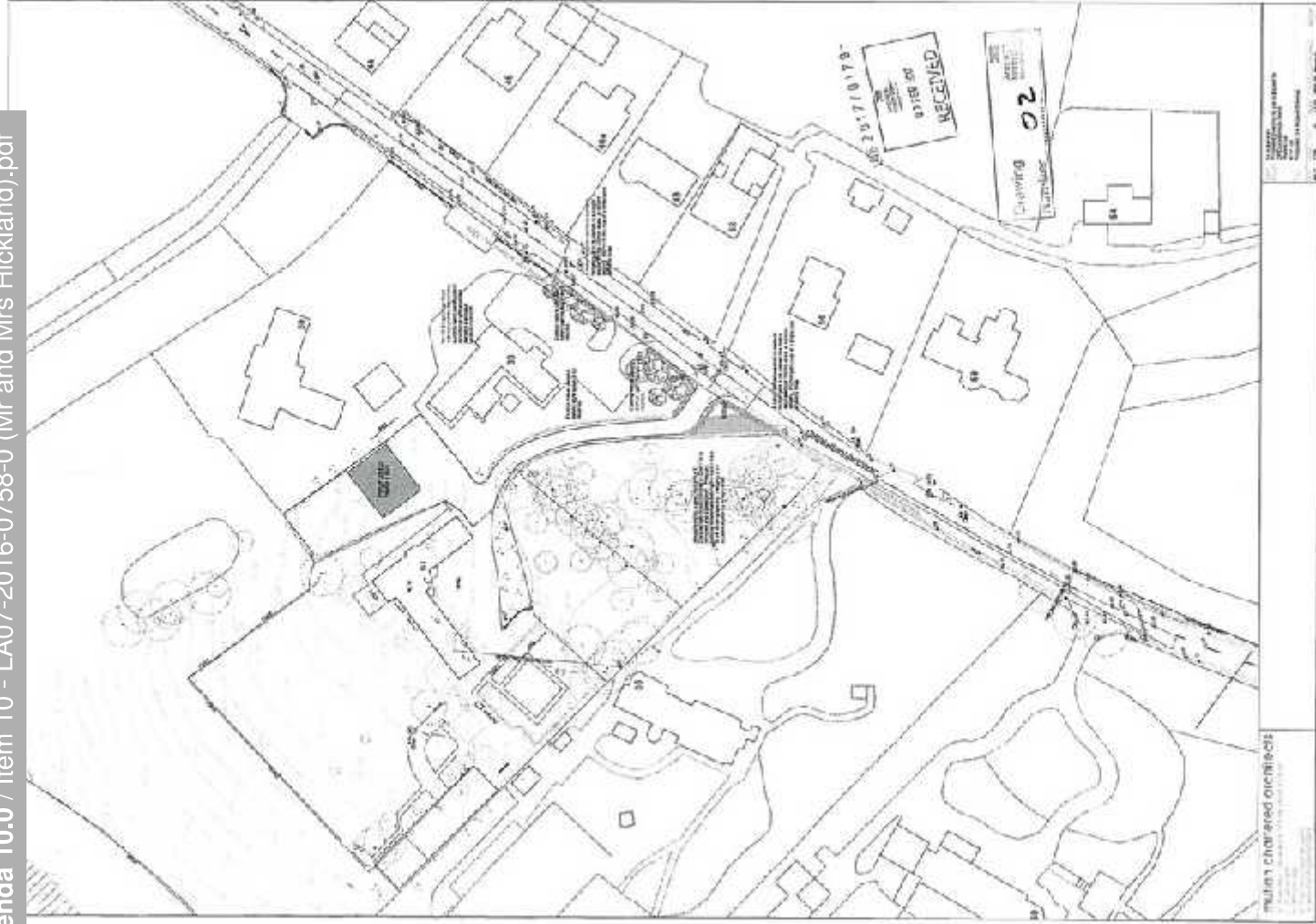
Planning Authority: -

C 1 Written Statement and Appendices  
C 2 Comments

Appellant: -

A 1 Written Statement and Appendices  
A2 Comments





MULTI CHASED OUTREACH  
10/10/17

RECEIVED  
06/20/17  
0758 50

Drawing 02

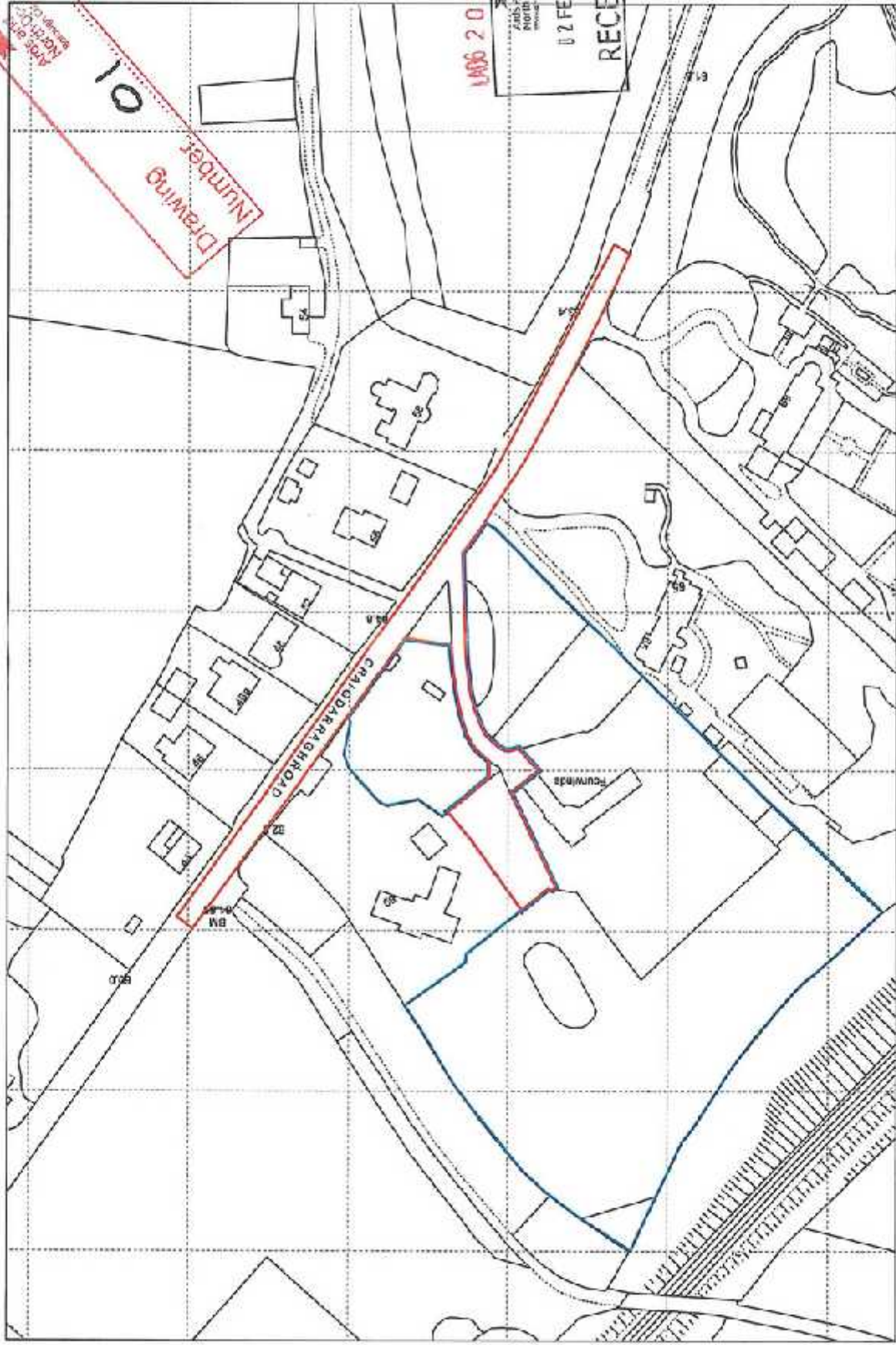
DATE	1/1/10	BY	MS	REVISION	REVISION
NO.	01	DATE	1/1/10	BY	MS
PROJECT: M. Aderson Revised drawing to be compliant to 50 Caledonia Road Hickling Bay RT10 118 Site location Plan					

1. 1049 Upper Libburn Road, 1st Floor, Inverell, NT 0702  
 4. 07 45 8 1825  
 5. 07 45 8 1825  
 6. info@mulianarchitects.com  
 7. www.mulianarchitects.com

Drawing  
 Number  
 01

LMS 2017/0179-

RECEIVED  
 02 FEB 2017  
 Arabi Land  
 North Downs  
 Municipal Council







Planning Appeals  
Commission

## Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacni.gov.uk

**Appeal Reference:** 2015/A0160  
**Appeal by:** Mr Ciaran McCoy  
**Subject of Appeal:** The refusal of outline planning permission  
**Proposed Development:** Dwelling  
**Location:** Between 72A and 72B Roguey Road, Toomebridge  
**Planning Authority:** Antrim and Newtownabbey Borough Council  
**Application Reference:** LA03/2015/0166/O  
**Procedure:** Written representations and accompanied site visit on 13<sup>th</sup> April 2016  
**Decision by:** Commissioner Diane O'Neill, dated 27<sup>th</sup> April 2016.

### Decision

1. The appeal is allowed and outline planning permission is granted subject to the conditions set out below.

### Reasons

2. The main issues in this appeal are whether the proposed development:
  - is acceptable in principle
  - impact on rural character
  - impact on residential amenity
  - would integrate into the countryside

The appeal site is located in the countryside and any specific policy in the local development plan, Antrim Area Plan 1982-2001, relevant to this area is outdated and therefore not relevant. The main policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

POLICY 1 of PPS 21 sets out a range of types of development which are considered to be acceptable in the countryside and that will contribute to sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. The appellant's appeal proposal represents an infill opportunity in accordance with Policy 1 of PPS 21 and that it would cluster with the development at this site in accordance with Policy CTY 2a of PPS 21.

Planning permission will be refused for a building which is not a single dwelling. An exception is however permitted for a small gap site sufficient only to accommodate up to a maximum of two smaller buildings and it requires four specific elements to be met.

to be met: the gap site must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided six criteria are met; the fifth criterion requires that the development to be capable of being absorbed into the existing cluster through rounding off and consolidation and that it would not significantly alter the existing character or visually intrude into the open countryside.

6. The appeal site is located within an existing ribbon of road frontage development consisting of the seven dwellings including and located between Nos.62-74 Roguery Road. Whilst it was accepted that the approved site (LA03/2015/0206/F), located between Nos.66 and 72b, should not be included within the ribbon of development given that it is only being cleared, it was not disputed by the planning authority that the appeal site was located within a ribbon and existing cluster of development therefore meeting the first element of Policy CTY 8. It was however argued that there is no existing gap to allow infilling to take place given that a dwelling and garage exist immediately to the rear of the appeal site and that the proposal would significantly alter the existing character of the cluster.
7. The appeal site is located between the dwellings at No. 72a and 72b and to the front of No.72. No objection was raised in relation to the size of the appeal site's plot and therefore the proposal meets the second element of Policy CTY 8. In terms of the development pattern and character of the existing cluster, the existing dwellings along the frontage have substantial open front gardens and whilst they are located in the countryside, the dwellings have a suburban character. No.72 is set further back than the other dwellings and is therefore at odds with the development pattern along this frontage. Whilst No.72 would be behind the proposal, if the dwelling were positioned in the identified hatched area, the plot depth and separation distance would ensure that the arrangement was satisfactory. The proposed dwelling would also have a front garden area comparable in length to the adjacent properties. The planning authority stated that it fails to meet the requirement of Policy CTY 8 that it is 'without accompanying development to the rear', however this reference is in terms of determining whether there is a substantial and continuously built up frontage. The appeal proposal would therefore respect the existing development pattern. As a result, the appeal proposal meets this third element of Policy CTY 8. Being located within the middle of an accepted existing suburban cluster of development, there would therefore be no significant change to its character in terms of Policy CTY 2a.
8. While the planning authority raised concern about the impact of the proposal on the residential amenity of the existing residents of No.72 Roguery Road and of the proposed residents, no such concerns were raised by the existing residents. Given the open nature of the neighbouring plots, the separation distance between the proposal and No.72 and the positioning of No.72's private amenity space to the side of the dwelling, I am not persuaded that there would be an adversely impact on the amenity of either the residents of No.72 or those who would live in the proposed dwelling. Accordingly, the second and third reasons for refusal, in relation to this matter, are therefore not sustained.

9. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape. The planning authority's objection under this policy is in relation to criterion (b), that the site is unable to provide a suitable degree of enclosure in order for the development to integrate it in the landscape. The fourth criterion of Policy CTY 2a also requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. When travelling between Nos.72b and 74 Roguery Road and approaching the junction of Cloghogue Road, the open nature of the appeal site and the existing development is apparent. Nevertheless the appeal site is positioned in the middle of an existing suburban cluster of buildings with development present on three sides. The proposal would be integrated by this built form and would not therefore have an adverse impact on the character of this area. The fourth reason for refusal is therefore not sustained.
10. As the appeal proposal complies with the environmental and planning requirements under Policy CTY 13 and no objection was raised in relation to Policy CTY 14, this element of Policy CTY 8 is met. Accordingly, the second and third reason for refusal, in so far as they relate to ribbon development and the character of the cluster, are not sustained.
11. As the proposal complies with Policy CTY 8 and Policy CTY 2a of PPS 21, it is one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. Accordingly, the first reason for refusal is not sustained.
12. Given the surrounding context, a ridge height restriction of no more than 5.5 metres above finished floor level and a siting condition keeping the development in line with the adjacent dwelling (No.72b) would be appropriate and necessary in the interest of visual amenity. Whilst it is necessary that a landscape plan is submitted in the interest of visual amenity, given the open nature of the plots in this area, it is not necessary to condition that a 2m fence be erected and hedgerow be planted behind the building line of the proposed dwelling.

### Conditions

- (1) Except as expressly provided for by Conditions 2 and 3 the following reserved matters shall be approved by the planning authority - the siting, design and external appearance of the dwelling and means of access thereto.
- (2) The dwelling shall be sited within the area hatched on Drawing L01 1:2500 site location map dated May 2015.
- (3) The ridge height of the dwelling shall not exceed 5.5 metres above finished floor level and underbuilding shall not exceed 0.45 metres at any point above existing ground level.
- (4) No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme illustrating the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next

planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

- (5) Application for approval of the reserved matters shall be made to the planning authority before the expiration of three years from the date of this decision.
- (6) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on Drawing L01 1:2500 site location map dated May 2015.

**COMMISSIONER DIANE O'NEILL**

**2015/A0160****List of documents**

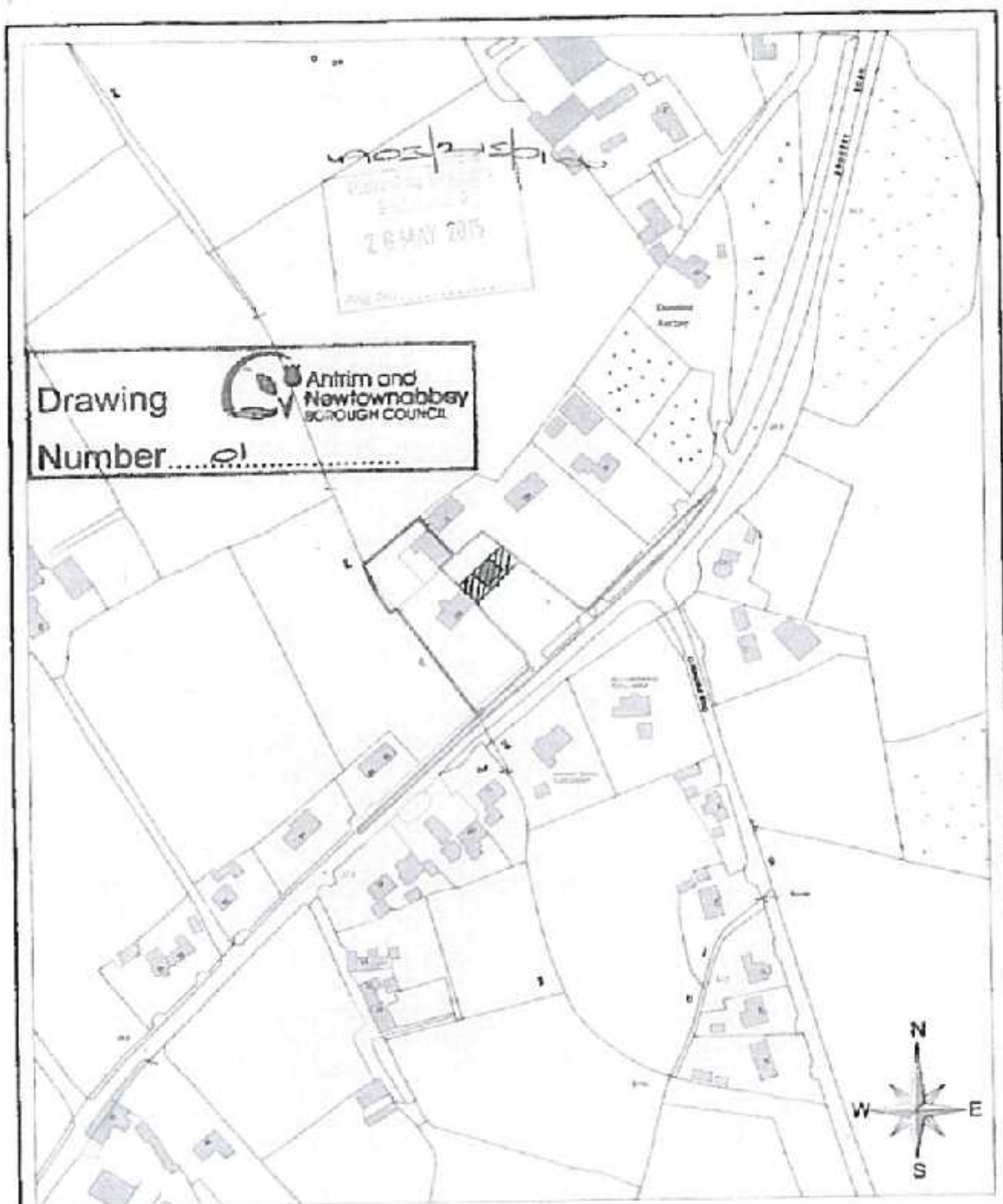
Planning Authority  
(Antrim and Newtownabbey Borough Council): Statement of Case and appendices  
(PA1)  
Rebuttal (PA2)

Appellant: Statement of Case and appendices  
(A1)

**List of appearances**

Planning Authority  
(Antrim and Newtownabbey Borough Council): Mr Barry Diamond


Appellant: Mr Christopher Cassidy (agent)  
Mr Dane Heatley (agent)



Drawing  
Number.....01.....

**Antrim and Newtownabbey**  
BOROUGH COUNCIL

Location Plan  
Scale 1:2500

 <p><b>CMI Planners Ltd</b></p> <p>Unit C5 The Railway Centre 28-32 Railway St Magherafelt BT45 8AG</p> <p>Ms Catherine Cleary cclary@cmyplanners.com 30 Ardara Station www.cmyplanners.com Tel: 028 7963 2380</p>	<p>Client: Mr &amp; Mrs McCoy</p>	<p>Scale/Sheet: 1:2500 @ A4</p>	<p>Drawing no: 101</p>
	<p>Project: Proposed Infill Dwelling Between 72a &amp; 72b Raguary Road, Teemebridge</p>	<p>Date: May 2015</p>	<p>Revision:</p>
	<p>Drawing Title: Location Map</p>	<p>Job No:</p>	<p>Drawn By:</p>

## Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT3 7AG  
T: 028 9024 4710  
F: 028 9031 2636  
E: info@petni.gov.uk

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**Appeal Reference:** 2010/A0202  
**Appeal by:** Bily Henderson Properties Limited against the refusal of full planning permission.  
**Development:** One and a half storey dwelling and detached garage.  
**Location:** 20 metres south-east of 21 Curryfree Road, Creevedonnell, Londonderry.  
**Application Reference:** A/2009/0214/F  
**Procedure:** Written Representations and Accompanied Site Visit on 20<sup>th</sup> April 2011.  
**Decision by:** Commissioner Julie de-Courcy, dated 27<sup>th</sup> April 2011.

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### Decision

1. The appeal is allowed and full planning permission is granted subject to the conditions set out below.

### Reasons

2. The main issues in this appeal are whether the proposed buildings are acceptable in principle in the countryside and their effect on the area's character, appearance and neighbours' residential amenity.
3. Policy CTY 1 of Planning Policy Statement 21 (PPS 21) identifies a dwelling sited within a cluster of buildings in accordance with Policy CTY 2a of that document as being one of the types of development that, in principle, are considered to be acceptable in the countryside. Policy CTY 2a sets out six criteria that a proposal must comply with in order for planning permission to be granted for a dwelling at an existing cluster of development. I note the appellants' Ordnance Survey evidence about the historical existence of a cluster at this location, that the alleged former forge (now within the curtilage of a cluster at this location, that the community facility that was a local focal point and that the T junction of public roads to the south of the appeal site was historically a cross-roads with a public right of way leading eastwards across the river valley to a ford, school, mill, cricket ground and farm holdings. However, whether the site comes within an existing cluster of development falls to be assessed in the contemporary context.
4. The appeal site adjoins three detached houses with their respective garages. It shares a party boundary with the house to the south-west and those to the north-west and north are separated from it by the shared drive that serves all three

dwellings. This drive would also serve the proposed buildings. To the south are detached bungalows at Nos. 22 and 24 Curryfree Road. To the south-west are a range of buildings associated with the two storey house at No. 25 Curryfree Road. There is a detached cottage to the east of the appeal site on the opposite side of the road. What appears to be a shed/outbuilding that the appellants identify as a dwelling/replacement, does not read as part of this loose cluster. Notwithstanding, the other buildings form a loose cluster around the T junction of the part of Curryfree Road running north-east to south-west and the branch that leads eastwards to Rusbah Road. On this basis, the proposal satisfies the first and second criteria of Policy CTY 2a of PPS 21 as the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings) of which at least three are dwellings, and the cluster appears as a visual entity in the local landscape.

5. The proposed buildings would be seen when travelling in both directions on Curryfree Road. However, as they would be seen in the context of the three dwellings and garages that surround the site on two of its three sides, they would not be prominent from this vantage. Whilst there are trees on the party boundary with the dwelling to the south-west and behind the roadside fence, the site is not enclosed by long established natural boundaries. Notwithstanding, adjoining buildings, the shared drive and the site's existing boundary definition provide it with a suitable degree of enclosure so that it is not at odds with the second criterion of Policy CTY 13 of PPS 21. Imposition of a condition securing retention of existing vegetation in addition to the supplementary planting proposed would safeguard the current situation.

5. The proposed dwelling would present its rear elevation to the public road with its front elevation orientated north-westwards to take advantage of the panoramic views across the river valley. It would present a long ridge line to the road. However, as the ridge line would be broken up by changes in height, orientation and coping stones, it would not have a uniform appearance. In the context of the scale and design of the three adjoining dwellings, in terms of scale, form and massing, there would be a lower proportion of solid to void on the front elevation, an area of full height glazing and a variety of window sizes. However, this would not be seen from Curryfree Road and the Department did not identify a critical view from the shared drive. The view of the proposed buildings from the neighbouring dwellings is not a critical view as defined by paragraph 5.60 of PPS 21.

7. The Department directed me to longer range views from Killymellagh Road and Trench Road on the opposite side of the river valley, which it considered to be critical. From those vantages the proposed buildings would be seen in the context of the three immediately adjoining it with a backdrop of vegetation and topography. The wind turns on the hill top to south-west dominate the landscape. From some stretches of those views, the proposed dwelling's front elevation would be partially obscured by the middle of the three new houses. Its context and distance would ensure that the amount and style of glazing on the front elevation would not be prominent or inappropriate. As the proposed buildings would integrate into the landscape in compliance with both the fourth



criterion of Policy CTY 2a and Policy CTY 13 of PPS 21, the Department's second reason for refusal is not sustained.

8. The disposition, design and boundary treatment associated with the three adjoining dwellings has resulted in a suburban style of build-up. Development of the site could be absorbed into the existing cluster through rounding off and consolidation and would not cause a detrimental change to or further erode the area's character. As already set out in the preceding paragraph, the proposed buildings would not be unduly prominent in the landscape. As such, the proposal is not at odds with Policy CTY 14 and would comply with the fifth criterion of Policy CTY 2a of PPS 21. Accordingly, the Department's third reason for refusal is not sustained.

9. No. 21 Curryfree Road presents its rear elevation to the shared drive. As it is set below the level of the public road there are views into its rear area. Vehicles going to/from the house to the south-west of the appeal site pass its point of access at a level 2.6m higher than No.21's finished floor level (FFL). Given the dwelling's orientation, its private amenity space is to the side and front. At their nearest point, the proposed dwelling's front elevation would be 19.5m from the rear elevation of No. 21. The existing dwelling's FFL would be 3.6m lower than that of the proposed house. No. 21 has a two storey projecting rear wing with two windows at ground floor level serving the utility room and kitchen respectively. Each of these rooms have a second window on the side elevation. There is one window at first floor level serving a bedroom. There would be three roof lights at first floor level on the front elevation of the proposed dwelling serving a family/games room. "Creating Places advocates a separation distance of around 20m or greater between opposing rear first floor windows but provides no guidance on a situation such as this where it is the front and rear elevations of dwellings that would be facing. Notwithstanding the dwellings' respective FFLs, given the separation distance, I am not persuaded that the residential amenity of the occupants of No.21 would be harmed to the extent that would merit dismissing the appeal on the basis of the Department's concerns about overbearing impact. Imposition of a condition removing permitted development rights for the extension or alteration of the proposed dwelling would give the Department control over any future additions as they might reduce the separation distance between it and No.21. On this basis, the proposal is not at odds with paragraph 52 of Planning Policy Statement 1 nor the sixth criterion of Policy CTY 2a of PPS 21.

10. The third criterion of Policy CTY 2a requires that the cluster is associated with a focal point such as a social/community building/facility or is located at a cross-roads. I have no evidence that what the appellants refer to as a "right of way" is a legally asserted public footpath/right of way. As such, the junction to the south of the appeal site is not a cross-roads. There is no social/community building/facility currently in the vicinity of the appeal site. There is merit in the appellants' point that the criterion is not exclusive in its definition of a focal point and that stated examples of such is not an exhaustive list. Notwithstanding, the term 'focal point' suggests a single entity and not an existing cluster of development otherwise the third criterion would add nothing to the policy in the

**round and be extraneous.** The appeal decision referred to by the appellant was decided in a different policy context to this proposal and dealt with a reason for refusal that is not pertinent in this instance. Consequently, the proposal does not satisfy this third criterion of Policy CTY 2a.

11. Whilst the proposal fails the third criterion of Policy CTY 2a of PPS 21, it complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without changing to the area's character. In this respect, there are a number of site-specific characteristics that I find so compelling as to outweigh the fact that the cluster is not associated with a focal point. These are as follows:
  - The site comprises a mown grassed area with a suburban style ranch fence marking its boundary with the public road. Fencing posts have been erected on top of the retaining wall along its boundary with the shared drive and there are stone pillars on either side of the entrance off the drive;
  - It is visually associated with the adjoining dwellings and has the appearance of domestic curtilage;
  - Given its size and relationship with adjoining dwellings, the site is unsuited to agriculture;
  - It is bounded by residential development on two of its three sides; and
  - It is a small gap site within an otherwise substantial and continuously built-up frontage that extends for 240m along this side of Curryfree Road.

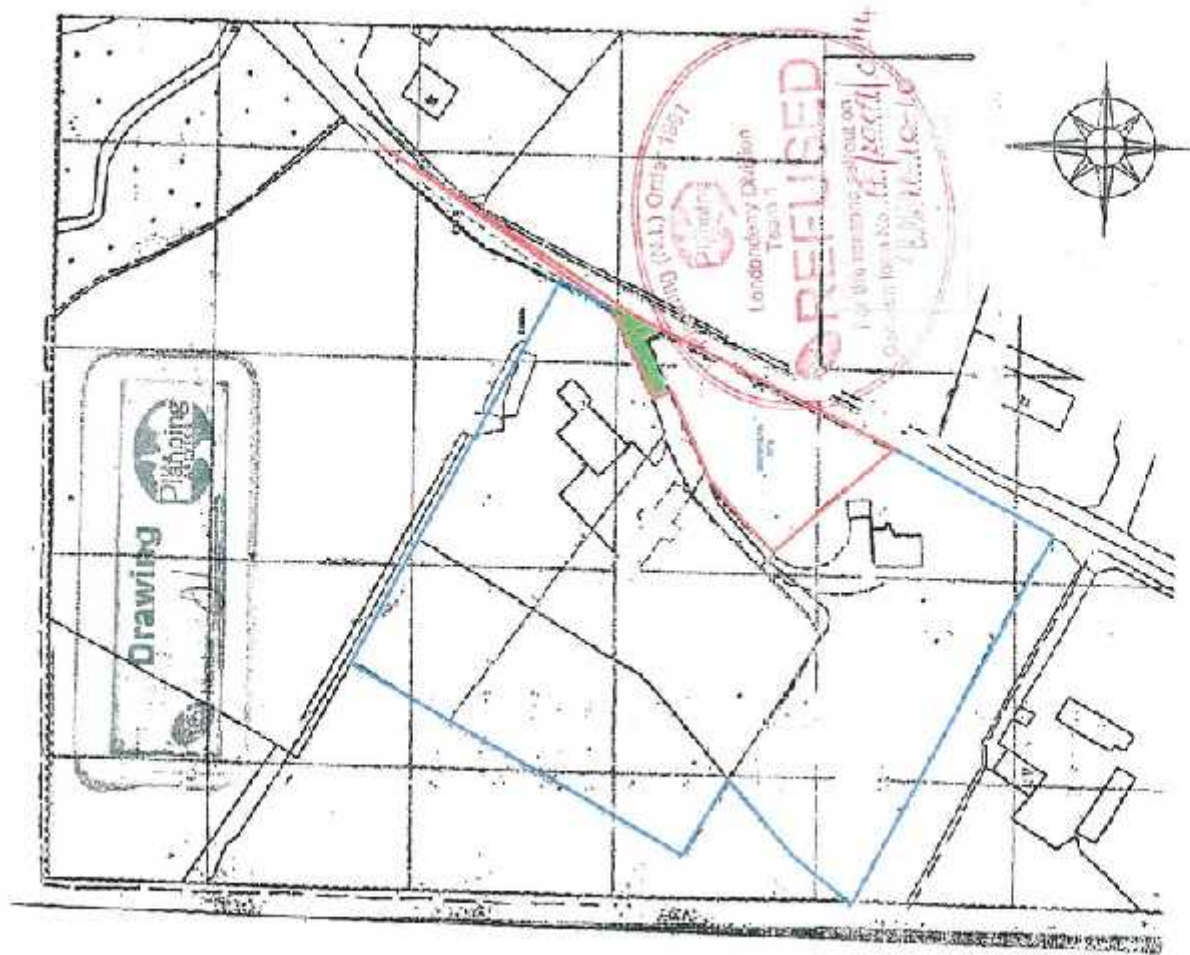
As the proposal is not at odds with the spirit of Policy CTY 2a of PPS 21 in the round, it is one of the types of housing development that is acceptable in the countryside in accordance with Policy CTY 1 thereof. Accordingly, the Department's first and fourth reasons for refusal are not sustained and the appeal is allowed.

#### Conditions

1. The development shall be begun before the expiration of five years from the date of this permission.
2. Notwithstanding the provisions of Article 2(3)(a) and Schedule 1, Parts A, B and C of the Planning (General Development) (Amendment) Order (Northern Ireland) 2011 (or any legislation revoking that Order and re-enacting those provisions) the dwelling shall not be enlarged, improved or extended without the Department's prior permission.
3. Notwithstanding the landscaping details shown on Drawing Reference 0927 003 Revision A, existing vegetation on the site's roadside and south-western boundaries shall be retained.

This decision relates to Drawing Reference 0927 001 Location Map, Drawing Reference 0927 003 Revision A, Site Layout Plan, Drawing Reference 0927 004 Proposed Elevations and Plans and Drawing Reference 0927 006 Proposed Garage Elevations and Plans.

**COMMISSIONER JULIE DE-COURCEY**



PROJECT:	DRAWING REFERENCE:		
Proposed Dwelling at 20M SE of 21 Curryfree Road, Creevodonnoil, Londonderry	<b>0927 001</b>		
TITLE:	DRAWN BY:	CHECKED BY:	
LOCATION MAP	SB	SB	
	DATE:	SCALE:	
	12.25.09	1:1250	





**Mid & East  
Antrim**  
Borough Council

104

## OUTLINE PLANNING PERMISSION

### Planning Act (Northern Ireland) 2011

Application No: LA02/2016/0849/O

Date of Application: 28th October 2016

Site of Proposed Development:	<b>Adjacent and to the east of no. 52 Ballymacvea Road Kells Ballymena</b>	
Description of Proposal:	<b>Proposed dwelling in an existing cluster of development</b>	
Applicant:	Mr and Mrs D Moore	Agent: Matrix Planning Consultancy
Address:	8 Throncroft Ahoghill Ballymena BT42 1RX	Address: 29 Old Belfast Road Newtownards BT23 4SG

Drawing Ref: 01/1, 02.

The Council in pursuance of its powers under the above-mentioned Act hereby

### GRANTS OUTLINE PLANNING PERMISSION

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

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission, or
  - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

Application No. LA02/2016/0849/O

LA02





2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. The proposed dwelling shall have a ridge height of less than 5.5 metres above finished floor level and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is (not prominent in / satisfactorily integrated into) the landscape in accordance with the requirements of Planning Policy Statement 21 / the Strategic Planning Policy Statement / the local area plan, with the adjacent residential dwellings.

4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

5. The roofing tiles or slates shall be (blue/black or dark grey) in colour and shall be flat and non-profiled.

Reason: To ensure that the proposal is in keeping with the character of (the rural area/this Area of Outstanding Natural Beauty.)

6. The external wall finish to the proposed dwelling shall be a painted render in a colour to be approved in writing by the Council or roughcast or fine grade chippings not exceeding 3mm and the window frames shall be in accordance with the Building on Tradition.

Reason: To ensure that the proposal is in keeping with the character of the rural area.

7. The proposed dwelling shall be sited as indicated on the approved site plan drawing no. 02 date stamped 28th October 2016.

Reason: To ensure that the development is satisfactorily integrated into the landscape and to preserve the amenity and privacy of the adjoining dwelling in accordance with the requirements of Planning Policy Statement 21.






8. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank.

Dated: 12th December 2016

Authorised Officer 





## Delegated Application

Development Management Officer Report		
<b>Case Officer:</b> Sean O'Kane		
<b>Application ID:</b> LA02/2016/0849/O		<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling in an existing cluster of development		<b>Location:</b> Adjacent and to the east of no. 52 Ballymacvea Road Kells Ballymena
<b>Applicant Name and Address:</b> Mr and Mrs D Moore 8 Throncroft Ahoghill Ballymena BT42 1RX		<b>Agent Name and Address:</b> Matrix Planning Consultancy 29 Old Belfast Road Newtownards BT23 4SG
<b>Date of last Neighbour Notification:</b>		3rd November 2016
<b>Date of Press Advertisement:</b>		10th November 2016
<b>ES Requested:</b> No		
<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues:</b>		

## Site Visit Report

### Site Location Plan:



**Date of Site Visit: 29/11/16**

### Characteristics of the Site and Area

The application site is located in the open countryside as defined by the Ballymena Area Plan 1986-2001 along the Ballymacvea Road, approximately 300m south east from the junction with the Lisnevenagh Road (A26) and approx. 2km south west of the settlement of Kells. A shared private loose stone laneway runs along the site boundary to the east and connects the Ballymacvea Road to the Lisnevenagh Road (A26). The site is an agricultural field, broadly rectangular in shape measuring approx. 50m x 65m. The northeast boundary (roadside) is formed by a mature tree lined hedgerow broken only by a vehicular gateway providing access to the existing field. Both the northwest (adjacent to no. 52) and southeast boundary (adjacent to laneway) are mature hedgerow boundaries. The southwest boundary (adjacent to no. 48) is formed by a non-native maintained hedgerow. The site levels rise steadily from the Ballymacvea road in a south-westerly direction to approx. 2m above the level of the roadway.

The surrounding built context to the Ballymacvea Road comprises 6 no detached dwellings immediately to the west of the proposed site and set back 28m on average from the roadside in large plots with gardens to the front.

### Planning Assessment of Policy and Other Material Considerations

#### Relevant Planning History

No relevant planning history

#### Consultations

Transport NI: No objections subject to conditions.  
 Environmental Health Department: No response  
 DAERA: Water Management Unit: No objections  
 DAERA: IPRI advised that occupants of the proposed dwelling may suffer loss of amenity due to proximity to the poultry farm (260m NW)  
 NI Water – Generic response.

**Representations**

Standard Neighbour Notification was issued 03/11/2016 – No objections  
 Press advertisement 10/11/2016 – No representation received.

**Consideration:**

SPPS- Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3 – Access, Movement and Parking (PPS3)

Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21)

**SPPS**

The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. The SPPS operates a general presumption in favour of development unless there is demonstrable harm to interests of acknowledged importance. Provision is made for dwellings in existing clusters meeting the policy requirements

**PPS21**

**Policy CTY 1** states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is the development of new dwellings in existing clusters, the requirements are set out **Policy CTY2a** as follows:

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

The proposed site lies outside of a farm on the Ballymacvea Road. Immediately west of the proposed site are six no. detached dwellings that front directly onto the public roadway. Directly to the south of the proposal site are six further dwellings, therefore the proposed site satisfies this element of the policy

- the cluster appears as a visual entity in the local landscape;

There is a line of six dwellings along the Ballymacvea road to the west of the subject site. Each of these dwellings presents a strong frontage to the public road. When traveling along the Ballymacvea road in a westerly direction this row of buildings together with the proposed site reads as a visual entity in the local landscape. This is strengthened by a further six dwelling located to the south of the proposed site.

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

There has been no evidence presented to demonstrate that a focal point such as a social / community building/facility is in existence. The development site is not located at a cross roads.

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The proposed site is bounded to the northwest by the existing dwelling at no. 52 and to the southwest of the proposal by an existing dwelling at no. 48. There are mature boundaries on all aspects which provides a suitable degree of enclosure.

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and

The proposed site is bounded to the northwest and southwest by no. 52 and no. 48 Ballymacvea road and is contained to the south east by a private hardstanding laneway. It is considered that a dwelling on the proposed site would be absorbed through rounding of and consolidation and not significantly alter the existing character or intrude into the open countryside.

- development would not adversely impact on residential amenity,

The proposed site illustrates a detached dwelling that respects the existing development pattern. The closest existing dwelling, at no. 52 Ballymacvea Road is approx. 30 metres from the proposed dwelling, therefore there is no indication that there will be any adverse impact on residential amenity.

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

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

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

The proposed site layout indicates a detached dwelling set within a substantial site that respects the existing development pattern of the Ballymacvea Road. The proposed site is bounded on three sides by established mature natural screening that will provide integration into the landscape. The application is not associated with a farm, therefore there is no requirement for it to be associated with existing farm buildings. The surrounding built context comprises predominantly of single storey dwellings with low ridgelines. The adjacent dwelling at no. 52 is 1 ½ storey, any design on the proposed site should respect the existing built context by way of ridge height. The design and layout of any building could be controlled by way of conditions attached to the determination.

#### **Policy CTY 14 – Rural Character**

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

It is felt that the site offers adequate existing visual screening to prevent any dwelling becoming

a prominent feature in the landscape. The proposed site is bounded by existing dwellings to the north west and south west. There is an existing laneway to the east that provides a natural break in the line of development along Ballymacvea Road. The proposed site provides rounding of and consolidates the existing development pattern in the area and as such does not read as a suburban style build up.

#### Discussion.

It is felt that considering the various policy tests contained within PPS21 outlined above, on balance the proposal respects the existing development pattern of the area by way of building line and plot size. There is sufficient mature natural screening to facilitate integration. The existing laneway that forms the eastern boundary provides a natural break in the built form along the Ballymacvea Road. The existing built context is predominantly 1 – 1 ½ storey dwellings set within large sites, any building on the proposed site should respect the prevailing context.

#### Neighbour Notification Checked

Yes

#### Summary of Recommendation

Based on the above consideration outlined above I recommend the application for approval.

#### Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. The proposed dwelling shall have a ridge height of less than 5.5 metres above finished floor level and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is (not prominent in / satisfactorily integrated into) the landscape in accordance with the requirements of Planning Policy Statement 21 / the Strategic Planning Policy Statement / the local area plan, with the adjacent residential dwellings.

4. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

5. The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

Reason: To ensure that the proposal is in keeping with the character of (the rural area/this Area of Outstanding Natural Beauty.)

6. The external wall finish to the proposed dwelling shall be a painted render in a colour to be approved in writing by the Council or roughcast or fine grade chippings not exceeding 3mm and the window frames shall be in accordance with the Building on Tradition.

Reason: To ensure that the proposal is in keeping with the character of the rural area.

7. The proposed dwelling shall be sited as indicated on the approved plan drawing no. 02 date stamped 28th October 2016.

Reason: To ensure that the development is satisfactorily integrated into the landscape and to preserve the amenity and privacy of the adjoining dwelling.  
in accordance with the requirements of Planning Policy Statement 21.

8. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

#### Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

3. Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank.

Case Officer Signature: \_\_\_\_\_

Date: 12-12-16

Appointed Officer Signature: \_\_\_\_\_

Date: 12.12.16

Site Location Plan

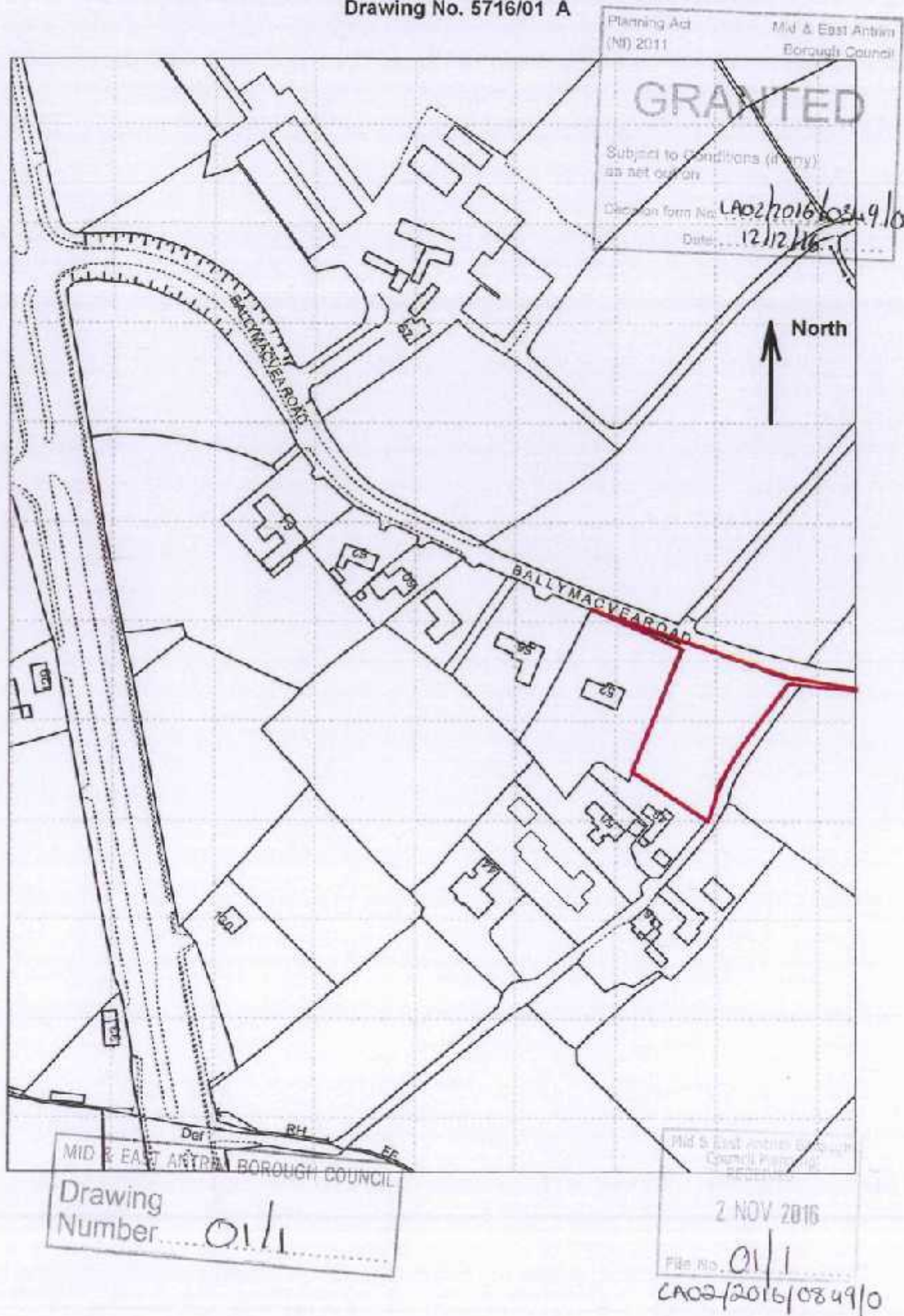
Scale 1/2500 @A4

Applicant - Mr & Mrs Moore

Location - Adjacent and to the east of No. 52 Ballymacvea Road, Kells, Ballymena

Proposal - Proposed dwelling in an existing cluster of development

Drawing No. 5716/01 A



<b>ITEM NO</b>	<b>5</b>				
<b>APPLIC NO</b>	LA07/2017/1485/F				
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>	Full	<b>DATE VALID</b>	29/09/2017	
<b>APPLICANT</b>	Mr J McCabe 62 Killyleagh Road Downpatrick BT30 9BN		<b>AGENT</b>	Dreem House Design 46 Scaddy Road Crossgar Downpatrick BT30 8BP	
<b>LOCATION</b>	Site approx. 250m south east of No 60 Killyleagh Road Downpatrick Co Down BT30 9BN				07484336245
<b>PROPOSAL</b>	Conversion & extension of barn previously approved under R/2014/0654/F with additional extension to form new domestic dwelling				
<b>REPRESENTATIONS</b>					
	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>	
	0	0	0	0	
	<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>	<b>Signatures</b>	
	0	0	0	0	



- 1 The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building and would have an adverse effect on the character or appearance of the locality and the new extensions proposed are not sympathetic to the scale, massing, architectural style and finishes of the existing building.



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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2017/1485/F**

**Date Received: Oct 2017.**

**Proposal:**

**Full planning permission is sought for amendments to the previous approval R/2014/0654 for the conversion and extension of the existing barn to a form a dwelling, with an additional extension now also proposed, on lands approx 250m south east of 60 Killyleagh Road, Downpatrick.**

**Applicant: Mr J McCabe**

**Location:**

The site is located in the countryside, between Downpatrick and Killyleagh, in an AONB and Area of Constraint on Mineral Developments, as identified in the Ards and Down Area Plan 2015. It is also noted the Killyleagh Road is a Protected Route, whereby this area is predominantly rural in character. The site is also located close to the shore edge.

**Site Characteristics & Area Characteristics:**

The site outlined in red extends to include a barn and ruins of a former building, and an access laneway and portion of a field.

The application site and subject building is set back some 200m from the Killyleagh Road, whereby there is no existing access serving the site. The roadside field sits below road level and includes a grass verge and hedgerow although the hedgerow is below road level, whereby there is no access or laneway serving the site.

The existing buildings are not readily visible from this road due to their size, set back from the road and existing mature planting surrounding the site. There is an overgrown track leading from the existing building to the boundary with the field which extends to form the roadside boundary, however this track ends at the boundary of this field and does not continue to the road.

The building on site comprises a barn and ruins of a former building to the side. This barn is constructed in stone with natural slate roof, whereby the surrounding lands are overgrown.

**Site History:**

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

R/2014/0654/F- Lands 250m SE of 60 Killyleagh Rd, Conversion and extension of vernacular building to dwelling, Full, Approval, 12-10-15, Applicant: Mr J McCabe

#### **Consultations:**

Having account the nature of this proposal and constraints of the site and area, and site history, consultation was undertaken with Transport NI, NIEA, Rivers Agency, Shared Environmental Services and Environmental Health.

As outlined above there is a recent permission for a similar proposal on this site, which remains extant, and is the fall-back position.

It is considered TNI, Rivers Agency, SES and Env Health offer no objections in principle. NIEA initially expressed concerns and requested further information, and following the submission of a Bat Roost Potential Survey and subsequent Bat Survey, in Jan and July 2018 respectively, now offer no objections.

(It is noted NED did not comment on the previously approved application, however as bats are protected species, it is considered this information must be supplied and fully considered, even though there is a previous permission on the site. In any event, the previous permission would have required to ensure no adverse impact on any bats).

#### **Objections & Representations**

Having account the extent of the red line of the application site and current practice, neighbour notification was undertaken with no.60 and 62 Killyleagh Rd in Oct 2017, while the application was also advertised in the local press in Oct 2017.

No representations have been received to date (15-08-18).

It was not considered necessary to re NN on receipt of the Bat Surveys as these were a request from NIEA and the Planning Dept.

#### **Applicable Policy considerations:-**

**RDS, Ards and Down Area Plan 2015, SPPS, PPS3, PPS6, PPS21, and supplementary guidance including Building on Tradition (A Sustainable Design Guide for NI Countryside).**

The SPPS came into effect in Sept 2015, whereby the provisions apply to the whole of N.I, and must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

As stated above the application site is located in the countryside outside any designated settlement development limit as identified in the Ards and Down Area Plan 2015, therefore the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). PPS21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.

Policy CTY 1 of PPS 21 lists 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined.

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

The SPPS however provides policy clarification in that it states at paragraph 6.73 that provision should be made for the sympathetic conversion and re-use, with adaption if necessary, of a locally important building as a single dwelling.

The introduction of a locally important test and the change in the wording from PPS21 indicates a deliberate intention to clarify the type of buildings considered acceptable for conversion.

The SPPS therefore offers clarity on the type of buildings that could be considered suitable for conversion. This list is not exhaustive and the onus is on the Applicant to demonstrate why a building could be considered locally important.

The transitional arrangements set out in paragraphs 1.10 to 1.13 thereof state that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with retained policy, the SPPS should be afforded greater weight in the assessment of individual planning applications.

As outlined above there is already permission in place for the conversion and extension of the existing barn to a dwelling under R/2014/0654.

This previous application was submitted in 2014 and was considered against the provisions of PPS21 only (and not the SPPS), whereby Full permission was granted and remains extant and is material to the consideration of the current proposal.

As such, while the provisions of the SPPS are noted, there is a lawful extant permission to convert and extend the existing building to form a dwelling, which can be enacted, thus is the genuine 'fall-back' position.

It must be noted however that if there was no previous permission the principle of this conversion would likely fail the requirements of the SPPS for a locally important building.

However, in light of the above, it is considered no objections can be raised to the principle of a conversion in this instance, whereby the assessment is restricted to the amendments to this previous permission.

As part of this proposal a P1 form, Design and Access Statement, site location plan, approved plans and proposed plans have been submitted. (Several amendments were made to the design of the building in July 2018, although the footprint largely remained the same).

As stated above the site comprises an existing barn building which is set back approx 200m from the Killyleagh Road, surrounded by mature planting, with minimal presence or visual impact from any public viewpoint. There are no other dwellings in the immediate vicinity of the site which will be impacted upon by the development.

This application seeks to convert the existing barn to a dwelling together with the extension previously permitted, and also a new additional extension.

It is noted during the processing of the previously approved application it was originally sought to create a bigger dwelling however the Planning Authority had concerns with the level of works and intervention being proposed which did not maintain or enhance the form and character of the existing building as per policy CTY4 of PPS21. As such a reduced scheme was requested, and duly submitted showing the proposed new return removed which was subsequently approved.

This current application seeks to further increase the footprint of the building, both converting the existing barn, and extending it to the side in place of the existing ruins, as per the previous approval, however now also proposes creating a large new return to the front which will extend out in to the yard area.

This new return is much larger than that previously submitted and rejected as part of the previous application. Amendments are also proposed to the main building to be converted, with existing openings closed and new openings created.

It is considered the amendments and alterations to the existing building to be converted will result in the loss of original features and identity of the building.

The footprint of the new return is some 13m long and 6m wide, which is a larger footprint than that of the existing building to be converted.

Current policy clearly states that new extensions are sympathetic to the scale and massing of the existing building, however this proposed return which is larger than the existing building to be converted is clearly at odds with this policy, and is not acceptable.

As outlined above it was previously sought to provide a return to the front of the building to be converted however this was considered excessive and was rejected, however this current scheme proposes a further increase in the footprint, over and above that previously sought and rejected, whereby the building to be converted will actually be smaller than the additions. The previously approved conversion and extension comprised a 2 bedroom house with large open plan kitchen, dining and sitting room, which is considered suitable and sufficient for a proposal of this nature.

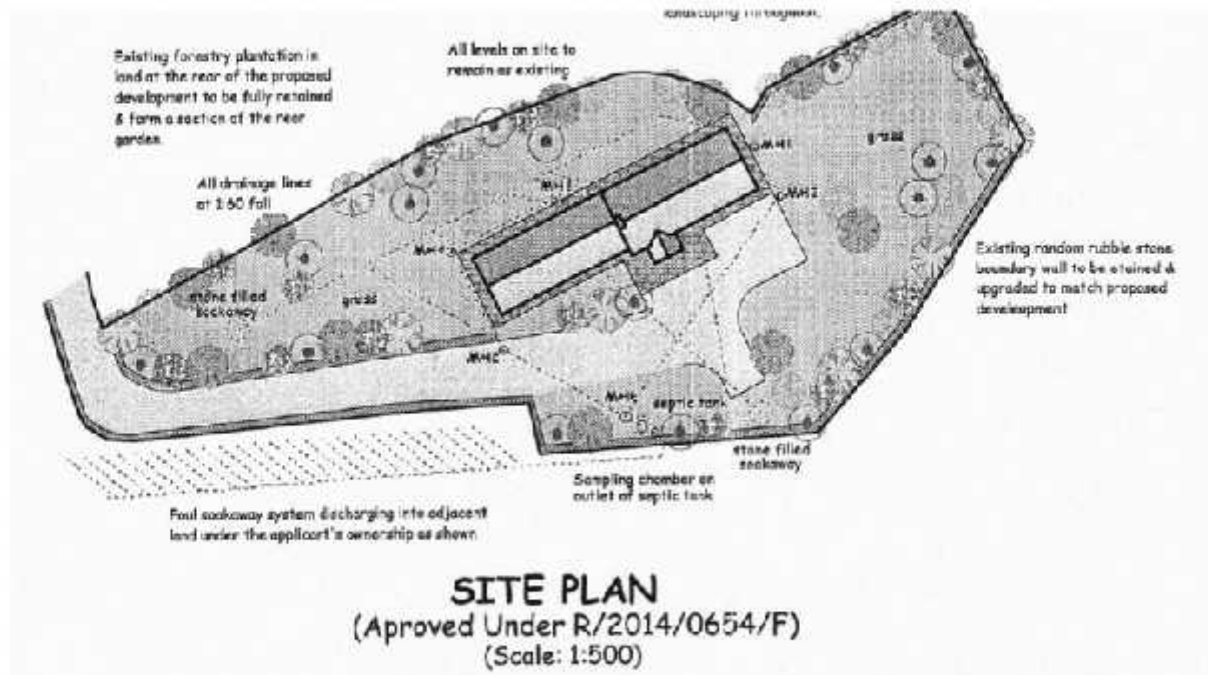
It is acknowledged that the applicant has an extant permission for conversion of the subject building pre the SPPS requirement that the building be locally important, determining weight is being attached to this. The Planning Office are not therefore refusing the application on the basis that it is not a locally important building, but it is refusing the application in terms of the new extensions being proposed against CTY4 of PPS21.

The agent has been made aware of the Planning Depts concerns, and has advised if permission is not granted on the basis of the current submission they intend lodging an appeal with the PAC.

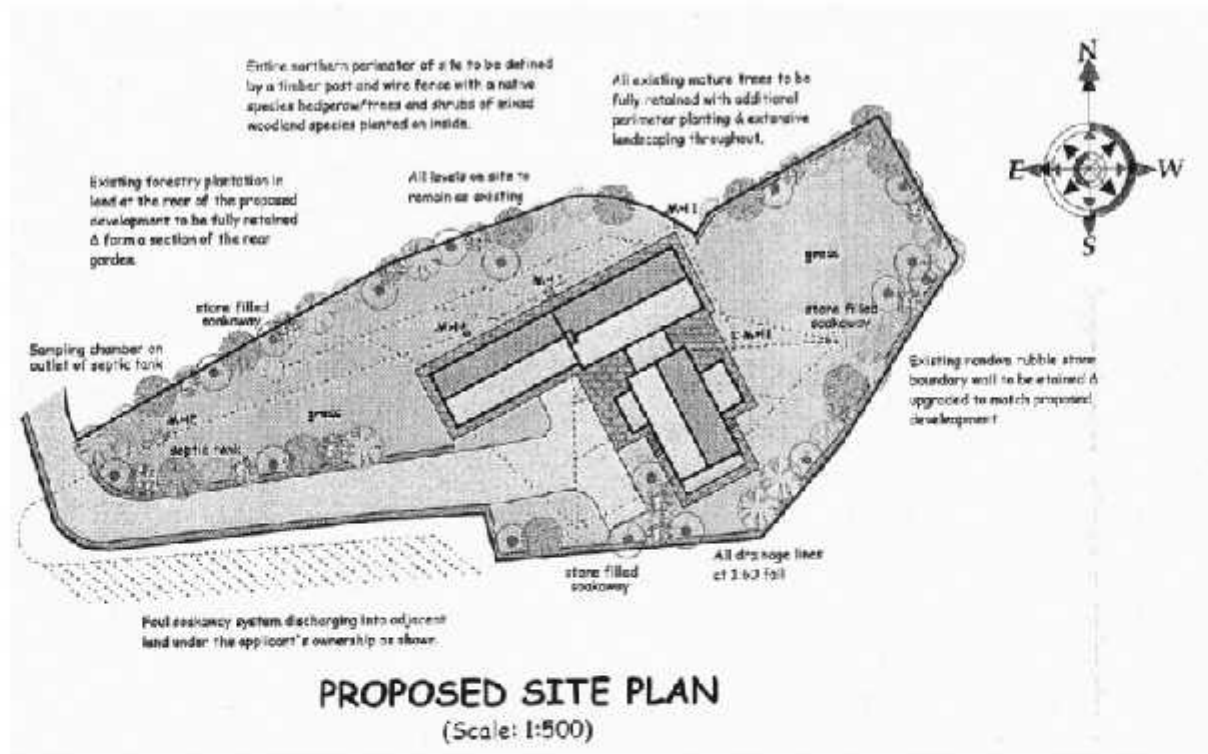
#### **Recommendation: Refusal**

- 1. The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building and would have an adverse effect on the character or appearance of the locality and the new extensions proposed are not sympathetic to the scale, massing, architectural style and finishes of the existing building.**

### Previously approved site plan



### Current Proposed site plan



**ITEM NO**  
**APPLIC NO**  
**COUNCIL OPINION**  
**APPLICANT**

7  
 LA07/2017/1694/RM  
**REFUSAL**  
 Mr R Hutton 40 Vianstown Road  
 Downpatrick

Reserved  
 Matters

**DATE VALID** 03/11/2017

**AGENT**  
 Michael Smith Building  
 Design 139 Ballydugan  
 Road  
 Downpatrick  
 BT30 8HG

**PROPOSAL**  
 Adjacent to junction of Vianstown  
 Road and Bishopsbrae Road  
 Downpatrick  
 Replacement dwelling (off site)  
 07802671577

**OBJ Letters** 0  
**SUP Letters** 0

**OBJ Petitions** 0  
**SUP Petitions** 0  
**Addresses** 0  
**Signatures** 0  
**Addresses** 0  
**Signatures** 0

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

2. The proposal is contrary to the SPPS and the Departments PPS 2 Natural Heritage NH6 Areas of Outstanding Natural Beauty in that the scale and design of the proposed development is not sympathetic to the special character of the AoNB in general and of the particular locality.





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1694/RM

**Date Received:** 3<sup>rd</sup> November 2017

**Proposal:** Replacement Dwelling

**Location:** Adjacent to Junction of Vianstown Road and Bishopsbrae Road, Downpatrick.



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

The site is located at the junctions of the minor Vianstown Road and Bishopsbrae Road, Downpatrick. It is comprised of two parcels of land, with an overall size of 0.9 hectare. The land is currently used for agricultural purposes. The site previously contained a dwelling, which has been demolished.

The site is defined by a deep grass verge at the roadside, with a post and wire fence on all boundaries except that to the south-east. It is noted that mature vegetation

defines the boundary of the site along Bishops Brae Road and a clipped hedge separates the two fields within the site. The site slopes steadily upwards from Vianstown Road in an easterly direction.

### Characteristics of Area

The site is located outside the settlement limit of Downpatrick in the rural area. The area is comprised of open countryside mainly in agricultural use with sparsely located rural dwellings and farms.

### **Site History:**

R/2014/0328/O – Adjacent to junction to Vianstown Road and Bishops Brae Road Downpatrick – Off Site Replacement Dwelling – Granted – 13.11.2014

R/2011/0024/O - Adjacent to junction to Vianstown Road and Bishops Brae Road Downpatrick – Off Site Replacement Dwelling – Granted – 23.06.2011

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

I have assessed the proposal against the following relevant policies:

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

### Development Plan – The Ards and Down Area Plan 2015

The site is located within the rural area as designated in the Ards and Down Area Plan 2015.



**Consultations:**

- Statutory – Transport NI – No objections

**Objections & Representations**

The following neighbouring properties were notified on 10<sup>th</sup> November 2017:

- 35, 39 and 40 Vianstown Road

The application was advertised on 22nd November 2017.

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

**Consideration and Assessment:**

The proposal is an application for reserved matters planning permission for a replacement dwelling.

The principle of the replacement dwelling at this location has been approved under R/2014/0328/O.

The conditions of outline were as follows

- Time limit
- Substitution for previous approval R/2011/0024/O
- General Design
- Demolition of existing building coloured GREEN
- Siting & Curtilage is restricted to the area shaded YELLOW
- Landscaping
- Detailed Floor levels
- Access
- Visibility splays

The application has been submitted within the necessary time frame and the proposal is assessed as follows.

The proposal complies with conditions of outline planning permission, in terms of the time limit, siting, landscaping, access, etc. It is noted that the dwelling which previously existed on site has been demolished to facilitate road improvements at the junction of Bishops Brae Road and Vianstown Road. It falls therefore for the Planning Department to consider the design of the proposal under Policy CTY 13 Integration and Design of Buildings in the Countryside contained with PPS 21.

The proposed dwelling is predominantly single storey, with a maximum ridge height of 4.7m above finished floor level. There is a two storey element, providing first floor bedroom accommodation; this part of the dwelling will have a maximum ridge height of 6.8m above finished floor level. The dwelling will have an overall length of 33m

and will be finished with blue / black concrete roof tiles, smooth rendered walls with stonework where shown.



The proposed dwelling will be positioned 60m from Bishops Brae Road and 53m from Vianstown Road at the nearest point. The dwelling will be positioned so that the front elevation faces towards the east. The proposed levels of the site, will result in the dwelling being approximately 5m above the road level at Bishops Brae Road and approximately 10m above the level of Vianstown Road.

The proposed dwelling is considered to be excessive in length at 33m and in an attempt to justify it, the agent has stated in the Design and Access Statement that the proposal is less visually obtrusive than the original dwelling given the proposed siting beyond the existing mature hedgerow. In addition, the agent notes that the previous dwelling was some 26m in length.

In assessment of the above, it is considered that the previous dwelling was a non-listed roadside vernacular dwelling, which respected the rural character of the area.



The siting of the proposed dwelling as conditioned in the outline approval ensures that a suitably designed dwelling would have a lesser visual impact than the previous dwelling given its separation and set back position from the public road. It is acknowledged that the area conditioned for development and shaded Yellow on the approved plans, is elevated and a dwelling would be visible, albeit long distance, from the public road network, along Vianstown Road, in addition to the views obtained from the racecourse. It is therefore essential that a suitably designed dwelling is proposed, given the elevated nature of the site. It is considered that the dwelling proposed is not suitable for the site, in that its elongated form and two storey element would make it incongruous in the local landscape. The agent has been requested to amend the proposal and has provided the planning department with a preliminary sketch, however, it is considered that the issues raised have not been satisfactorily addressed and therefore, the proposal, based on the formally submitted drawings dated 3<sup>rd</sup> November 2017 are considered to be unacceptable and contrary to criteria ( e ) of Policy CTY 13.

In addition, it is considered that the overall size of the new dwelling would not allow it to integrate into the surrounding landscape and the new dwelling, as proposed, would have a visual impact which is significantly greater than the former building. The proposal is therefore considered to be contrary to Policy CTY 3 of PPS21.

**Recommendation:        REFUSAL**

**REASON**

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

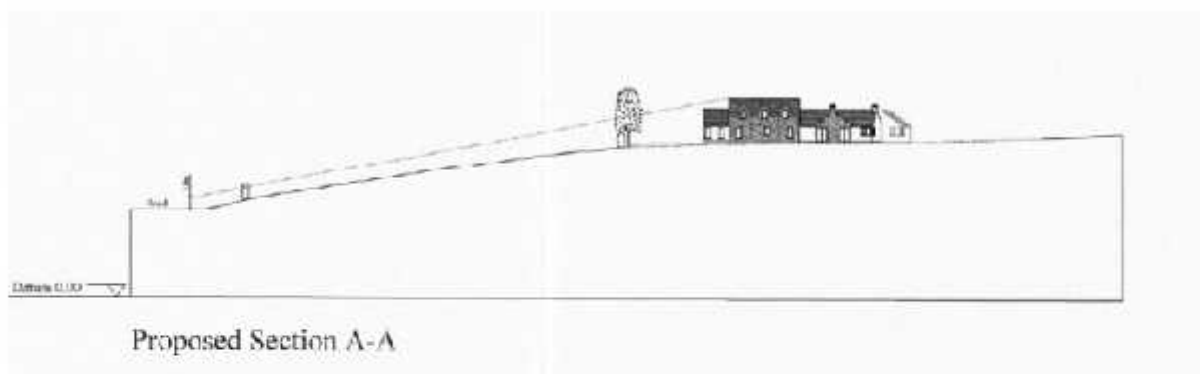
Signed .....

Date .....

Signed .....

Date .....






The agent has reduced the dwelling frontage to 25m from 33m. The agent makes comparison to the frontage of the original dwelling, however the original dwelling was a linear roadside dwelling which nestled into the bottom of the hillside. The current application is proposed on an elevated position on the hillside and for obvious reasons an expansively designed dwelling with an incongruous 2 storey element cannot be accommodated on the site whilst achieving integration into the landscape.

This particular site given its elevated nature and topography requires a bespoke design which addresses the sites topography. It is obvious that the design concept for this proposal has not been amended to take account of the site characteristics and fails to have any regard to the design guidance document "Building on Tradition A Sustainable Design Guide for the Northern Ireland Countryside". (BOT) See Extract from BOT below.

This is considered a complex house type which employs complex roof forms, varying lengths of roof planes, a mix of gable widths, large scale and excessively small scale



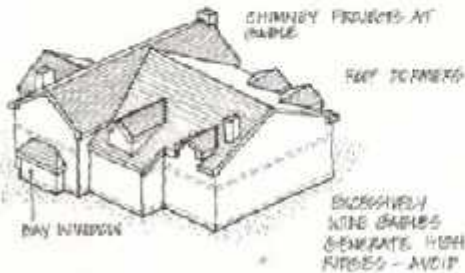
out shots/extensions relative to the main house form. All identified in BOT as elements which result in poor or unacceptable design.



5.2.1 The most common offense is to introduce a new house that is simply too big for the site and bears no relationship to the scale of the traditional buildings that are retained. Skilled designers are trained in the assessment of scale in the design process. The key message is that a building's size must be relative to its surroundings.

AVOID INAPPROPRIATE BIG BOX HOUSES  
MAKE SURE YOUR DESIGN AVOIDS:

- OVERLY COMPLEX ROOF SHAPES
- DORMER WINDOWS, ESPECIALLY WHEN THESE ARE VERY LARGE OR INFLUENCING UP THE ROOF SLOPE
- EXCESSIVELY FLUSH ATTACHED/SEMI-EXTERNAL SPACES SUCH AS: BAY WINDOWS, PORCHES - CHIMNEY BREASTS PROJECTING FROM GABLE WALLS



As a general rule keep forms as simple as possible. Dormer windows were not a feature of traditional Northern Irish farmhouses - avoid them (especially on large houses).

Two storey houses without dormers achieve a much simpler form than storey and a half houses with dormers and integrate better into the countryside.

The critical views of this proposal will be from the Vianstown Road, in particular along the immediate site frontage where views will be of the full frontage. Views of the site will also be achieved from the Downpatrick Racecourse, where full frontal views will be achieved.

Given the above it is considered that the proposed development fails to achieve a suitable design for the site and therefore offends Policy CTY13 of PPS21 ( e )

**e) the design of the building is inappropriate for the site and its locality**

The proposed development lies within the AoNB and as such is subject to PPS 2 NH6 which refers to AoNB's.

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

The current proposal is inappropriate for this AONB by virtue of its excessive scale and design employed and therefore offends criterion ( a ) and ( c ) of PPS 2 NH6.

**Refusal is therefore recommended**

1. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
2. The proposal is contrary to the SPPS and the Departments PPS 2 Natural Heritage NH6 Areas of Outstanding Natural Beauty in that the scale and design of the proposed development is not sympathetic to the special character of the AonB in general and of the particular locality.

Signed .....

Date .....

Signed .....

Date .....

**Submission to NMDDC Planning  
Committee**

**For**

**Proposed Replacement Dwelling  
Adj to Junction  
Vianstown Road & Bishopsbrae Road  
Downpatrick  
Co Down**

**for**

**LA07/2017/1694/RM**

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

*Tel 028 44615818*

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

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



### Introduction:-

Initial Outline Planning Permission Granted 21<sup>st</sup> June 2011 for replacement Dwelling immediately East of the Original Dwelling house on the steep slope. This site was impractical and the applicant became aware of the impending Road Safety Works.

Outline Planning Permission Granted for Off Site Replacement Dwelling 10<sup>th</sup> November 2014.

Applicant approached by Transport NI mid 2016 seeking an arrangement to have the original dwelling demolished to accommodate a road safety improvement scheme at the junction of Bishops Brae Road and Vianstown Road.

Even though the applicant had no immediate need to seek Approval of Reserved Matters at the time he was agreeable subject to NMDDC Planning confirming that such demolition prior to submission of application seeking Approval of Reserved Matters would be acceptable. See copy correspondence **Appendix A**.

Transport NI Road Safety Improvement Scheme commenced November 2016 and completed early 2017. Original dwelling demolished at this time.

Approval of Reserved Matters submitted 3<sup>rd</sup> November 2017 respecting ALL conditions of prior Outline Planning Permission. There was no Ridge Height Restriction conditioned in the Outline Planning Permission.

On the face of matters it would appear that if this planning application for Approval of Reserved Matters is Refused the applicant will lose the right to Replace the Dwelling demolished by Transport NI.

However, I contend that the vehicular access and visibility splays as conditioned have been implemented. Thus the planning permission has been enacted. Typically one would require Approval of Reserved Matters before such works were carried out, however, in this unique instance the works were incorporated as part of the agreement between the applicant and Transport NI who in turn

carried out these enabling works in accordance with the conditioned standards stipulated in the Outline Planning Permission granted 10<sup>th</sup> November 2014.

**Planning Case Officers Report on Initial Design:-**

The initial Planning Case Officers Assessment Report is broadly speaking negative in its interpretation of the proposal. It does not provide a comprehensive assessment of the proposal against Building on Tradition (BOT).

The photograph of the original dwelling on page 5 does not accurately represent the setting of the former dwelling. It does however illustrate that the original dwelling had a stepped roofline.

The original dwelling was sited prominently on the road junction with FFL approx 1.5M above Vianstown Road at the RHS. The existing dwelling was overbearing on the Vianstown Road. See Photographs of Existing Dwelling **Appendix B**.

In discussing the levels of the proposal relative to Bishops Brae Road the Planning Case Officers Report refers to the proposal being 5M higher. The Case Officer has chosen to relate the Road Level at the Proposed Entrance to the Proposed FFL rather than the 1.8M difference in level from the point of Bishops Brae Road closest and adjacent to the building line of the proposed dwelling.

Furthermore there is no mention or recognition of the mitigating Planted Landscaping illustrated on the Proposed Site Layout Plan at either side of the proposed entrance laneway. This planting would compliment the existing adjacent copse of mature Trees located along the boundary with Bishops Brae Road.

In addition the Planning Case Officers Report fails to recognise the removal of the existing mature hedgerow along the frontage on Vianstown Road by Transport NI as part of their Road Safety Improvement Scheme and the fact that a replacement hedgerow has been established behind the new boundary fence at the top of the embankment as part of the same works. Obviously the new hedgerow will require

several years to become fully matured and will then provide additional screening of the proposal from that part of Vianstown Road.

The Planning Case Officers Report states that there would be long distance views *"...along Vianstown Road, in addition to views obtained from the racecourse."*

I do not agree with this statement;-

The views of the proposal from Vianstown Road are not long distant and are intermittent and available from positions along the frontage of the intermediate field fronting Vianstown Road from where the original dwelling was also visible.

Typical long distance views from Vianstown Road illustrating how existing mature trees screen the proposal from view are included in **Appendix C**.

In relation to the views from Downpatrick Racecourse I must point out that the only public area at Downpatrick Racecourse is around the Grandstand Complex. The actual racecourse and the tarmac road running along side are private areas not strictly open to the public. The tarmac road is specifically for Travelling Race Stewards, First Aid Medical Vehicles and Travelling Veterinary Surgeons used only during race days. This track is not a Public Amenity and therefore any view from it must be discounted.

View from the Public Grandstand Complex at Downpatrick Racecourse is long distant and included in **Appendix C**.

Note that the analysis of the initial design does not make reference to a Designated AONB or PPS2.

### **Addendum to Report Following Recommendation.**

Agent was contacted by NMDDC Planning email dated 9<sup>th</sup> March 2018 setting out 3 x issues with the initial design. These were;

- The frontage of the dwelling is excessive at 33M
- The two storey element complicates the design of the dwelling and is considered inappropriate given the nature of the site.
- The overall design of the dwelling should be simplified, in terms of the number of projections, roof types etc.

The email concluded ***"I am happy to consider a sketch plan by email prior to submission of any formal amendments and to discuss further, if you consider that necessary."***

Agents email response narrative with attached revised Sketch Plans / Elevations was issued 9<sup>th</sup> April 2018.

See email copies in **Appendix D.**

Agent telephones NMDDC Planning 20<sup>th</sup> June 2018 (call ref 112978375) having not received any feedback to above email etc.

Agent is allegedly informed during return phone call on same date that the proposal "...would be taken to Committee as a refusal."

Agent submits photographic analysis based on Sketch Plan / Elevations on 4<sup>th</sup> June 2018.

The issue in point here is the agent was invited to submit sketch plans with an offer to discuss further. The Agent is allegedly informed in a telephone conversation that the matter is going before committee as refusal. Why was the agent not informed in writing at that time?

This application was for Approval of Reserved Matters... the opportunity for discussions vanished.

Following telephone discussion with Senior Planner in response to my enquiry call 3<sup>rd</sup> September 2018 (call ref 11360051) further correspondence arrives from NMDDC Planning dated 5<sup>th</sup> September 2015. (see **Appendix D**)The points contained therein are;

- Overly Complex Roof Shapes.
- Overly excessive dwelling frontage at 33M
- Overly excessive gable depths of 21M
- An incongruous 2 Storey element.

The sketch plans attached to the agents email dated 9<sup>th</sup> April illustrated;

- 2no projections omitted from the elevation facing Vianstown Road.
- Simplified plan and consequently simplified Roof shape.
- “Gable” depth was a new issue. A “gable” is a specific term for a feature on a building. There were no 21M wide gables. The side elevation containing the Garage and Car Port projected on the side furthest from Vianstown Road and would not be visible in any case either from Vianstown Road or Bishops Brae.
- a simplified design with a 1½ storey element in the sketch plan / elevation yet in correspondence dated 5<sup>th</sup> September 2018 NMDDC continued to cite “an incongruous 2 storey element”
- The building line of the proposed dwelling was moved further back from the existing boundary hedge. (Note the revised design submitted 3<sup>rd</sup> October illustrates proposed dwelling rotated so that the LHS when viewed from Vianstown Road is a further 2.5M away from existing boundary hedge)

One wonders was the email dated 9<sup>th</sup> of April and accompanying sketch plans / elevations properly understood? Would a meeting have resolved the matter?



Following receipt of NMDDC Planning correspondence dated 5<sup>th</sup> September a further revised design for the proposed dwelling was submitted for consideration accompanied by written correspondence dated 3<sup>rd</sup> October 2018.

The Front Elevation facing East and away from Vianstown Road towards the rising hill together with the Side Elevation facing North will not be viewed from any point on Bishops Brae Road save for the existing field gate which is a fleeting transit view not in the field of vision when travelling along that road in either direction. See photos in **Appendix E**. Also take account of the landscape planting mentioned earlier.

NMDDC Planning illustrate a segment from Building On Tradition and state that the proposed revised dwelling design *"...is considered a complex house type which employs complex roof forms, varying lengths of roof planes, a mix of Gable widths, a large scale and excessively small scale outshot / extensions relative to the main form. All identified in BOT as elements which result in poor or unacceptable design"*

Referring to the notes at LHS of BOT segment included in the Planning Case Officers Report (Coincidentally entitled "Replacement; Scale & Size". The heading is conveniently not illustrated) I would argue the revised design;

- Is not inappropriately Bulky in that it does not possess wide gables / double Ground Floor Room width.
- Does not possess overly complex roof shapes
- Does not possess very large dormers / dormers positioned half way up roof slope
- Does not possess excessively fussy appendages such as Bay Windows, Porches and chimney breasts projecting from gable walls.

Compare the Rear Elevation Fronting Vianstown Road initial design to the revised design. See **Appendix F**.

The amended design does however respect the design principles illustrated / described on page 97 of BOT also dealing with "Replacement; Scale & Size"

The proposed amended design is proportional to the original dwelling. See Site Layout Plan **Appendix F**. The Linear form is not the preserve of "...roadside dwelling which is nestled into the bottom of the hillside" as suggested in the Planning Case Officers Report.

Page 98 of BOT entitled "Replacement Form" deals with the form of a proposed building. Note paragraph 5.4.0 and the annex projections illustrated in the sketch illustrated on that page. I again contend that the proposed amended design is compliant in terms of its Form. If the proposed dwelling form as stated by NMDDC Planning is of concern surely this would have been the relevant segment of BOT to consider and state any short comings in the Planning Case Officers Report. There is no reference to the BOT segment entitled "Replacement Form".

Page 122 of BOT deals with principles of design in relation to efficiency and orientation. Consider the sketches and principles of resource efficiency. These important matters have been incorporated within the proposed design.

Paragraph 4.29 of SPPS states *"Local design policies and guidance should not lead to a rigid and formulaic approach to decision-taking but encourage good design and responsible innovation, originality or initiative."*

I therefore contend that the proposed design for this off site replacement dwelling as revised does not offend PPS21 Policy CTY 3 criteria (e) *"the design of the building is inappropriate for the site and its locality;"* and as a result reason for refusal No1 should be dismissed.

Reason for Refusal No2 ***“The proposal is contrary to the SPPS and the Departments PPS 2 Natural Heritage NH6 Areas of Outstanding Natural Beauty in that the scale and design of the proposed development is not sympathetic to the special character of the AoNB in general and of the particular locality”***

As previously alluded to above this reason for refusal was not mentioned in either the assessment narrative or the May / June stated reason for refusal within the Planning Case Officers Report for the initial design.

The Ards & Down Area Plan 2015 (ADAP2015) illustrates the proposal located in normal Green Belt Policy Area.

Having been in professional practice for 28 years dealing with various Planning Policy Maps for Down District and being familiar with both the ADAP2015 Draft and Adopted Maps through participation in the Public Enquiry associated with same I found this strange.

On 15<sup>th</sup> October 2018 I decided to attend NMDDC Planning Downpatrick to verify the version of ADAP2015 Maps in my possession.

To my complete surprise I was informed that;

- The ADAP2015 Map having gone through due process including Public Enquiry illustrates a different AoNB from that currently being used by NMDDC Planning. (See **Appendix G**)
- NMDDC Planning have been using an “NIEA Map” illustrating an AoNB which is considerably different from that published in ADAP2015. (See **Appendix H**)
- The NIEA Map is not available on the PlanningNI Portal or NMDDC Planning Website.
- There is no link or direction to the NIEA Map from either PlanningNI Portal or NMDDC Planning Website.
- Upon asking to see the NIEA Map I was informed that so far as that officer was aware I was the first person to ask to see same.
- A handout copy of the NIEA Map was not available as a publication from NMDDC Planning.

- NMDDC Planning had become aware of an anomaly between the ADAP2015 and NIEA Map approximately 3 years ago.
- NMDDC Planning came into possession of a copy of the NIEA Map circa 2 years ago.
- A large scale version of the NIEA Map had been placed on the wall of the Planner's Offices at Downpatrick approximately 1 year ago.
- NMDDC Planning had not informed the public including agents of the NIEA Map's existence by means of a press release or correspondence.

I requested that the large format map be removed from the Planning Office wall and brought to reception for viewing.

As no other copy was available I reasoned to take a photograph of same. A part copy of the relevant area from the NIEA AoNB Map contained in **Appendix H** has been hatched RED by me to illustrate the additional Area of Outstanding Natural Beauty which now encompassed the proposed site and is substantial in variance to the ADAP2015 AoNB.

I have spoken with several agents and not surprisingly they were all unaware of the issue relating to the enlarged NIEA AoNB designation / mapping.

I have attempted to locate the NIEA Map on the internet and following a reasonable length of time searching I was unsuccessful.

The NMDDC Planner could not direct me to it.

At the very least there is a flaw if not a legal implication by virtue of the failure to make the public aware of this change.

Has NMDDC "Council" body or it's "Planning Committee" been made aware of this variation? Is there a public record of this?

Was the NIEA AoNB map the subject of public consultation?

Was it made clear to the public by either NIEA or NMDDC Planning how it would impinge on the ADAP2015?

For this reason I contend that use of this reason for refusal is flawed, controversial and potentially worthy of challenge at a different level of public administration.

The Planning Case Officers Report states "The current Proposal is inappropriate for this AoNB by virtue of its excessive scale and design employed and therefore offends criterion (a) and (c) of PPS 2 NH6.

This reason for refusal is conspicuous by its absence from the narrative and reason for refusal of the initial dwelling design contained in the Planning Officers Report.

It is unreasonable to have expected application of PPS 6 NH6 when the public have never been informed of the inaccuracy of ADAP2015 AoNB Designation / Mapping. This has impinged on the rights of the applicant in this case.

I contend that failure to adequately notify the public of the intended change to assessment of AoNB by NMDDC Planning by using the NIEA Map has put the applicant and my business at an unfair disadvantage in the matter.

I look forward to an explanation of how this has been allowed to happen.

# Appendix A

**transportni**



Department for  
**Infrastructure**  
An Roinn  
**Bonneagair**

[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

**COPY**

**Southern Division**

Mr Robert Hutton  
40 Vianstown Road  
Downpatrick  
BT30 8AA

Lands Acquisition  
5<sup>th</sup> Floor,  
Marlborough house,  
Central Way  
Craigavon, BT64 1AD  
Tel: 0300 200 7892  
Fax: 028 3834 1867

Email:  
[Transportni.Southern@infrastructure-ni.gov.uk](mailto:Transportni.Southern@infrastructure-ni.gov.uk)

Your reference:

Our reference: MI/D/183657/28/15

Date: 28 July 2016

Dear Mr Hutton

**RE: PROPOSED JUNCTION IMPROVEMENT SCHEME AT VIANSTOWN ROAD/BISHOPS BRAE ROAD DOWNPATRICK**

I refer to the above and in particular our meeting on 21 June 2016 at which the Department's proposals were outlined.

At that meeting it was agreed that confirmation would be sought from Planning Service that should TransportNI demolish the existing old dwelling to accommodate the proposed works it will not have any impact on the reserved matters application.

For your information I enclose a copy of the response received from Planning Service confirming that Council will accept as valid a reserved matters application following demolition of the dwelling provided that it is lodged within the stipulated time frame i.e. prior to November 2017.

In order to progress the matter I would be grateful if you will contact me as soon as possible to arrange a further meeting to discuss the Department's proposals.

I can be contacted on 028 38320014.

You are further advised that a copy of this letter has been passed to your agent Mr Michael Smith.

I trust this clarifies the position and I await your further communication.

Yours Sincerely

  
J GRIMLEY (M/s)  
Lands Officer



**Liam Hannaway**  
Chief Executive

Date: 27 July 2016  
Your Ref: D/U318/08/002  
Our Ref: R/2014/0328/O



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

Mr Simon Richardson  
Divisional Manager  
TransportNI  
Southern Division  
Marlborough House  
Central Way  
Craigavon  
BT64 1AD

Dear Mr Richardson

**Re: Proposed junction Improvement Scheme – Vianstown Road/ Bishops Brae Road, Downpatrick**

I refer to the above and to your letter of 23 June 2016 to the Chief Planner Anthony McKay in relation to the above scheme and the planning approval granted by the Department of Environment on the 10 November 2014 for a replacement dwelling adjacent to the junction of Vianstown Road and Bishopsbrae Road Downpatrick for Mr R Hutton.

The planning condition on the approval stated in terms of expiry that an application for approval of the reserved matters must be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

The Council will accept as valid a reserved matters application on the outline within the stipulated time frame even if the dwelling has been demolished.

I trust this is in order.

Yours Sincerely

Annette McAlamey  
For Planning Manager

Oifig an Iúir  
Newry Office  
O'Hagan House  
Monaghan Row  
Newry BT35 8DJ

Oifig Dhún Pédraig  
Downpatrick Office  
Downshire Civic Centre  
Downshire Estate, Ardglass Road  
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council@nmandd.org  
www.newrymournedown.org

Ag freastal ar an Dúin  
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# Appendix B



Existing Dwelling RHS Frontage to Viantown Road.



Existing Dwelling LHS Frontage to Vianstown Road.



Existing Dwelling LHS Frontage to Bishops Brae Road.



Existing Dwelling RHS Gable to Vianstown Road.

# Appendix C



**Plate A. Long distance (approx 1.5KM SW) view from Vianstown Road towards proposed site. The mature trees in distance behind telecom pole obscure any view of the proposed dwelling.**



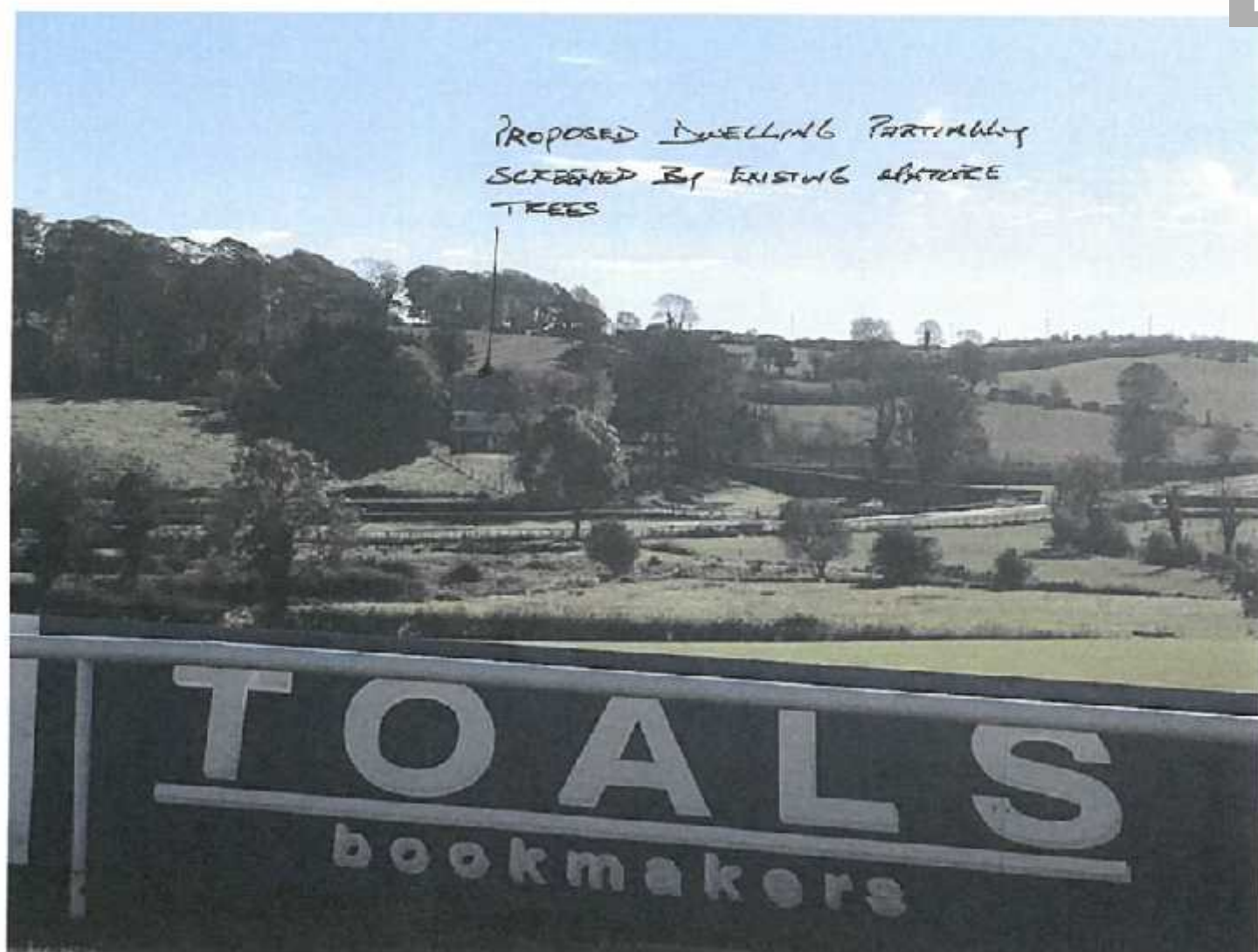
**Plate B Long distance (approx 1.5KM SW) view from Vianstown Road looking straight ahead. Proposed new dwelling sited to rear of mature trees at LHS middle distance.**



Plate C Long distance view (approx 500M SW) from Vianstown Road towards proposed site. The mature trees obscure any view of the proposed dwelling.



Plate D (approx 250M SW) from Vianstown Road the mature trees cause intermittent transient views only.



Long Distance View (Zoom Lens) towards proposed site from **Grandstand** at Downpatrick Racecourse. The proposal will not be prominent on the landscape. The proposed dwelling shall be partially screen by existing trees and will enjoy a backdrop provided by the rising landform beyond.

# Appendix D



**Subject:** LA07/2017/1694/RM - Replacement dwelling @ Vianstown / Bishops Brae Road, Downpatrick (Hutton)  
**From:** claire.cooney@nmandd.org  
**Date:** 09/03/2018 14:34  
**To:** info@mscbc.co.uk

Michael,

The above site has been inspected by myself and more recently by the senior planner. While we acknowledge the site has a backdrop and benefits from mature vegetation, we have concerns about the design of the proposed replacement dwelling and its visual impact, particularly when viewed on approach from the south along Vianstown Road.

It is considered that the

- the frontage of the dwelling is excessive at 33m
- the two storey element - complicates the design of the dwelling and is considered to be inappropriate given the nature of the site
- the overall design of the dwelling should be simplified, in terms of the number of projections, roof types etc.

A recommendation to the planning committee will not be made at this point, and you are being given an opportunity to amend the design of the dwelling. I am happy to consider a sketch plan by email prior to submission of any formal amendments and to discuss further, if you consider that necessary.

Regards

**Claire Cooney**  
**Planning Officer**

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

**Oifig Dhún Pádraig**  
**Downpatrick Office**

Downshire Civic Centre  
Downshire Estate, Ardglass Road  
Downpatrick BT30 6GQ

Council: 0300 013 2233  
Planning: 0300 200 7830



**Subject:** Re: LA07/2017/1694/RM - Replacement dwelling @ Vianstown / Bishops Brae Road, Downpatrick (Hutton)  
**From:** Michael Smith <info@mscbc.co.uk>  
**Date:** 09/04/2018 12:25  
**To:** claire.cooney@nmandd.org

Hi Claire,

Further to your email below I have consulted with my client and now attach sketches of the proposed revisions taking account of the points you raise.

The attached Proposed Site Layout has the revised building footprint illustrated RED. The Utility Room is now moved further back from the building line and is also reduced in added width to the main element such that taking the perspective view from Vianstown Road and the existing hedgerow(s) etc into consideration it will not be visible / read with the main building frontage.

The family still have need of 5 Bedrooms. The Bedroom element has been revised thus; The Two Storey element has been reduced to storey & a half; the building line of this element has been moved further back from the existing hedgerow; the front elevation / roof has been simplified to reflect a more simple traditional architecture; the overall length has been reduced at the Northern end. Again taking the perspective view from Vianstown Road and the existing hedgerow(s) etc into consideration these changes will improve visual integration.

Keep in mind the overall frontage of the original dwelling was 26M. The original dwelling was prominent road side on a junction. The frontage of the revised design is similar and taking the set back distance and perspective view from Vianstown Road aided by the mature hedgerow(s) etc the proposed is considered less prominent than the original dwelling.

Hoping you find the attached in order.

If you have any queries or require further information or clarification please do not hesitate to contact me.

Regards

Michael Smith MASI MCIOB MRICS

On 09/03/2018 14:34, [claire.cooney@nmandd.org](mailto:claire.cooney@nmandd.org) wrote:

Michael,

The above site has been inspected by myself and more recently by the senior planner. While we

Liam Hannaway  
Chief Executive



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

Date: 05 September 2018  
Your Ref:  
Our Ref: LA07/2017/1694/RM

Michael Smith Building Design  
139 Ballydugan Road  
Downpatrick  
BT30 8HG

Dear Mr Smith

Re: **Replacement dwelling (off site) Adjacent to junction of Vianstown Road and Bishopsbrae Road Downpatrick**

I refer to the above application with the Council for determination. Further to our telephone conversation yesterday and following on from your telephone conversation with the case officer of 20 June 2018, I can advise as follows.

The proposed design of the dwelling is deemed unacceptable for this rural location as it fails to comply with the design principles as set out in "Building on Tradition" A Sustainable Design Guide for the Northern Ireland Countryside. The design proposed employs overly complex roof shapes, an overly excessive dwelling frontage at 33m, overly excessive gable depths of 21m, and an incongruous 2 storey element included within the design. The proposed dwelling when viewed from critical viewpoints will fail to blend into the landscape by reason of its inappropriate design it therefore fails to comply with PPS21 CTY13.

Whilst your supporting information of 4 July 2018 it remains the opinion of the Planning Office that the proposal is unacceptable for the above reasons and on this basis shall be presented to the next available meeting of Newry Mourne and Down Planning Committee with a recommendation of Refusal.

I trust that the above sets out the current position on the application.

Yours Sincerely

For Planning Manager

Oifig an Iúir  
Newry Office  
O'Hagan House  
Monaghan Row  
Newry BT35 8DJ

Oifig Dhún Pádraig  
Downpatrick Office  
Downshire Civic Centre  
Downshire Estate, Ardglass Road  
Downpatrick BT30 6GQ

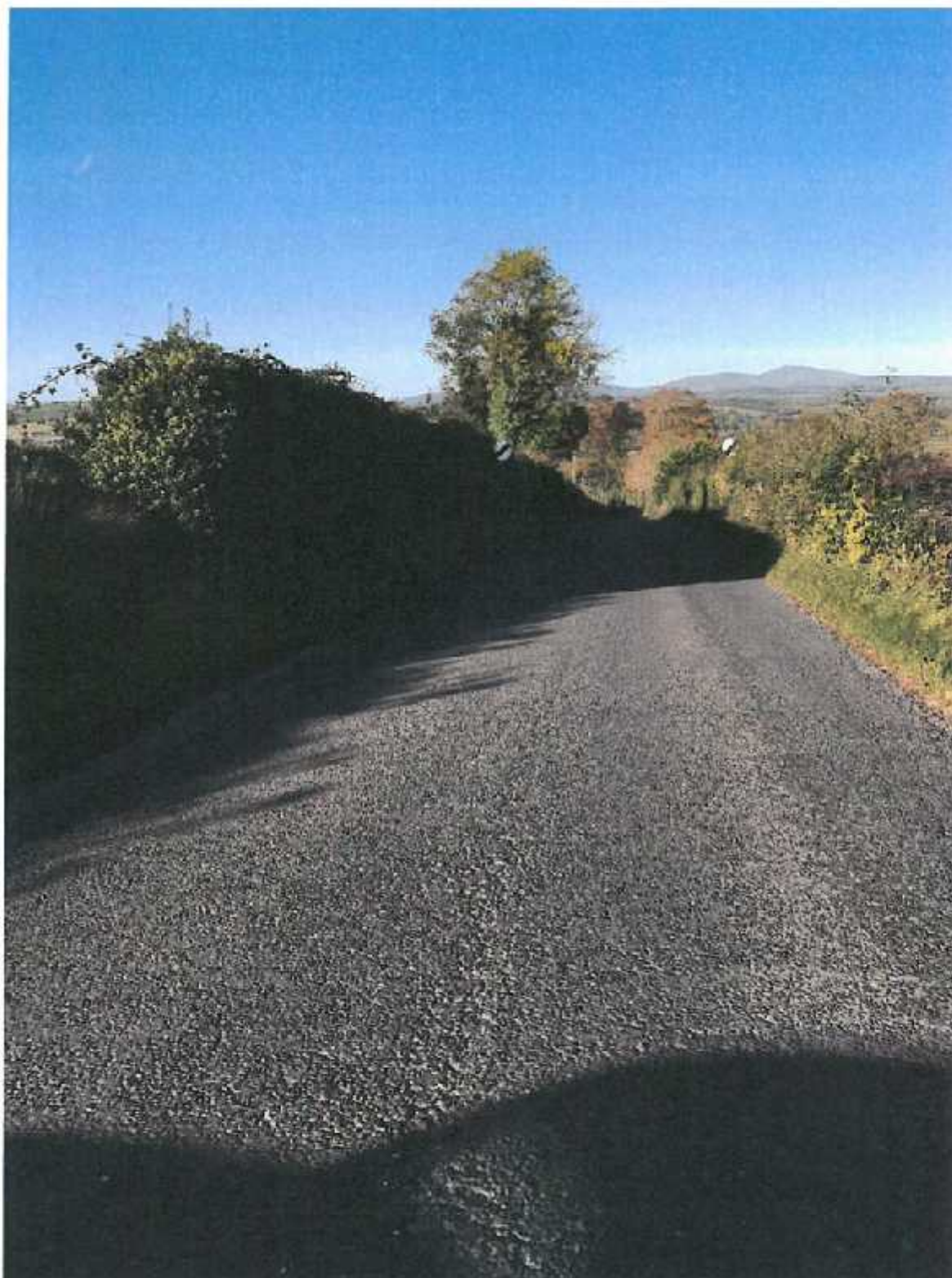
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0300 200 7830 (Planning)  
council@nmandd.org  
www.newrymournedown.org

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# Appendix E

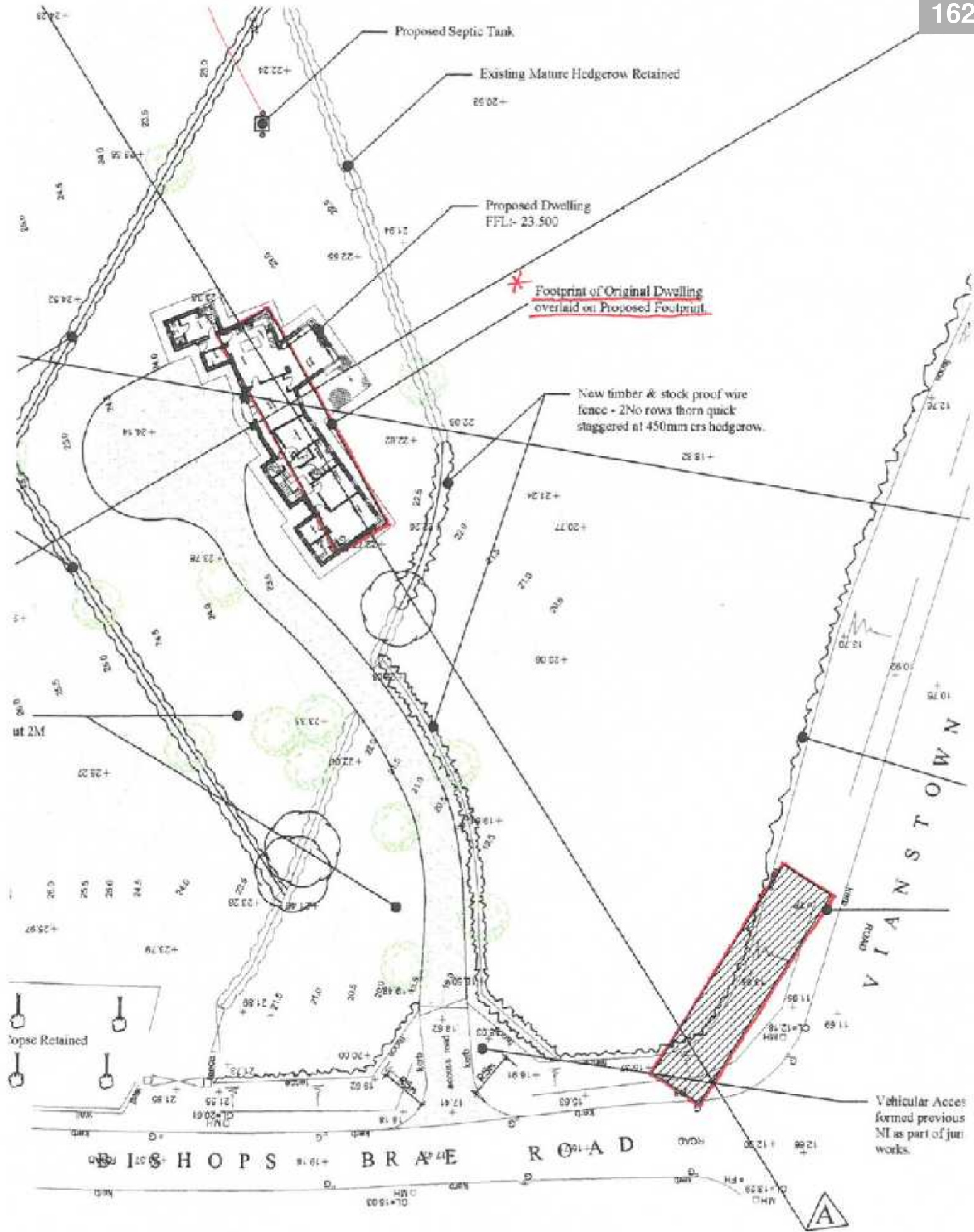


Existing Raised Plantation along boundary with Bishops Brae Road prevents any appreciation of the proposal from this stretch of carriageway.



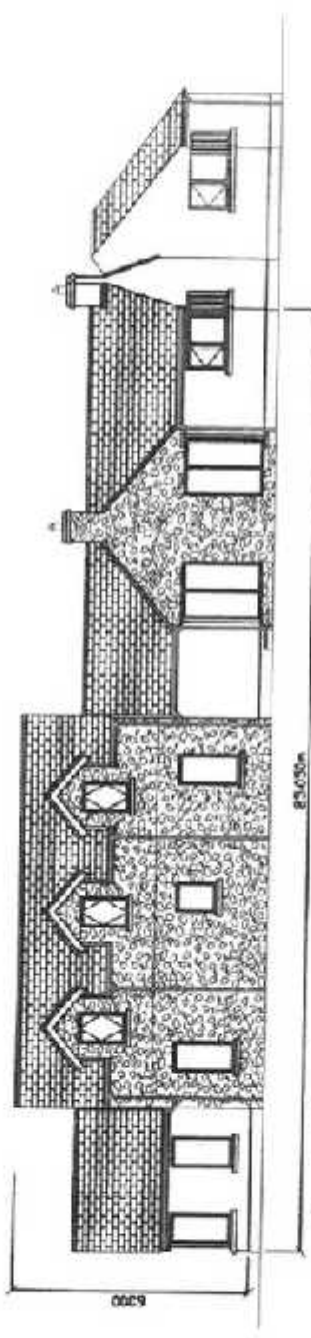
**View toward proposed site from upper reaches of Bishop Brae Road. The existing mature hedgerow fronting the carriageway and the intermediate inter-field boundary hedgerows on the LHS prevent any appreciation of the proposed dwelling.**

# Appendix F



Proposed Site Layout





Revised Design Proposed Rear Elevation (Frontage to Vianstown Road)



Initial Design Proposed Rear Elevation (Frontage to Vianstown Road)

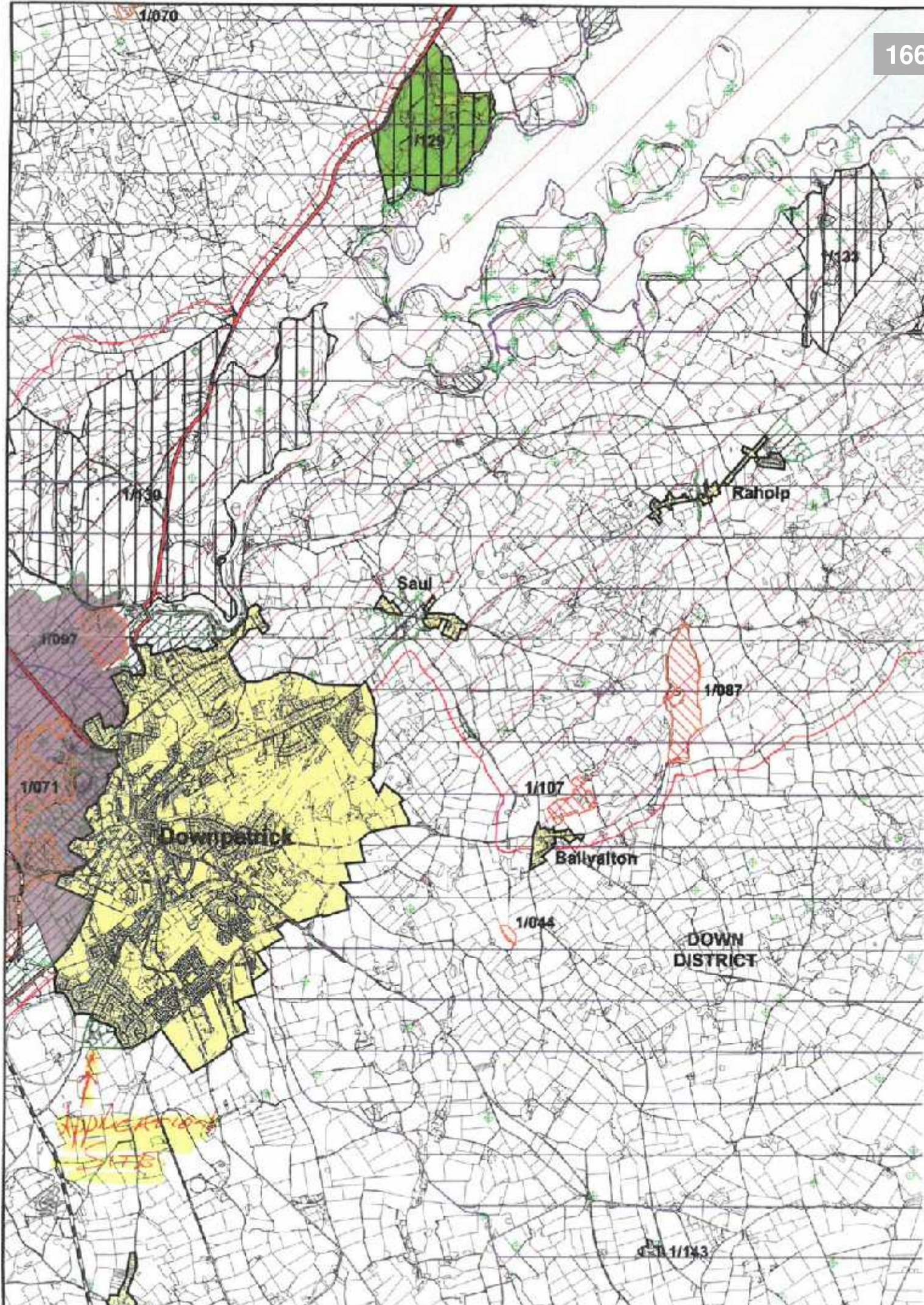
# Appendix G



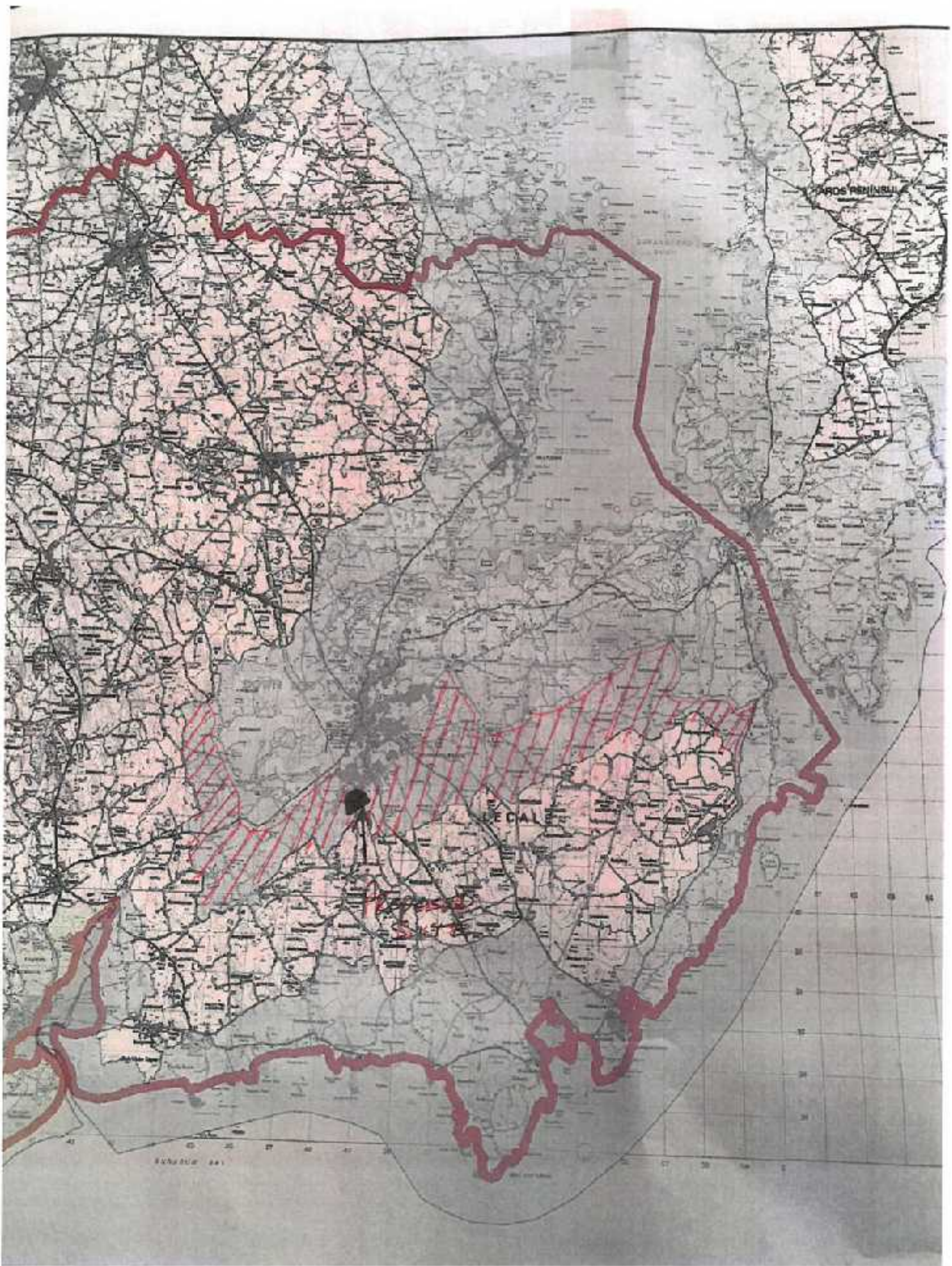
## Ards and Down Area Plan 2015 Map No. 3/001c - Down District (East)

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>..... Council Boundary</li> <li> Plan Area Settlement<br/>(Refer to relevant Settlement Map)</li> <li> Site of Local Nature Conservation Importance<br/>(Refer to relevant Clarification Map in Appendix 5)</li> <li> Historic Park, Garden and Demesne<br/>(Refer to relevant Clarification Map in Appendix 7)</li> <li> Area of Constraint on Mineral Developments</li> </ul> | <ul style="list-style-type: none"> <li> Local Landscape Policy Area</li> <li> Area of Archaeological Potential</li> <li> Area of Significant Archaeological II<br/>(Refer to Clarification Map No. 3/00</li> <li> Protected Route</li> <li> Disused Rail Track Bed</li> <li> Area of Outstanding Natural Beauty</li> </ul> |
|--|--|





# Appendix H



<b>ITEM NO</b>	9	<b>APPLIC NO</b>	LA07/2018/0658/RM	<b>COUNCIL OPINION</b>	Reserved Matters	<b>DATE VALID</b>	02/05/2018
<b>APPLICANT</b>	<b>REFUSAL</b>	<b>APPLICANT</b>	Mrs N Little 17 Cloughley Road Loughinisland BT30 8QG	<b>AGENT</b>	Matrix Planning Consultancy SABA Park 14 Balloo Avenue Bangor BT19 7QT		
<b>LOCATION</b>							
<b>PROPOSAL</b>	028 9182 8375/07974 199045						
<b>REPRESENTATIONS</b>	Lands located between 58 and 60 Drumgooland Road Loughinisland BT30 8QW						
	Proposed Infill dwelling and garage	<b>OBJ Letters</b>	0	<b>SUP Letters</b>	0	<b>OBJ Petitions</b>	0
		<b>Addresses</b>	0	<b>Signatures</b>	0	<b>Addresses</b>	0
		<b>Signatures</b>	0	<b>Addresses</b>	0	<b>Signatures</b>	0

1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted not respect the traditional pattern of settlement exhibited in the area in terms of poor siting and would therefore result in a detrimental change to the rural character of the countryside.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2018/0658/RM**

**Date Received: 2<sup>nd</sup> May 2018**

**Proposal: Proposed infill dwelling and garage**

**Location: lands located between 58 and 60 Drumgooland Road, Loughinisland.**

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

The characteristics of the site in question have not altered greatly from the time outline permission was sought. The site is part of a larger agricultural field, the site rises up from the lane, the site rising in a south eastern direction. The site is located near the top of a lane and sits off the road however due to the landscape and surrounding road network is visible from surrounding roads. The site is defined to the lane side by a post and wire fence with some naturally occurring planting, the boundary shared with the dwelling known as 60 Drumgooland Road is a post and wire fence and the boundary shared with 58 Drumgooland Road is post and wire and planting and the rear of the site is not defined. Opposite the site, on lower lands sits an additional dwelling no 58A Drumgooland Road.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. No specific site constraints have been identified on the lands in question which are currently in agricultural use.

#### **Site History:**

R/2014/0133/O – Lands between 58 and 60 Drumgooland Road, Loughinisland – proposed infill and garage- granted – 13-05-2015.

R/2002/1121/O – 300m SSE of 62 drumgooland Road, Loughinisland – 1 no dwelling – granted – 23-09-2003.

R/2002/1116/O – 190m SW of 62 Drumgooland Road, Loughinisland 1 no domestic dwelling – 14-11-2002 – granted.

R/2006/0981/RM – 300m SSE of 62 Drumgooland Road, Loughinisland – 1 no dwelling – 09-02-2007 – granted.

R/2002/1122/O – 170m SW of 62 Drumgooland Road – 1 no domestic dwelling – 3-09-2003 – granted.

R/2005/1525/F – 190m SE of 62 Drumgooland Road – 2 storey dwelling – 7-12-2006 – granted.

R/2002/1119/O – 250m SW of 62 Drumgooland Road, Loughinisland – 1 no dwelling – 03-09-2003 – appeal dismissed.

R/2001/1339/F – 140m SW of 62 Drumgooland Road – proposed dwelling – granted 02-05-2002.

R/2002/1117/O – 220m SW of 62 Drumgooland Road, Loughinisland – 1 no domestic dwelling – 03-09-2003 – appeal dismissed.

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

This application is considered against the Ards and Down Area Plan 2015 and in addition to this is also considered against PPS 3, Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS and Building on Tradition A Sustainable Design Guide for Northern Ireland.

### **Consultations:**

NI Water was consulted in relation to the application and has responded with no objections.

Transport NI was also consulted in relation to the application and initially responded requesting additional information, the agent submitted justification for not providing TNI with any additional information, based on the existing planning history Transport NI offered no further objections.

### **Objections & Representations**

The application was advertised in the local press on 16<sup>th</sup> May 2018 which expired 30<sup>th</sup> May 2018. Neighbour notification took place on 15<sup>th</sup> May and expired 29<sup>th</sup> May 2018. To date no representations have been made in relation to this application.

### **Consideration and Assessment:**

An application has been presented as a Reserved Matters application in relation to R/2014/0133/O which was approved for one dwelling on an infill site. The submitted site location plan red line matches that of the previously approved application.



As the principle of development for one dwelling is considered established under R/2014/0133/O this application focuses on the matters as set out in Condition 2 of that Outline Permission, as quoted below,

2. ***Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.***

***Reason: To enable the Department to consider in detail the proposed development of the site.***

The siting of the dwelling was a matter to be agreed at the Reserved Matters stage in the application. The current siting as proposed is considered unacceptable.

The application was approved under the infill policy of CTY8 for one dwelling at lands between 58 and 60 Drumgooland Road. The proposal has been submitted locating the dwelling to the extreme south western portion of the site. Not centrally located like the dwellings on adjacent plots of No. 58 and No.60 Drumgooland Road therefore failing to respect the surrounding character in terms of siting.

Building on Tradition A Sustainable Design Guide for Northern Ireland makes specific reference to appropriately sited and scaled dwellings in particular the importance of respecting traditional siting patterns in relation to gap sites. It is clear from the aerial image of the site and its relationship to the other buildings making up the ribbon that the proposed siting does not respect that of the neighbouring properties which at present consists of large plots with the dwellings centrally located in them and therefore fails to respect the traditional siting pattern.



The agent was asked to amend the siting of the dwelling. The agent has stated in a supporting statement date stamped received 23<sup>rd</sup> July 2018 that he will not be moving the location of the dwelling due to the intention of submitting an additional application for a second dwelling in the adjacent lands.



however the design would fail to blend into the landscape with attention drawn to the non rural design employed.

The site can make use of some existing boundaries but will require new planting for the rear of the site however the site will not rely on new planting in order to integrate successfully.

Policy CTY14 refers to buildings and Rural Character

Para 5.76 states that there are a number of different ways in which new development in the countryside can impact detrimentally on rural character. One building by itself could have a significant effect on an area if it is poorly sited or designed and would be unduly prominent, particularly in more open and exposed landscapes.

The amplification goes on to state

5.79 In order to maintain and protect the rural character of an area the new building should respect the traditional pattern of settlement; that is, the disposition and visual appearance of land and buildings in the locality of the proposed development.

Accordingly, to be considered acceptable, a new building in the countryside should:

- adopt the spacing of the traditional buildings found in the locality; or
- integrate sensitively along with a group of existing buildings, such as a farm complex.

The current proposal is poorly sited in that it does not respect the spacing and siting of those adjacent properties and generally those in the locality. The dwelling itself is poorly designed and fails to take any guidance from Building on Tradition in terms of design or siting and therefore detracts from rural character.

### **Recommendation:**

Refusal

- 1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality.**
- 2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted not respect the traditional pattern of settlement exhibited in the area in terms of poor siting and would therefore result in a detrimental change to the rural character of the countryside.**



### **Democratic Services**

Newry, Mourne & Down, District Council  
Downshire Civic Centre  
Downshire Estate  
Ardglass Road  
Downpatrick  
BT30 6GQ

12<sup>th</sup> October 2018

Dear Democratic Services

### **Speaking Request for Item 9 - Planning Application Reference – LA07/2018/0658/RM**

#### **Location – Lands located between 58 and 60 Drumgooland Road, Loughinisland, BT30 8QW**

This submission seeks to rebut the interpretation of the officers in reaching a recommendation to refuse permission for the above application being presented at the Planning Committee Meeting of 24<sup>th</sup> October 2018.

#### **Principle of Development**

The principle of residential development at this location was established under planning permission R/2014/0133/O, which had five conditions attached.

The Council choose not to attach a siting condition by shading a section of the accompanying stamped map. See two examples in the locality where the site location map was shaded, and a condition attached to demonstrate the point on the lack of siting conditions.

Given the lack of siting condition it was deemed by the Council that the dwelling could be sited anywhere within the red line of the application site and that this would be acceptable in terms of the existing pattern of development witnessed.

#### **Siting – Traditional Pattern of Development**

In considering the size of the gap for development, it is an exercise of evaluative planning judgement. In applying Policy CTY 8 where there is a variety of plot frontages it is accepted and promoted in Building on Tradition (BoT) that an average plot frontage is taken.

The Council has consistently argued the gap between the buildings is a material factor in the assessment of the size of the gap and has refused several applications on this basis. However, this appears to be being ignored in this circumstance. The approach is completely inconsistent and Council's point on this matter is very weak, when taking account of the following:

- 1 – The lack of a siting condition;
- 2 – The average frontage is 68.3m;
- 3 – The site frontage is 80m and;
- 4 – The gap between the buildings is 110m

It is apparent that the site is too large for a single dwelling and clearly the site can accommodate a maximum of two houses.



Irrespective of whether an additional application is before the Council on a second dwelling this would be a material factor in relation to the Council's expressed concern. Furthermore, we have indicated that an outline application is being prepared to be submitted.

Notwithstanding this there is a variety of plot sizes in the locality and this is again demonstrated by the plot frontage analysis provided to the Council on 11/09/2018 to which there is no reference in the report.

### **Design – Building on Tradition**

Paragraph 4.27 of the SPPS states that "Where the design of proposed development is consistent with the relevant LDP policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are exceptional circumstances".

Furthermore paragraph 4.29 confirms that; "Planning authorities should not attempt to impose a particular architectural tastes and style arbitrarily".

The Case Officer indicates that the "overall design is poorly thought out with little to no regard for the Department's guidance document "Building on Tradition – A Sustainable Design Guide for Northern Ireland"". The case officer expresses their opinion initially and then indicates the elements that they deem to be unacceptable, namely the roof form, large 2-storey front return and balcony.

I note that the Building on Tradition guidance does not place an embargo on design aspects, nor is it as overly prescriptive as the Case Officer interpretation suggests. I note the acceptance that the site is located at a distance from the public road. No critical viewpoints have been identified.

The dwelling will be read against a sloping topography and in the context of the designs already permitted by the other dwellings at this location. Taking account of these factors the 2-storey front return will not be appreciable.

Planning Application LA07/2015/0866 – Adjacent to Nos.65 Loughinisland Road was granted permission on 16/11/2016 and I note the following:

- 1 – It is a roadside site and more prominent than the current application site;
- 2 – It adds to the existing ribbon of development at this location;
- 3 – It includes a large balcony area at first floor and a profile clad Kingspan Roof

I see no demonstrable harm that would ensue and no exceptional circumstances to justify refusal of this proposal.

### **Conclusions**

The guiding principle is that planning permission should be granted unless there is demonstrable harm to the interests of acknowledged importance. The principle of development has been established and the assessment of this case lacks any degree of balance or consideration of the context or the approach the Council has previously taken.

The statutory agencies have reached the conclusion that no harm has been demonstrated and there are no 3<sup>rd</sup> party objections.





Taking account of the lack of conditions, average plot frontage, gap between the existing buildings (Pattern of development) and the fact that laneway does not extend across the whole frontage of Nos 60, it is apparent that the size of the site is more suitable for two dwellings.

If you require anything further, then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "AS", is written over a faint circular stamp.

**Andy Stephens**  
**BA Hons, MSc**  
**Planning Consultant**

**ACEmap<sup>®</sup> Online** Scale 1:1250

Plan No. 22405NW

Printed: 23/01/2012

Customer Ref. Barry Savage

Plot I.D. 75799-1

This map relates to the following address or grid reference



Area Planning Office  
RECEIVED  
25 JAN 2012  
File No... 01  
Downpatrick 1



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**Site Location Map**

Applicant: Mr Barry Savage

Location: Lands approximately 150m north of Cloughley Road, Loughinisland, Downpatrick

Proposal: Farm dwelling for active farmer

Scale: 1:1250

ies cannot, however, accept appropriate shall be entirely since and Personnel

© Crown Copyright 2011

ACEmap<sup>®</sup>

Online

Scale 1:2500

Plan No. 22401NW

Printed: 27/11/2013

Customer Ref

Plot I.D. 95753-1

This map relates to the following address or grid reference

54, THE HEIGHTS, SEAVAGHAN, DOWNPATRICK, BT30 8PX, 187322073

Don't like Ceantair an tOir  
 Seomra agus an tOin  
 (New) Volume and Down  
 Council

Planning Act (NI) 2015

**Grant**

Subject to conditions

Application Ref No. 10-1-0-11-21 of  
 Downpatrick 4

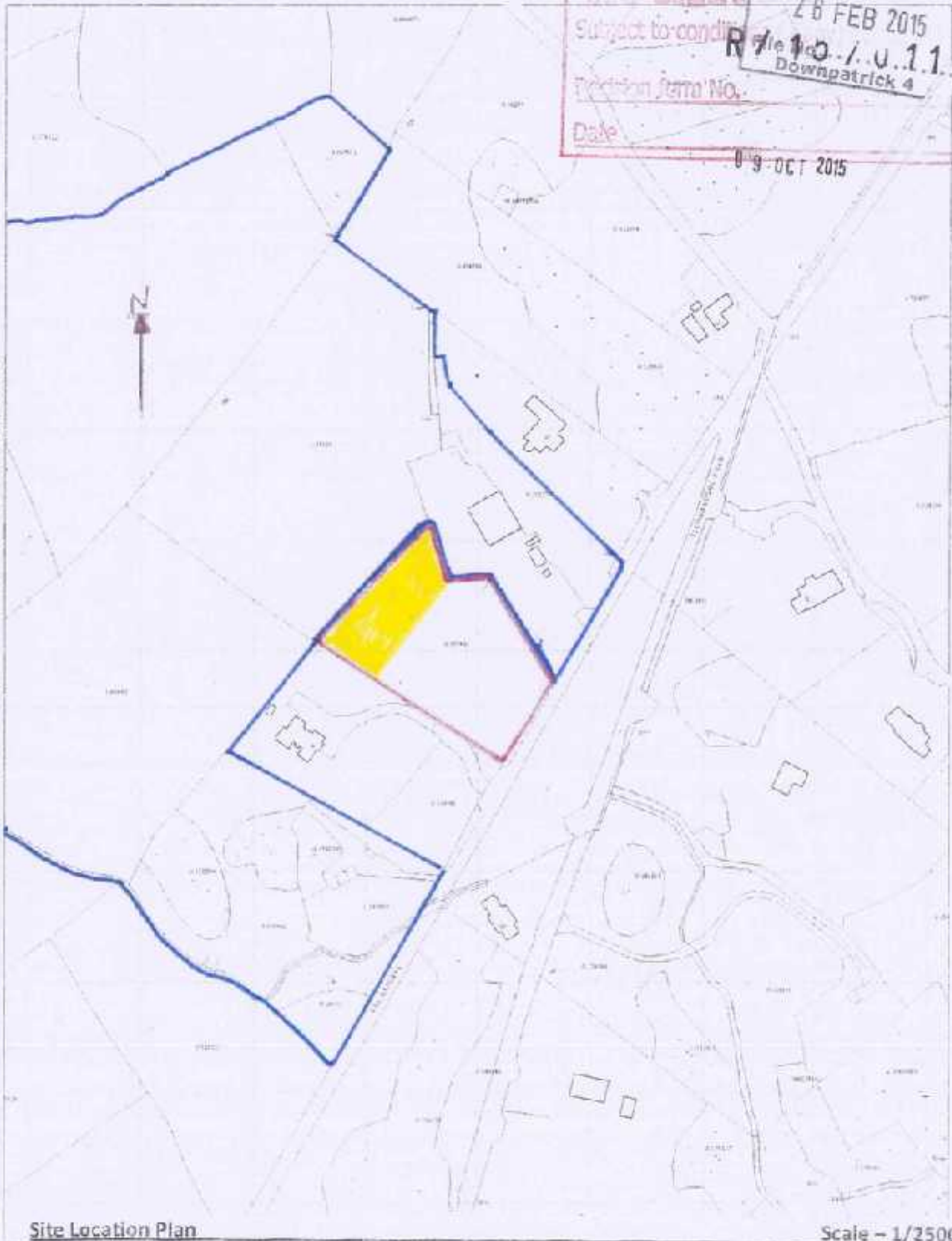
Date: 09-OCT-2015

26 FEB 2015

Area Planning Office  
 RECEIVED  
 ORDNANCE SURVEY  
 OF NORTHERN IRELAND

181

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Site Location Plan

Scale - 1/2500

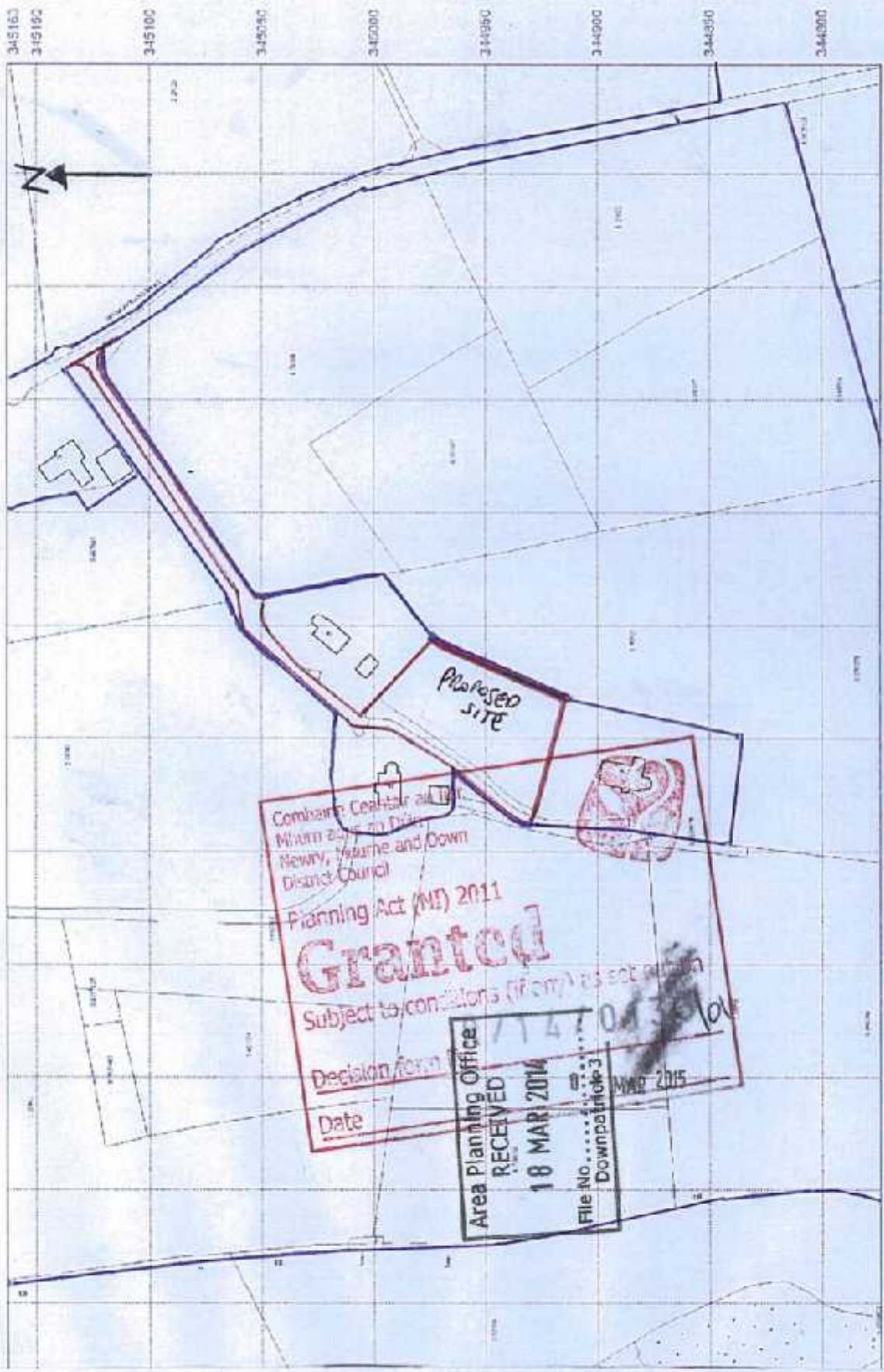
Applicant - Mr Christy Smyth

Location - Lands located between No.56 & Nos.64, The Heights, Loughinisland, Downpatrick

Licence Proposed infill dwelling and garage

ap<sup>®</sup> Online Scale 1:2500  
Customer Ref. sites to the following address or grid reference

Plan No. 22405SW  
Plot I.D. 95025-1



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Site Location Plan

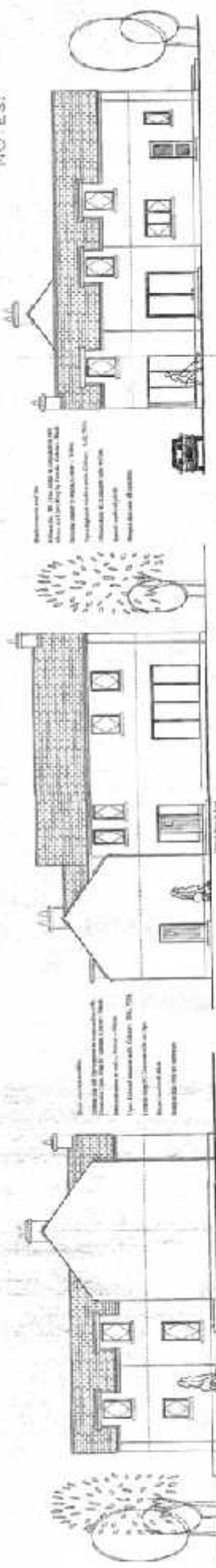
Scale - 1/2500

Applicant – Mr Daniel Savage

Location – Lands located between Nos.58 & Nos.60 Drumgooland Road, Loughinisland

Proposed infill dwelling and garage

NOTES:

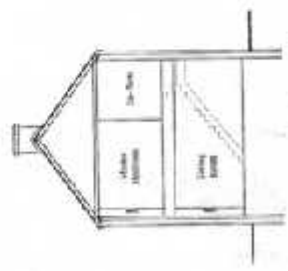
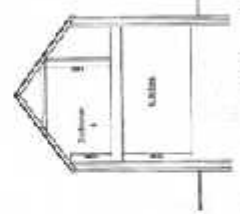


Proposed Side Elevation

Proposed Front Elevation

Proposed Section B-B

Proposed Section A-A



### Proposed Sketch Plans

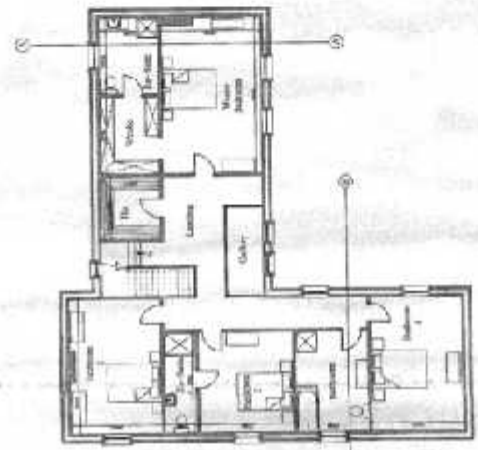
Proposed Floor Area: 1844 sq ft - 1840 sq ft  
 Ground Floor Area: 1840 sq ft - 1840 sq ft  
 Total Floor Area: 2740 sq ft - 2730 sq ft

**MICHAEL SMITH**  
 ARCHITECT  
 139 Dollywood Road  
 Dollywood, TN 37626  
 Tel: (606) 444-5816  
 Fax: (606) 444-5817

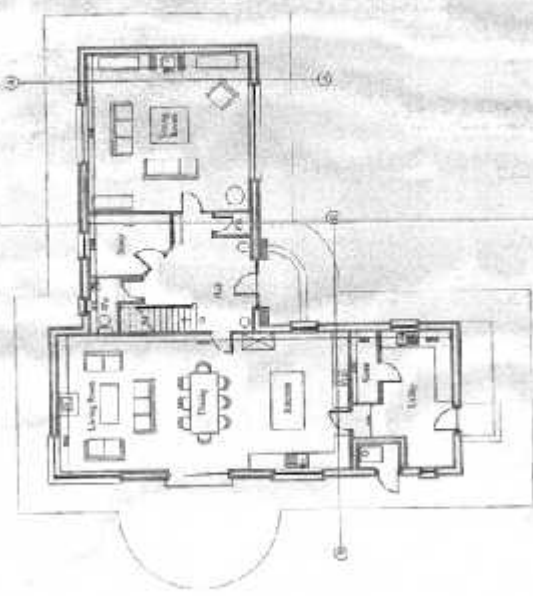
Proposed New Building  
 South of Tennessee Dr  
 Dollywood  
 P.O. Box 60000

Rev. No. 11-16-1015  
 Scale 1/8" = 1'-0"  
 Date 01/07/15

REVISION A  
 13th March 2015  
 Client: *(illegible)*



Proposed First Floor Plan



Proposed Ground Floor Plan

**Frontages**

- No. 58 - 60m
- No. 58A - 60m
- No. 60 - 80m

**Average frontage - 66.7m**

**Site Frontage - 80m**

**Gap between buildings - 110m**



**ITEM NO**

**APPLIC NO**

**COUNCIL OPINION**

**APPLICANT**

3

LA07/2017/1299/F

**REFUSAL**

Full

**DATE VALID** 23/08/2017

Mr Patrick Small 43 Upper Burren Road  
Warrenpoint  
BT34 3PT

**AGENT** Cole Partnership 12a  
Duke Street  
Warrenpoint  
BT34 3JY

**LOCATION**

58 metres South East of 43 Upper Burren Road  
Warrenpoint  
BT34 3PT

**PROPOSAL**

Erection of dwelling on a farm

**REPRESENTATIONS**

**OBJ Letters**

0

**SUP Letters**

0

**OBJ Petitions**

0

**SUP Petitions**

0

**Addresses**

0

**Signatures**

0

**Addresses**

0

**Signatures**

0

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy CTY 1 and CTY10 of Planning Policy Statement 21 'Sustainable Development in the Countryside,' in that the applicant has not provided sufficient information to confirm that the farm business is currently active and has been established for at least six years and that no development opportunities have been sold off or transferred from the farm holding within 10 years of the date of the application.

2. The proposal is contrary to policy CTY 13 of Planning Policy Statement 21 'Sustainable Development in the Countryside,' in that the proposed dwelling would be a prominent feature in the landscape.

3. The proposal is contrary to policy CTY 14 of Planning Policy Statement 21 'Sustainable Development in the Countryside,' in that the proposed dwelling would result in a suburban style build-up of development.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1299/F

**Date Received:** 23 August 2017

**Proposal:** Erection of dwelling on a farm

**Location:** 58 metres South East of 43 Upper Burren Road, Warrenpoint

**Site Characteristics & Area Characteristics:**

The site is located behind number 43 Upper Burren Road, in a rural area. It is currently an agricultural field and is elevated from the road.

**Site History:**

P/2002/1686/F No 43 Upper Burren Road, Warrenpoint, Replacement dwelling, Permission granted 11 December 2002

LA07/2015/1168/F Proposed replacement dwelling and garage 58 meters SE of 43 Upper Burren Road, Permission Refused, 26 May 2016

LA07/2016/0941/F, Proposed Dwelling on Farm, 58 metres south east of 43 Upper Burren Road, Application withdrawn

**Planning Policies & Material Considerations:**

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside

Building on Tradition Design Guide

**Consultations:**

Transport NI – no objections

NI Water – no objection

DAERA - the Business ID number identified on the P1C form has not been in existence for more than 6 years and no payments or subsidies have been claimed by



this business in the last six years. In addition the applicant states that the reference number provided relates to the applicant's father.

### **Objections & Representations**

2 neighbour notifications were issued on the 20 July 2017.

The application was advertised in local papers on 03 August 2017.

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

### **Consideration and Assessment:**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside settlement limits and is unzoned under BNMAP 2015. There are no specific policies in the plan relevant to the determination of the application so the application will be considered under the operational policies of the SPPS and PPS 21.

The SPSS, paragraph 6.73 states that "provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers." It goes on to list a number of criteria:

- The farm business must be currently active and have been established for a minimum of 6 years; (For the purposes of the SPPS 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013.)

In relation to this point, DARD have been consulted on the application and have stated that a Business ID number has not been in existence for more than 6 years and no payments or subsidies have been claimed in the last 6 years.

It therefore falls to the applicant to provide alternative evidence that the farm has been established for more than 6 years and is currently active.

A similar application was submitted in 2016 and the applicant was not able to demonstrate at that time that the farm was active and established. Information provided by the applicant as part of a previous 2016 application (LA07/2016/0941/F) stated that while Mrs B Small was the owner of the land, the land was let in conacre to a Mr McKay. In relation to the 2016 application, the applicant was not able to provide confirmation that Mr McKay had given permission for his farm ID to be used within the required timeframe. Therefore it was not possible to consult DAERA as to whether Mr McKay's farm business was active and established and no other evidence to this effect was submitted.

In relation to the current 2017 application, the applicant has stated that the land is still in the ownership of Mrs B Small and that although the farm was let out for a few years she now farms the land herself. The number provided on the P1C form does

not appear to be a farm ID number (which begins with 6) but rather another reference number. The applicant has provided some receipts for mowing and bailing. For the most part these are not addressed and do not of themselves demonstrate that the farm is currently active or that it has been established for six years. A letter from a local estate agent has also been provided stating that "lands at Upper Burren Road, Warrenpoint" have been maintained in good agricultural condition. No subsidies have been claimed. No evidence has been provided of what has been done to maintain the land in good agricultural condition. On the basis of the information provided, it has not been demonstrated that the farm meets the criteria set out in the SPSS – that the farm business is currently active and has been established for more than six years.

- No dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application;

Planning permission was granted for a replacement dwelling (P/2002/1686/F) in December 2002 on lands included on the farm map provided by the applicant. No evidence has been provided to show that this development opportunity has not been sold off in the last ten years. Based on the information available on file, the proposal also fails on this criterion.

- The proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding.

The proposed dwelling could be sited to group with the existing group of buildings adjacent to the site. This criterion therefore could have been satisfied if it was demonstrated that these buildings formed part of an active and established farm holding.

Paragraph 6.73 of the SPSS states that, "Dwellings on farms must also comply with LDP criteria regarding integration and rural character." No such criteria are contained in BNMAP 2015, however, the operation policies – CTY 13 and CTY 14 of PPS 21 are relevant. The proposed dwelling on the site is single storey, and makes use of traditional materials and building form. However, policy CTY 13 states that a new building in the countryside will be unacceptable where it is a prominent feature in the landscape. Although single storey, the proposed dwelling is on an elevated site and would be prominent when viewed from the Upper Burren and Greenan Roads. It therefore fails to satisfy criteria a of CTY 13. The proposal must also be considered against policy CTY 14 which states that a proposal will be unacceptable where it results in a suburban style build-up of development when viewed with existing and approved buildings. When considered alongside number 43 and the building group to the rear this proposal would result in a suburban style build up which is inappropriate to this location.

It is considered that unacceptable loss of amenity to nearby properties would not result from the proposed dwelling.

**Recommendation:**

Refusal

**Refusal Reasons**

1. The proposal is contrary the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy CTY 1 and CTY10 of Planning Policy Statement 21 'Sustainable Development in the Countryside,' in that the applicant has not provided sufficient information to confirm that the farm business is currently active and has been established for at least six years and that no development opportunities have been sold off or transferred from the farm holding within 10 years of the date of the application.
2. The proposal is contrary to policy CTY 13 of Planning Policy Statement 21 'Sustainable Development in the Countryside,' in that the proposed dwelling would be a prominent feature in the landscape.
3. The proposal is contrary to policy CTY 14 of Planning Policy Statement 21 'Sustainable Development in the Countryside,' in that the proposed dwelling would result in a suburban style build- up of development.

**Case officer:** \_\_\_\_\_

**Authorised officer:** \_\_\_\_\_

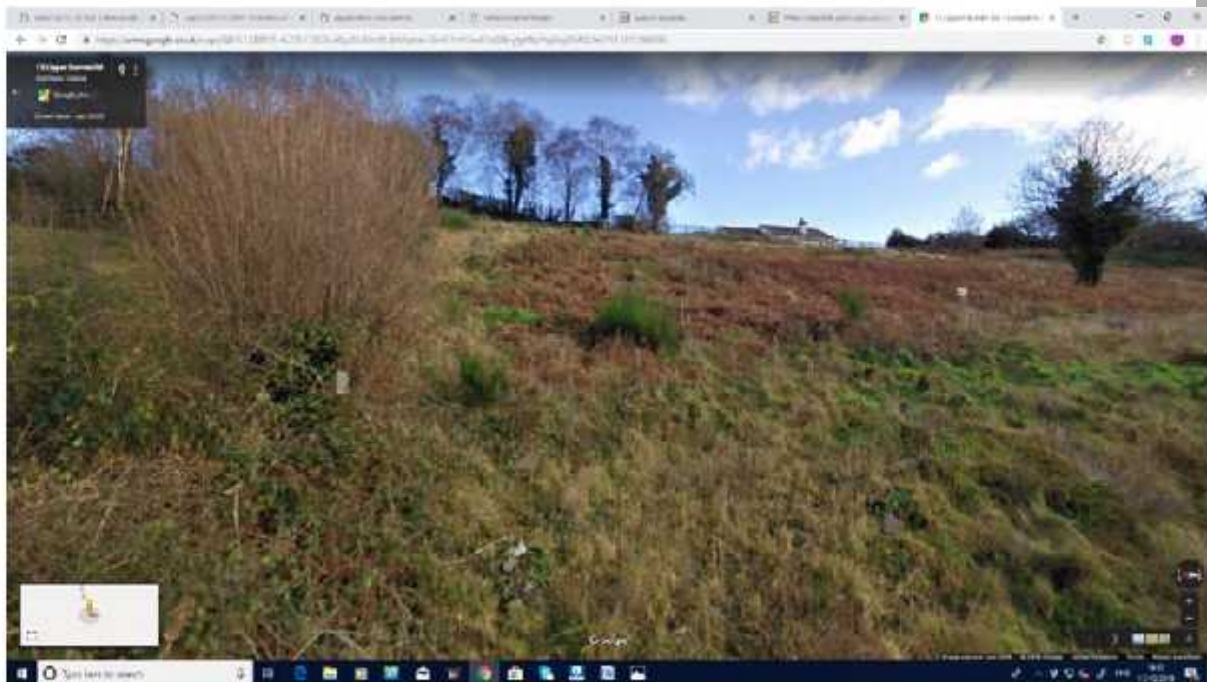
Cole Partnership  
Architecture  
and Project  
Management  
12A Duke Street  
Warrenpoint  
Co. Down  
BT34 3JY

**Re: Proposed dwelling on farm 58 metres South East of 43 Upper Dromore Road Warrenpoint.**

Reasons for refusal:

- Insignificant information provided to show that the farm has been active for at least six years and that no development opportunity has been sold off in the last ten years.
- Information was provided to the case officer to show that the farm is currently active with the applicant cutting grass and selling silage to local farmers. The applicant also provided information to show that maintenance has been carried out on the farm. We would refer to appeal 2017/A0252. *“Footnote 26 of the SPPS states that for its purposes ‘agricultural activity’ is as defined by Article 4 of the European Council Regulations (EC) No. 1037/2013. At Article 4 (c) (i) agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes.”* Silage counting as production rearing or growing of agricultural products.
- Refusal reason 2 and 3 apply under PPS21 CTY 13 and 14. The case officer states the dwelling will be prominent from Upper Burren Road and Greenan Road under CTY13 and that it will result in sub urban style build up under CTY 14. However in a previous report, which has been removed from the planning portal, the case officer states, “the operation policies – CTY13 and Cty14 of PPS 21 are relevant the proposed dwelling on the site is single storey , of an appropriate scale for the site and makes use of traditional materials and building form, could be sited to group with other buildings and is accessed via an existing lane. Therefore in terms of design and intergration is considered acceptable. Please see attached report which has been removed from Planning Portal.
- At no point would the proposed dwelling be visible from the Upper Burren Road due to topography and existing mature vegetation.

Please see attached Images



Existing dwelling is just visible from the Upper Burren Road

Yours faithfully,

**J. COLE**  
for Cole Partnership

**ITEM NO**  
**APPLIC NO**  
**COUNCIL OPINION**  
**APPLICANT**

8  
 LA07/2018/0537/O  
 REFUSAL  
 James Donaldson and Roberta Heaney  
 Corick Close  
 16 Manse Road  
 Killeel  
 BT34 4AD

Outline

05/04/2018

**AGENT**  
 Glyn Mitchell  
 Architectural Design 139  
 Ballinran Road  
 Killeel  
 BT34 4JB

**LOCATION**  
 NA

**PROPOSAL**  
 35m East of No. 63 Ballinran Road (between No. 63 Ballinran Road and 4 Ballinran new Road)  
 Killeel  
 BT34 4JA

**REPRESENTATIONS**  
 Proposed site for infill dwelling and domestic garage

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

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the

proposal does not represent a small gap site sufficient only to accommodate a maximum of two houses within an otherwise substantial and built up frontage and would, if permitted, result in the addition of ribbon development along Ballinran New Road.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to a ribbon of development and would therefore further erode the rural character of the countryside.



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

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0537/O

**Date Received:** 05/04/2018

**Proposal:** Proposed site for infill dwelling and domestic garage

**Location:** 35m East of No. 63 Ballinran Road (between No. 63 Ballinran Road and 4 Ballinran new Road), Kilkeel, BT34 4JA

**Site Characteristics & Area Characteristics:**

The application site is located along Ballinran New Road close to the junction with Ballinran Road. The site is irregular in shape sits at a slightly higher level than the road. The boundary along Ballinran New Road is formed by a brick wall. The site is adjoined to the west by 63 Ballinran Road and to the east by another field. The site is located within an Area of Outstanding Natural Beauty.





### Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- The Strategic Planning Policy Statement for Northern Ireland
- Banbridge Newry and Mourne Area Plan 2015 Application site frontage along Ballinran New Road
- PPS2- Natural Heritage
- PPS3 Access, Movement and Parking
- DCAN15- Vehicular Access Standards
- PPS21- Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide.

### Site History:

There is no recent planning history on this site.

### Consultations:

**Transport NI**- No objection in principle. Condition recommended.

**NI Water**- Generic response provided.

### Objections & Representations:

Three neighbours were notified on 19/04/2018 plus an additional neighbour on 23/04/2018 and the application was advertised on 25/04/2018. No objections or representations have been received.

### Assessment

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is 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.

Policy CTY 1 of PPS 21 lists 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Agent for this application contends that the proposal represents an infill opportunity in accordance with Policy CTY 8.

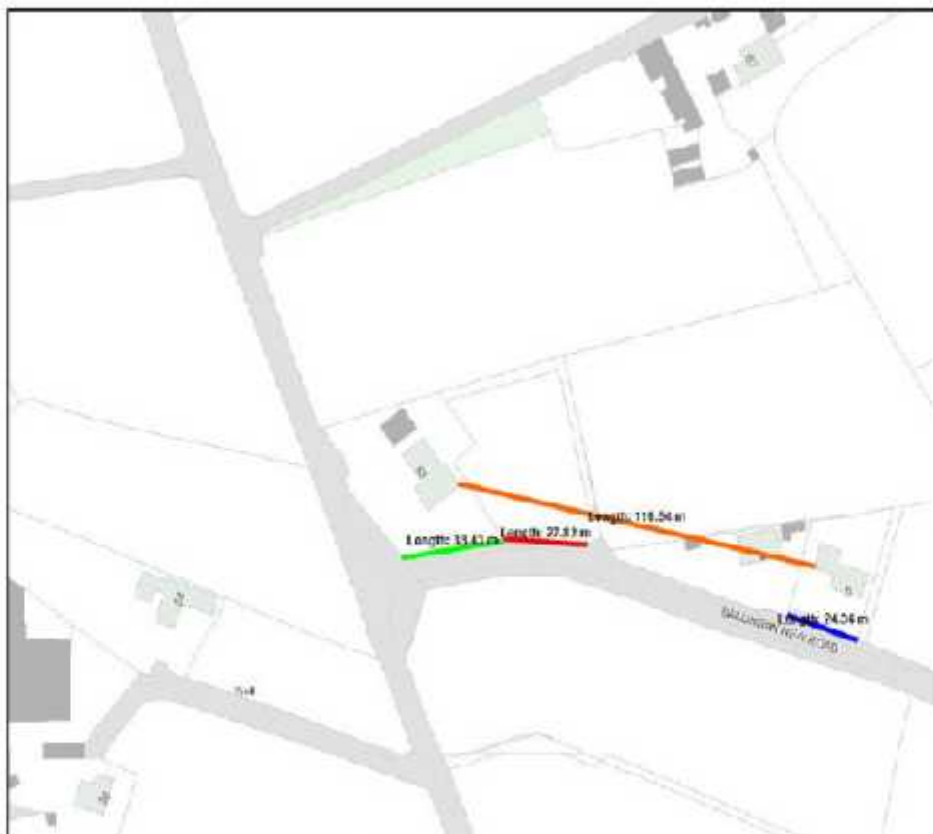
Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development, policy goes on to explain that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken (Reference 2016/A0040):

- a) Identify if there is a substantial and continuously built up frontage
- b) Establish if the gap site is small sufficient only to accommodate a maximum of two houses
- c) Determine if the proposal would respect the existing development pattern in terms of size, scale, siting and plot size
- d) Assess the proposal against other planning and environmental requirements.

The application site is located along Ballinran New Road. To the west 63 Ballinran Road has a frontage along Ballinran New Road. The site is adjoined to the east by an agricultural field. Further to the east there is an existing building which is subject to live enforcement (LA07/2018/0236/CA) and an additional dwelling (No. 6) further to the east.

Due to the active enforcement under No. 4 and the absence of a Certificate of Lawfulness it cannot be considered as a building for the purposes of this policy. The distance between No 63 and No 6 measures 119.64m which does not constitute a small gap site as there are only two lawful buildings fronting onto Ballinran New Road. Therefore, there is no substantial and built up frontage as required by Policy CTY8 and the proposal fails to meet this policy.



*Frontages along Ballinran New Road*

Policy CTY 13 requires new buildings in the countryside to be visually integrated into the surrounding landscape. A new building will be unacceptable where it will be a prominent feature in the landscape, where it lacks long established natural boundaries or is unable to provide a suitable degree of enclosure or where it relies primarily on the use of new landscaping for integration.

There are a number of trees planted along the boundary with Ballinran Road and along the eastern and northern site boundary. However, when the site is viewed from the public road these trees offer little screening for the site and the site would rely on some new landscaping for integration. Given the presence of some landscaping it would be difficult to sustain a reason for refusal based on Policy CTY13.

Policy CTY 14 states that permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. A new building will be unacceptable where it is unduly prominent in the landscape and where it creates or adds to a ribbon of development.

The proposal fails to comply with Policy CTY8 and if permitted would add to a ribbon of development along Ballinran New Road. The proposal is contrary to Policy CTY14.

**Recommendation:**

The proposal is contrary to Policy CTY1, CTY8 and CTY14 and is recommended for refusal.

**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site sufficient only to accommodate a maximum of two houses within an otherwise substantial and built up frontage and would, if permitted, result in the addition of ribbon development along Ballinran New Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted add to a ribbon of development and would therefore further erode the rural character of the countryside.

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

<b>ITEM NO</b>	10	<b>DATE VALID</b>	01/05/2018
<b>APPLIC NO</b>	LA07/2018/0661/O	<b>AGENT</b>	Collins and Collins 2
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		Marcus Street
<b>APPLICANT</b>	Eileen and Dermal O'Hare 23 Hilltown Road Mayobridge Newry BT34 2AJ		Newry BT34 1AZ
<b>LOCATION</b>	Between 17a and 17b Hilltown Road Mayobridge Co Down BT34 2SQ		02830266602
<b>PROPOSAL</b>	Erection of dwelling and domestic garage		
<b>REPRESENTATIONS</b>			
	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>
	0	0	0
	<b>Addresses</b>	<b>Signatures</b>	<b>Addresses</b>
	0	0	0
	<b>Signatures</b>	<b>Addresses</b>	<b>Signatures</b>
	0	0	0

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not a valid infill opportunity as there is no small gap in the existing built up frontage and it would instead result in addition to ribbon development along the shared laneway.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings, would add to a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0661/O

**Date Received:** 1<sup>st</sup> May 2018

**Proposal:** Erection of dwelling and domestic garage.

**Location:** Between 17a and 17b Hilltown Road, Mayobridge, Co.  
Down, BT34 2SQ  
The site is located 600m east of Mayobridge.

**Site Characteristics & Area Characteristics:**

The site is an agricultural field accessed from the corner of an existing shared laneway. It slopes from south to north and is bounded by native species hedges to all sides with occasional larger trees. It sits in a line of development comprising four dwellings and an agricultural shed, all of which have frontage onto the laneway. However, in a previous appeal on the site, the PAC found that there was no gap between the frontage of the agricultural shed and the house to the other side of the site (17a), so it was not a valid infill opportunity.



The site is located in a rural area just to the east of Mayobridge and at the NW edge of the Mourne mountains. It is in an unzoned area outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. The site is accessed from the B8 Hilltown Road, a Protected Route. There is a Scheduled Monument DOW 047:087 to the south (rath and souterrains). The dominant land uses in the area are residential and agriculture.

#### **Site History:**

A previous similar application (P/2013/0547/O) on this site was refused on 22<sup>nd</sup> October 2013. It was not considered a valid infill opportunity and was refused based on policies CTY1, CTY8, CTY13 and CTY14 of PPS21. This decision was appealed and the appeal was dismissed on 4<sup>th</sup> June 2014. The refusal reasons based on CTY13 and CTY14 were not sustained. However, the Commissioner found that there was no gap in road frontage between the shed and No. 17a, so there is no infill opportunity.

#### **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:**

DFI Roads – No objections in principle subject to the provision of visibility splays of 2.4m x 160m and compliance with Protected Routes policy.

NI Water – Standard informatives.

Historic Environment Division – No objections on archaeological grounds provided the proposed dwelling is a modest single or 1½ storey vernacular style dwelling, existing mature trees surrounding the site are retained and new boundary planting consists of locally prominent native species.

#### **Objections & Representations**

The application was advertised in the local press on 17<sup>th</sup> May 2018 and neighbour notification letters were issued to 3 neighbouring properties on 18<sup>th</sup> May 2018. Following the site inspection, an additional neighbour was notified on 11<sup>th</sup> June 2018. No third party objections or representations were received.

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

The main issues to be considered are the principle of an infill dwelling on the site, integration and rural character, road safety 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 infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8 which will be considered below. The design and integration policies (CTY13 and CTY14) will also be considered.

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

Since the previous appeal, a new dwelling has been built to the north of the site (No. 17b). However, there was already a frontage of three buildings before the new building was erected. The Commission considered that the agricultural shed and Nos. 17a and 19 together met the definition of a substantial and continuously built up road frontage and this remains the case, though Nos. 17b and 23 could now be added to it. However, none of this addresses the reason the previous application and appeal were refused.

Although there is a substantial and continuously built up frontage, the Planning Department agrees with the Commissioner that there is no small gap between the frontage of the shed and that of No.17a. Because of the shape of the laneway, the subject field is set back behind the other development and has no frontage onto the lane other than the width of the field gate. It cannot be the intention of the policy to permit backland development as infill where there is no gap in road frontage.

Finally, there is no consistent support for the proposal in the other development pattern criteria referred to. With regard to plot width, the other residential properties in the built up frontage have an average plot width of 55 metres. The application site touches the shared laneway at only one corner and does not therefore respect the existing development pattern along the frontage. Since there is no small gap site in the existing frontage, there is no valid infill opportunity. The proposal will instead add to an existing ribbon of development. Paragraph 5.33 of the policy confirms that

buildings sited behind the building line can still represent ribbon development if they are visually linked, as in this case.

#### INTEGRATION AND RURAL CHARACTER

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

The existing screening around the field together with its set-back from the public road and the shared laneway would enable a modest sized dwelling to integrate satisfactorily as required by policy CTY13. There is also a backdrop of rising land to the rear. I agree with the Commissioner that provided the existing boundary vegetation was retained and augmented, an appropriately sited development of low elevation could be adequately integrated into the countryside and would not appear unduly prominent.

Turning then to rural character, the proposed building would not be unduly prominent in the landscape as discussed above. However, there has been additional development in the immediate area since the previous application was assessed and it is considered that the proposal would add to a suburban style build-up of development when viewed with the surrounding existing buildings. It would also add to a ribbon of development as discussed above. The application is contrary to criteria (b) and (d) of policy CTY14, and also policy CTY8. While refusal on criteria (a) of CTY14 was not sustained in the previous appeal, criteria (b) and (d) are considered material by the current planning authority, especially in view of additional development which has taken place in the intervening period and confirmation in the SPPS that infill dwellings must also meet policy for rural character.

#### 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 DFI Roads has recommended visibility splays of 2.4m x 160m and re-location of electricity poles. This is achievable within the land owned and would ensure no prejudice to road safety.

Policy AMP3 of PPS3 (as amended by PPS21) states that planning permission will only be granted for a development proposal involving access onto a protected route outside settlement limits if it would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. As this proposal has not met any of the principle tests for development in the countryside in PPS21, it follows that intensification of use of the existing access onto the B8 Protected Route is also unacceptable under policy AMP3.

#### SEWERAGE

It is proposed to deal with sewage effluent by means of a treatment plant. Policy CTY16 states that Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. None of the supporting evidence referred to

under policy CTY16 has been submitted. Therefore it would be necessary to impose a negative condition in the event of approval that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development. As the matter could be dealt with by condition, the failure to submit information on sewage treatment would not warrant refusal under CTY16.

**AMENITY**

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

**Recommendation:** Refusal

**Refusal Reasons:**

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not a valid infill opportunity as there is no small gap in the existing built up frontage and it would instead result in addition to ribbon development along the shared laneway.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings, would add to a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

**Estate Agents  
Surveyors & Assessors  
Architectural Consultants**

a: 2 Marcus Street, Newry, Co.Down, BT34 1AZ  
t: 028 3026 6602 / 0460 f: 028 30260467  
e: info@collinscollins.biz w: www.collinscollins.biz

**collins**  
& collins

206

Council Planning Meeting 24<sup>th</sup> October 2018

**Item No 10:**

**LA07/2018/0661/O**

**Eileen & Dermot O'Hare  
23 Hilltown Road, Mayobridge**

**Location: - Between 17a & 17b Hilltown Road, Mayobridge  
Proposal – Erection of dwelling and domestic garage**

Dear Council

We refer to the above and enclose below our written statement in respect of this proposal.

We note from the above that the above proposal has been assessed as not a valid infill opportunity because it has been assessed that there is no small gap in the existing built up frontage, we would argue that there is a gap and have shown a selection of photographs from various viewpoints which shows that it clearly appears as a gap in the existing build up.

In respect of this we would go further to suggest that the application site even though it appears on a corner has frontage as it has excess to the agricultural shed and access to the site. While the frontage might be smaller than the other buildings considered in the continuous built up frontage, the site is still comparable in terms of size and scale and positioning of the proposed dwelling can read with the existing to round of this gap. Furthermore we know the Planning Appeals Commission are looking at distance between buildings now as opposed to site frontage and we feel a modest dwelling positioned on this site will read with the other buildings and will reflect a comparable distance between buildings.

Obviously if it was considered to read with Policy CTY 8 in terms of infill policy then CTY 1 is satisfied. With respect to CTY 14, we would refer to the previous appeal (2013/A2017) and from the findings in it, it was considered that the departments reason for using CTY 14 for justification in a refusal were not well founded. We would concur that this is still the case.

Finally in respect of Policy AMP 3, we can advise that this was not an issue in the above mentioned planning appeal and that adequate visibility splays are in place. We also note that the required visibility splays in the appeal application were 2.4 metres by 100 metres and that more than this is in place at the existing access, thus we find it strange that it has now been assessed by Traffic NI to require 2.4m x 160m. In respect of the over intensification of the use on to a protected route we can advise that the applicant is prepared to cease use of the agriculture shed and work from alternative facilities and with this in mind we would feel that there would be no further intensification of use of the access to the Hilltown Road.

We would hope that this application could be reassessed with some common sense as it is obvious that the proposed site does appear as a gap when viewed from all critical viewpoints and would take this opportunity to thank the Council for reassessing this.

Signed



---

John Young BSc Hons, AssocRICS  
Collins & Collins

Enc 2No. Images.

12 Hilltown Rd - Google Maps

17/10/2018

Google Maps 12 Hilltown Rd



Imagery captured Jun 2014 © 2018 Google

Neother Ireland  
 Google, Inc.  
 Street View Jun 2016

[https://www.google.com/maps/@54.1802382,-6.2175293,3a,15y,110.34h,92.34t/data=!3m6!1e1!3m4!1svuU40wND6GRllsZMx\\_3LQ12e017113312B5-6656](https://www.google.com/maps/@54.1802382,-6.2175293,3a,15y,110.34h,92.34t/data=!3m6!1e1!3m4!1svuU40wND6GRllsZMx_3LQ12e017113312B5-6656)

15 Hilltown Rd - Google Maps

17/10/2018

Google Maps 15 Hilltown Rd

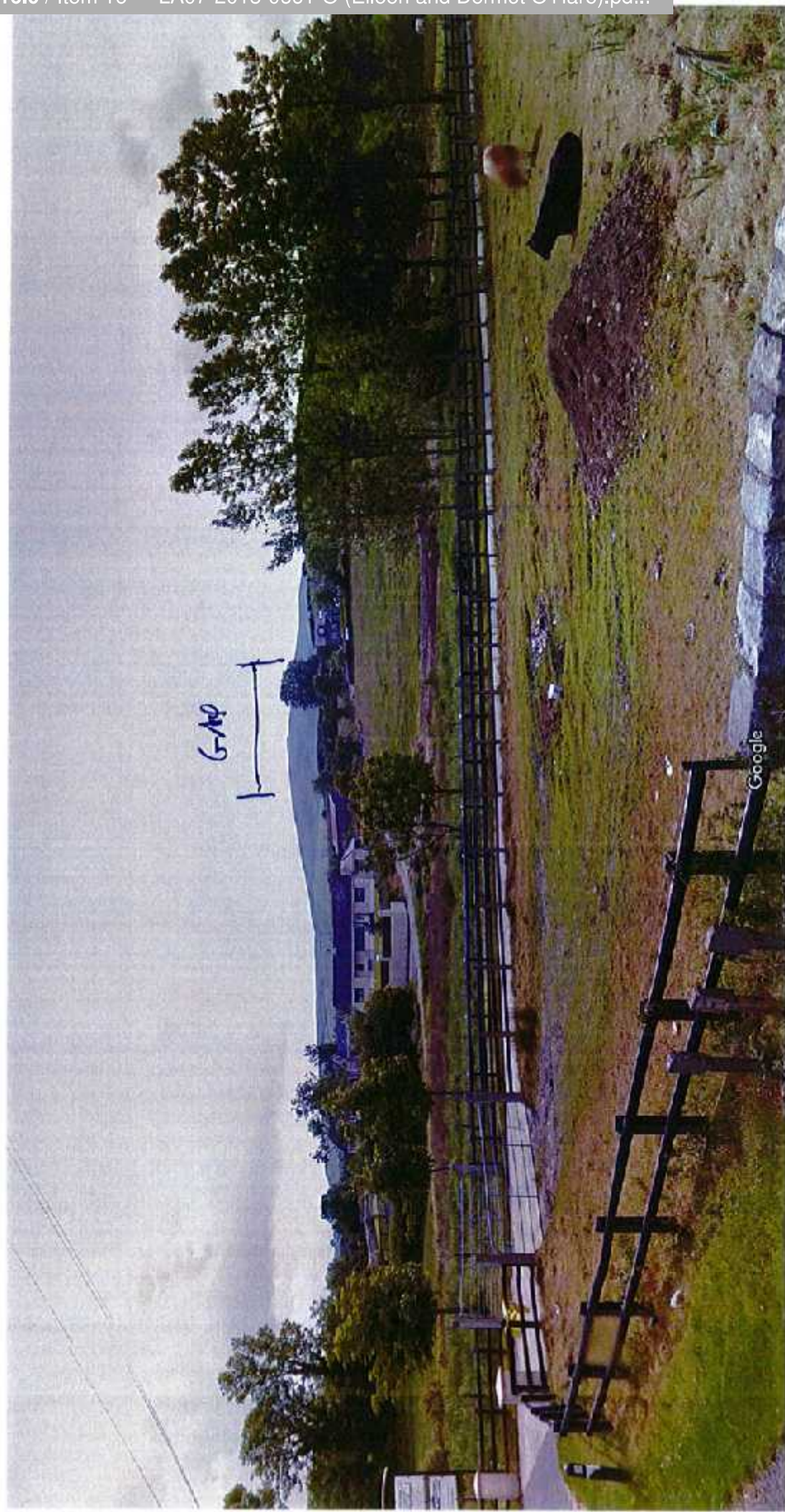


Image captured: Jun 2016 © 2018 Google

Northern Ireland  
 Google, Inc.  
 Street View - Jun 2016

<https://www.google.com/maps/@54.1805431,-6.2159219,3a,46.5y,125.14h,89.37t/data=!3m6!1e1!3m4!1sL4O-efqUObzRvw2Sstsvrg2e0f7i3312!8m6!56>

<b>ITEM NO</b>	<b>12</b>	<b>Outline</b>	<b>DATE VALID</b>
<b>APPLIC NO</b>	<b>LA07/2018/0694/O</b>		<b>08/05/2018</b>
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		





1. The proposal is contrary to The Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Islandmoyle Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - (b) the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
  - (c) the dwellings would, if permitted not respect the traditional pattern of settlement exhibited in that area;
  - (d) the dwellings would, if permitted create a ribbon of development and would therefore further erode the rural character of the countryside.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:**

LA07/2018/0694/O

**Date Received:**

8 May 2018

**Proposal:**

Two dwellings with domestic garages on gap/infill site

**Location:**

The application site is located adjacent and immediately east of No.2 Islandmoyle Road, Cabra.

**Site Characteristics & Area Characteristics:**

The application site is located approx. 5.2km NE of Rathfriland, the surrounding area is rural with a number of single dwellings dispersed throughout the area. The site is cut out of larger roadside agricultural field located immediately east of No.2 Islandmoyle Road, which is a single storey dwelling. An agricultural access serving No.6 Islandmoyle Road defines the eastern boundary of the site. No. 6 Islandmoyle Road is located approx. 30m east and includes a roadside garden, dwelling and two outbuildings. South of the site is No.3 Islandmoyle Road which includes a dwelling and a number of agricultural outbuildings. No.5 Islandmoyle Road is recently constructed opposite the site.



Image 1 Application Site

**Site History:**

P/2005/2701/F (PAC Ref. 2006/A2410) Erection of dwelling and garage. Planning permission refused.

**Planning Policies & Material Considerations:**

This planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015,
- Strategic Planning Policy Statement (SPPS) for Northern Ireland,
- PPS21 - Sustainable Development in the Open Countryside,
- PPS3 - Access, Movement and Parking,
- DCAN 15 - Vehicular Access Standards,
- Building on Tradition Sustainable Design Guide.

**Consultations:**

NI Water Generic response received

DFI Roads No objections subject to conditions

Environmental Health Provided guidance on distance to working farms not associated with the applicant.

**Objections & Representations**

Six neighbour notifications were issued on 17 May 2018, and following an amended site address neighbours were re-notified on 21 June 2018. The application was advertised in the local press on 23 May 2018 and re-advertised on 4 July 2018. Two letters of objection were received. The concerns include the following:

- Incorrect location of the site described.  
*Following site inspection and verification of Building Control records for the address the description of the application site location was amended. The application was re-advertised and neighbours were re notified of the amendment.*
- Concerns about the principle of development on the site  
*The principle of development will be assessed under CTY 8 below.*
- Concerns about loss of light and privacy  
*This is an outline application and the design of the proposed dwellings is therefore not part of the current application. A siting condition could ensure the proposed dwellings are sited to maintain privacy and light to adjacent dwellings.*
- Concerns raised why the applicant has not pursued replacement opportunities.  
*It is the duty of the planning authority to assess the current application submitted by the applicant.*
- Development of the site will spoil a beautiful farming area.  
*The application will be assessed on the principle of development and on integration and rural character below.*
- Concerns that No.5 Islandmoyle Road was not notified.  
*No.5 Islandmoyle road was notified on 21 June 2018.*
- Health and safety concerns due to close proximity of a working farm.

*The application site is located east of No.2 Islandmoyle Road which operates farming activities from the outbuildings adjacent to No.3 Islandmoyle Road (opposite the site) and in the field west of No.2 Islandmoyle Road. Environmental Health in their consultation response has stated the application site is within 75m of a working farm and the applicant should consider relocation. I have considered this and the application site does not cross the working farmyard. I consider there is unlikely to be health and safety issues with the construction of the dwellings proposed and unlikely to be risk the future occupants.*

### **Consideration and Assessment:**

#### **Banbridge, Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of Rathfriland as illustrated on Map 3/01 of the plan.

#### **Strategic Planning Policy Statement (SPPS) for Northern Ireland**

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

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

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes infill dwellings if they meet the criteria set out in CTY8.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

This approach will be followed below.

There is an existing dwelling to the west of the application site No.2 Islandmoyle Road with a road frontage of 23m, the nearest building to the east is No.6 Islandmoyle Road with a road frontage of 51m. The gap between the two buildings is 95m. Two outbuildings are located immediately adjacent to No.6 with a road frontage of 19m.



As described above there are four buildings within along the road frontage however, the gap (95m) between the two buildings No.2 and No.6 Islandmoyle Road could accommodate up to three dwellings with similar road frontage to the existing context. The policy clearly allows for development of a small gap site sufficient only to accommodate up to a maximum of **two houses**. The first test is not met.

The second question of whether this is a small gap is related to the issue of plot size under the third test. The gap measures 95 metres from building to building. The average width of each plot fronting the Islandmoyle Road is 31 metres. Therefore the gap for two dwellings is too large for the size of the existing plots and could accommodate 3 dwellings with similar plot sizes to the existing context. The second test is not met.

The proposed site is required to meet the development pattern criteria:

**Size & scale** – Existing buildings in this frontage are of a range of sizes. The two storey dwelling to the east – No.6 Islandmoyle Road provides screening from this direction. The single storey dwelling to the west No.2 Islandmoyle Road will assist in screening from the west. A ridge height restriction would be required to ensure development would be in keeping.

**Siting** – The siting of dwellings on this site would have to be sited along the roadside to remain in keeping with the established building line set by existing development.

**Plot size** – The plot size is not in keeping with the established development pattern as shown above.

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside must integrate into its setting, respect rural character and be

appropriately designed." These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

These policies assess the impact the proposal will have on the rural area by reason of design, siting, integration, landscaping and overall rural character of the local area.

In terms of CTY 13 the proposal may comply with criterion (a) as single storey buildings could be erected on this site without being a prominent feature in the landscape, albeit visible in the landscape. Criterion (b) is met as the site is defined on the eastern boundary by mature trees and could aid integration and the existing dwellings to the east and west of the site also aid integration. I consider that the rear boundary will require landscaping to define the site although I do not feel that the site relies primarily on new landscaping for integration, thus criterion (c) is met. The remaining criterion of CTY 13 are not applicable to the application as they relate to design which cannot be assessed at outline stage and criterion (g) is for farm dwelling applications which does not apply in this application.

The proposal fails to comply with criterion (b), (c) and (d) of Policy CTY 14 in that I consider that the proposal when viewed with the existing and approved buildings would result in a suburban style build-up of development and would create a ribbon of development along the road frontage as detailed above under CTY 8. The proposal fails to respect the traditional settlement pattern of the existing area in terms of plot size and therefore has the potential to cause detrimental change or erode the rural character of the local area.

### **CTY 16 - Development Relying on Non Mains 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 will 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.

### **PPS3- Access, Movement and Parking**

#### **DCAN 15 - Vehicular Access Standards**

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. DFI Roads have no objection to the proposal and the proposed access will not prejudice road safety. I consider the proposal meets PPS 3 and DCAN 15.

**Residential Amenity**

The proposed dwellings could be sited so that it will not adversely affect the amenity of any nearby dwellings.

**Recommendation:** Refusal

**Refusal Reasons:**

1. The proposal is contrary to The Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Islandmoyle Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - (b) the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
  - (c) the dwellings would, if permitted not respect the traditional pattern of settlement exhibited in that area;
  - (d) the dwellings would, if permitted create a ribbon of development and would therefore further erode the rural character of the countryside.

<b>Case Officer Signature:</b>
<b>Date:</b> 02/08/2018
<b>Authorised Officer Signature:</b>
<b>Date:</b>



**Estate Agents  
Surveyors & Assessors  
Architectural Consultants**

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e: info@collinscollins.biz w: www.collinscollins.biz

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219

Council Planning Meeting 24<sup>th</sup> October 2018

**Item No 12:**

**LA07/2018/0694/O**

**Applicant: E.F McClorey**

**Location: Adjacent & East of 2 Islandmoyle Road, Annaclone, Banbridge**

**Proposal: 2 No. Dwellings with domestic garages on gap/infill site**

Dear Council

We refer to the above and enclose below our written statement in respect of this proposal.

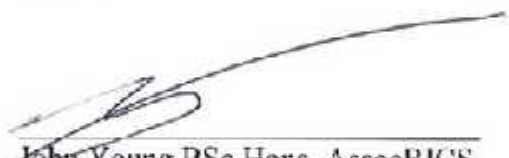
We feel that the proposal does meet the requirements of CTY 8 in that the gap between No. 2 & No.4 Islandmoyle road is sufficient only to accommodate a maximum of 2No Dwellings and we feel there is a difference in the road frontage to each property that the department has assessed. We have assessed the frontage differently as can be seen on the enclosed Spatial NI map.

We also consider the gap of 95 metres between buildings is not to large considering the make-up of the existing continuous built up frontage and considering that both the amenity space to both No. 2 & No. 4 are elongated, the distance between buildings is going to be longer in this instance.

If this was satisfied under CTY 8, we do not feel CTY 14 would be a material consideration in this application and obviously CTY 1 would be satisfied as well.

We trust this can be reassessed by the council and thank you for your time in this matter.

Signed

  
John Young BSc Hons, AssocRICS  
Collins & Collins  
Enc: Map Diagram

# Spatial NI Basic Application

2 Islandmoyle Road X Q

Show search results for 2 islandmoyl...



<b>ITEM NO</b>	<b>11</b>	<b>DATE VALID</b>	08/05/2018
<b>APPLIC NO</b>	LA07/2018/0679/O	<b>AGENT</b>	Collins & Collins 2
<b>COUNCIL OPINION</b>	<b>REFUSAL</b>		Marcus Street
<b>APPLICANT</b>	Michael D. O'Hare Newry BT35 7JR		Newry BT34 1AZ
<b>LOCATION</b>	02830266602		
<b>PROPOSAL</b>	Immediately to rear of 27 and 29 Dublin Road Newry Co. Down Site for dwelling		
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>SUP Petitions</b>
	5	0	0

Outline

Addresses	Signatures	Addresses
	Signatures	
	0	0

0

1. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' in that it has not been demonstrated that the development meets the exceptions for new developments within primarily residential areas of the Area of Townscape Character; and would fail to maintain or enhance the distinctive character and appearance of the Area of Townscape Character.
  
2. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (a) (b) (c) and (f) in that proposed dwelling fails to respect the surrounding context and is inappropriate to the character and topography of the site; fails to protect landscape features in a suitable layout; fails to demonstrate the availability for adequate private amenity both for the new dwelling and No. 27 and fails to demonstrate there is enough provision for parking.
  
3. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy ATG 2 of the Addendum to the Department's Planning Policy Statement 6 Areas of Townscape Character, as the proposed dwelling, would if permitted, have a detrimental impact on the character, appearance and integrity of the area.
  
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy LC1 of Planning Policy Statement 7 addendum: Safeguarding the Character of Established Residential Areas as the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.



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

**Application Reference:** LA07/2018/0679/O

**Date Received:** 08.05.2018

**Proposal:** Site for dwelling

**Location:** Immediately to rear of 27 and 29 Dublin Road, Newry, Co. Down

**Site Characteristics & Area Characteristics:**

The site includes the rear garden area of No.27 Dublin Road, Newry. The garden was largely inaccessible due to the overgrown nature of the garden. The garden is accessed from a private laneway that runs adjacent to No.27 which is a detached house located at the end of a row of terraced dwellings fronting the main Dublin Road. The site is within the development limit for Newry City and an Area of Townscape Character (designation NY 112). The Dublin Road is also a designated Protected Route.

**Site History:**

LA07/2015/1012/O

30 M West of 27 Dublin Road, Newry, Co Down

Erection of dwelling and detached garage

Permission Refused: 30.03.2016

**Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS7 – Quality Residential Environments – Policy QD 1

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

Addendum to PPS6 – Area of Townscape Character

PPS3 – Access, Movement and Parking / DCAN 15

DCAN 8 – Housing in Existing Urban Areas.

Planning Strategy for Rural Northern Ireland.

Creating Places

Living Places Urban Stewardship and Design Guide

**Consultations:**

NI Water – no objections.

Transport NI – following amended plans, no objections subject to compliance with RS1 form.

**Objections & Representations**

33 neighbours re-notified on 06.08.2018. Application was re-advertised in press on 15.08.2018 to take account of a reduced site and amended certificate of ownership.

A summary of the objections below will be considered in detail at the end of my report.

Objections from Marian & Anthony Campbell – 31 Dublin Road.

1. Ownership query
2. Not enough space to accommodate dwelling
3. Adverse effect on privacy and loss of light.

Objections from Mr Gary Doherty 19 Dublin Road.

1. Loss of Light / overshadowing
2. Visual amenity
3. Inadequacy of parking provision
4. Highway safety
5. Traffic generation
6. Noise and disturbance.

Objections from Mr Damian Rafferty 7 4<sup>th</sup> Avenue Newry

1. Blocking a right of way
2. Lack of parking provision
3. Ownership dispute.

Objections from Mr and Mrs McShane 29 Dublin Road.

1. Ownership / certificate queries.

**Consideration and Assessment:**

Strategic Planning Policy Statement / Banbridge Newry & Mourne Area Plan 2015

The site lies within the Development Limit for Newry City. The Area plan is silent on the land use for this area however all development proposals within settlement development limits are to be considered against prevailing planning policies and proposals. The site is within a designated ATC (NY 112) which will be explored in detail under the Addendum to PPS 6 further in this report. There are no objections with regard to the Area Plan provided the proposal meets the policy requirements of the retained policies listed below.

PPS 7 Quality Residential Environments Policy QD1.

Policy QD1 states that in Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character

and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances.

Paragraph 4.10 sets out these exceptions as:

- (a) an extension in keeping with the scale and character of the dwelling and its surroundings; or
- (b) the sympathetic conversion of a large dwelling in appropriate locations to smaller units; or
- (c) the development of a significant gap site within an otherwise substantial and continuously built up frontage provided this would be of a density and character prevailing in the area.

The site is located within a primarily residential part of this designation and so must meet the requirements of these exceptions. The proposal is not for an extension or conversion. The proposal does not constitute a significant gap site within an otherwise substantial and continuously built up frontage – therefore the proposal does not meet the initial requirements of Policy QD1.

Proposals for residential development are expected to conform to the following criteria.

Criterion (a) whilst the proposal is for Outline Permission, the proposed development is not considered to respect the surrounding context as it seeks to develop the private amenity space of No. 27 which leaves No. 27 without any private amenity space. Furthermore the proposal seeks to develop a backland site which is out of context with the surrounding area. DCAN8 advises that backland development on a plot of less than 80m in depth is unlikely to be acceptable, except where the existing urban grain is very urban in character. The proposed site is approximately 40m in depth in an existing low density suburban housing area. The plot is not considered to be of a sufficient depth or size to reasonably accommodate a dwelling.

Criterion (b) The boundary of No.27 including the natural features are considered to make an important contribution to the ATC and character of the area. The removal of these features is not considered to be suitably protected and integrated into the design.

Criterion (c) The site is not considered large enough to contribute to the recommended 70sqm of private amenity space when a dwelling is considered. Additionally the removal of the private amenity space to No. 27 is not considered an acceptable arrangement.

Criterion (d) N/A

Criterion (e) This is not applicable for single dwellings however the proposed site will be within walking distance to the town centre of Newry City where there is access to public transport.

Criterion (f) It has not been demonstrated that the site can accommodate any parking spaces.

Criterion (g) the design of the dwelling will be considered in detail at RM stage, if applicable.

Criterion (h) adjacent land uses are predominately residential and the siting of the dwelling will not contribute to any loss of light, overshadowing, noise or other disturbance. Whilst potential for overlooking could exist at this site, if designed carefully I consider this could be mitigated against.

Criterion (i) The dwelling would be overlooked to some degree by surrounding properties which would provide accountability and deter crime.

The proposal is contrary to part a,b,c, and f of policy QD1.

Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas is applicable for the infilling of extended garden areas to accommodate new housing. It is considered that the proposed density will not be significantly higher by the addition of one dwelling at this site.

The pattern of development in the area is characterised by dwellings on large plots and this proposal is not considered to be in keeping with the overall character and environmental quality of the established rural area.

The proposal is contrary to part b of policy LC 1 of the Addendum to PPS 7. It is anticipated that the site can accommodate a dwelling unit of an appropriate size as noted in Annex A of the Addendum to PPS7.

Policy ATC 2 of PPS 6 Addendum: Areas of Townscape Character is applicable to this application. Policy ATC2 of PPS6 addendum states that proposals in ATCs will only be permitted where the development would maintain or enhance its overall character and respects the built form of the area.

It is not considered that the proposal would maintain and enhance the overall character of the surrounding area due to the constrained plot size, which would be out of keeping with the surrounding larger plots and detached properties. The removal of part of the entrance to No.27 and associated natural features is also considered to have an adverse impact on the ATC. The proposal is contrary to policy ATC 2 of the addendum to PPS 6.

Transport NI was consulted with regard to the PPS3 Access, Movement and Parking. It has responded with no objections to the proposal provided it is in compliance with the attached RS1 form. The application is considered to meet the policy criteria in PPS3.



**Council response to objections.****Objections from Marian & Anthony Campbell – 31 Dublin Road.**

1. The Council has made an effort to resolve the ownership issues however ultimately permission does not confer title and it is the applicants responsibility to ensure he or she controls the land they seek to develop.
2. The Council would agree that the site appears inadequate to develop to the required standard and this forms part of our refusal reasons.
3. It is not considered however the development of the site would affect the privacy or light of No.31

**Objections from Mr Gary Doherty 19 Dublin Road.**

1. It is not considered however the development of the site would cause loss of light or overshadow No.19
2. It is not considered the development of the site would be detrimental to visual amenity given the siting off the public road.
3. The Council would agree that there appears to be a lack of provision for parking and this forms part of our refusal reasons.
4. Transport NI has raised no issues with highway safety.
5. Traffic generation is not considered to be at an unreasonable level.
6. Noise and disturbance is not considered to be at an unreasonable level.

**Objections from Mr Damian Rafferty 7 4<sup>th</sup> Avenue Newry**

1. Planning permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. The Council would agree that there appears to be a lack of provision for parking and this forms part of our refusal reasons.
3. The Council has made an effort to resolve the ownership issues however ultimately permission does not confer title and it is the applicant's responsibility to ensure he or she controls the land they seek to develop.

**Objections from Mr and Mrs McShane 29 Dublin Road.**

1. The Council has made an effort to resolve the ownership issues however ultimately permission does not confer title and it is the applicant's responsibility to ensure he or she controls the land they seek to develop.

**Recommendation:**

Refusal.

**Reasons:**

1. The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' in that it has not been demonstrated that the development meets the exceptions for new developments within primarily

residential areas of the Area of Townscape Character; and would fail to maintain or enhance the distinctive character and appearance of the Area of Townscape Character.

2. The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of the Planning Policy Statement 7 (PPS7) 'Quality Residential Environments' part (a) (b) (c) and (f) in that proposed dwelling fails to respect the surrounding context and is inappropriate to the character and topography of the site; fails to protect landscape features in a suitable layout; fails to demonstrate the availability for adequate private amenity both for the new dwelling and No. 27 and fails to demonstrate there is enough provision for parking.

3. The proposed development is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy ATC 2 of the Addendum to the Department's Planning Policy Statement 6 Areas of Townscape Character, as the proposed dwelling, would if permitted, have a detrimental impact on the character, appearance and integrity of the area.

4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy LC1 of Planning Policy Statement 7 addendum: Safeguarding the Character of Established Residential Areas as the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

**Case Officer**

**Authorised Officer**

**Regional Planning Directorate**



**Council Chief Executives**

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[julie.marcedi@infrastructure-ni.gov.uk](mailto:julie.marcedi@infrastructure-ni.gov.uk)

3 October 2018

Dear Colleague

**RE: Visits to Planning Committee Meetings**

Further to making your Heads of Planning aware of this matter at the previous Strategic Planning Group (SPG) meeting held on 20<sup>th</sup> September 2018, I write to confirm that Departmental staff will be visiting planning committee meetings between October 2018 and January 2019. The main purpose of the visits is to gain a better understanding of the planning decision making processes of councils as part of the Department's ongoing oversight role of the planning system.

Yours faithfully

**ANGUS KERR**  
Chief Planner  
& Director of Regional Planning

Cc Heads of Planning

**TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>PLANNING MEETING - 09 MAY 2018</b>			
LA07/2017/1326/ F	Peter Morgan - dwelling and garage on a farm - 30m south of 28 Bog Road, Kilcoo	Agreed at August 2018 meeting to defer planning application for further discussion between agent/applicant and Senior Planning Officers on new information submitted	Annette McAlaimey	Application considered at August 2018 meeting - agreed to defer application for further discussion between agent/applicant and Senior Planning Officers on new information submitted. Due for discussion with CPO on 10 October 2018	N
P/2014/0427/0	Joseph McGivern - site for dwelling to the rear	Remove from the agenda to allow for further discussion with	Jacqui McParland	Agent has submitted	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	and south of 2 Berkley Grove, Warrenpoint	<b>Planning Officers</b>		additional information to address roads issues Sept 2018 Reconsult TNI.	
LA07/2017/1624/0	Thomas Stevenson - replacement dwelling -50m NW of 18 Turlough's Hill, Annalong	<b>Defer Planning Application LA07/2017/1624/O to allow time for the agent to provide more documentary evidence regarding issues raised by Committee Members including the need for a health and safety report on access through the farmyard and also the case of need for the applicant to be living close to the farm.</b>	Jacqui McParland	Agent has submitted a H&S Report. No additional case for need submitted. Dept has requested this again - 11 <sup>th</sup> June 2018. This is still not forthcoming. I have instructed case officer to write up based on information available and bring back as refusal.	N
LA07/2017/1186/	Wolfhill Developments	<b>Defer Planning Application</b>	Jacqui	<b>Meeting held</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
F	Ltd - change of use and conversion of part of former school building - 4 Lurgancanty Road, Clontarfleece, Warrenpoint	<b>LA07/2017/1186/F to allow for a meeting to take place between the Applicant and Planning Officers to discuss revised design issues.</b>  <b>Agreed to delegate the issue of the final decision on the application to Planning Officers.</b>	McParland	with applicant and agent. Resubmission received on the 6 <sup>th</sup> June 2018. Further clarification required August 18 .	
LA07/2017/1721/ F	Millvale Services Ltd - proposed parking for neighbouring Millvale Service Station - Millvale Road, Bessbrook	<b>Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted as soon as possible and report back to Committee for further consideration of the application.</b>	Pat Rooney	<b>21 day letter issued to agent requesting the said information. Expiry date for info is 9.7.18.</b>  <b>Application deferred at meeting on 29 August 2018 until issues</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				raised by SPO have been considered and Planning Officers are to liaise with the agent/applican t at the earliest possible opportunity	
		<b>PLANNING MEETING - 6 JUNE 2018</b>			
LA07/2017/1030/ 0	Michael Tinnelly - site for 100 bedroom hotel and spa - 200m east of No. 25 Greenpark Road, Rostrevor.	Defer application so that the agent/applicant/Planning Consultant can meet with the SPTO to identify what outstanding information has to be submitted to allow Planners and HED to make an informed assessment and opinion on the application. As it is a major application it be brought back to the Committee in due course	Jacqui McParland	Held meeting on the 14 <sup>th</sup> June with agent. Discussed what was required. Allowing 28 days for submission. Information submitted mid-	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				August. Currently out for consultation with HED.	
LA07/2018/0398/ 0	Shea McAnulty - proposed infill gap site for a new dwelling and detached garage - lands between No. 5 and 5a Cons Lane, Newry	<b>Application removed from the schedule for further consideration by Planners</b>	Andrew Davidson	Application deferred at Pl. Meeting on 29- 08-2018 to allow for further discussions between applicant/agen t and planning officers re: potential for other in-fill or agricultural opportunities. Awaiting information from the agent in terms of sites owned by the applicant	N



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				so that the Planning Department can assess the potential for any planning approvals on these sites.	
		<b>PLANNING MEETING - 4 JULY 2018</b>			
LA07/2018/0394/ F	NIHE (South Region) - proposed single storey front, side and rear extension - 1 Seaview, Ardglass	<b>Defer application for further discussion between agent and planning officers in relation to green space and design issues - if the opinion remains a refusal the application to be brought back to Committee for determination</b>	Annette McAlarney	<b>Revisions received. Will issue as approval once NN expires on 18 October 2018.</b>	N
		<b>PLANNING MEETING - 1 AUGUST 2018</b>			
LA07/2017/1261/ 0	Thomas Mageean - proposed dwelling and garage - site abutting 20 Junction Road, Saintfield	<b>Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard</b>	Annette McAlarney	<b>Await legal advice.</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2017/1494/ 0	John Murnion -proposed one and a half storey dwelling and detached domestic garage – opposite and north of No. 43 Bryansford Road, Stang, Hilltown	<b>Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10</b>	Annette McAlamey	<b>Agent has submitted supporting info which has to be considered. Further discussion required with enforcement regarding approvals on the lane.</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>proposed off-site location.</b>			
LA07/2017/0821/ 0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Moneynabane, Ballynahinch.	<b>PLANNING MEETING - 29 AUGUST 2018</b> <b>Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting</b>	Annette McAlamey	Issues raised at Planning Committee referred to the outcome of an application which has yet to be submitted to planning. In line with Committee wishes we have to await the submission of this application and its conclusion before returning to consider the current deferred	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2018/1704/ 0	Ms Claire Ferris - Proposed 2 no. dwellings on in-fill site under Policy CTY8 - Between 16 & 20 Lough Road, Crossgar	<b>Defer for a site visit</b>	Annette McAlarney	<b>application. Site visit held on 8-10-2018</b>	N
LA07/2017/0603/ 0	Christopher Smith - Proposed 2 storey dwelling - Site adjacent to No. 1 John Mitchel Street, Newry.	<b>Defer for a site visit</b>	Jacqui McParland	<b>Site visit held on 8-10-2018</b>	N
		<b>PLANNING MEETING - 26 SEPTEMBER 2018</b>			
LA07/2017/0449/ F	Tony Cunningham - proposed 2 No. dwellings (further amendments) - vacant ground between Dromore Heights and Cloughmore View and east of No. 4 Dromore Heights, Upper Dromore Road, Warrenpoint	<b>Defer for further discussions between the agent and Planning Officers on the submission of a scheme for a development on the site that would be acceptable in terms of density and layout and that officers be delegated authority to impose relevant conditions and issue the decision</b>	Jacqui McParland		N
LA07/2018/0698/ 0	Niamh D'Arcy -	<b>Defer for a site visit</b>	Andrew	<b>Site visit to be</b>	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
0	Dwelling house (infill) adjacent to and west of No. 4 Ballykeel Road, Mullaghbawn, Newry		Davidson	held on 16-11- 2018	
LA07/2018/0401/ 0	Mr and Mrs Coim Cunningham - Proposed site for infill dwelling and domestic garage (amended address) 60m south of No. 24 School Road, Ballymartin, Kilkeel	<b>Defer for a site visit</b>	Jacqui McParland	Site visit to be held on 16-11- 2018	Y

## Newry, Mourne & Down District Council – September 2018

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### 1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	914	222
May	141	916	217
June	141	909	225
July	150	960	231
August	114	913	244
September	141	958	263

### 2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	510	182	79	33	110	<b>914</b>
May	506	193	78	33	106	<b>916</b>
June	483	201	84	33	108	<b>909</b>
July	540	189	90	34	107	<b>960</b>
August	482	187	99	34	111	<b>913</b>
September	511	184	108	45	110	<b>958</b>

## Newry, Mourne & Down District Council – September 2018

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### 3. Live applications per Case Officer

Month 2017/18	Average number of Applications per Case Officer
April	51
May	49
June	48
July	51
August	48
September	56

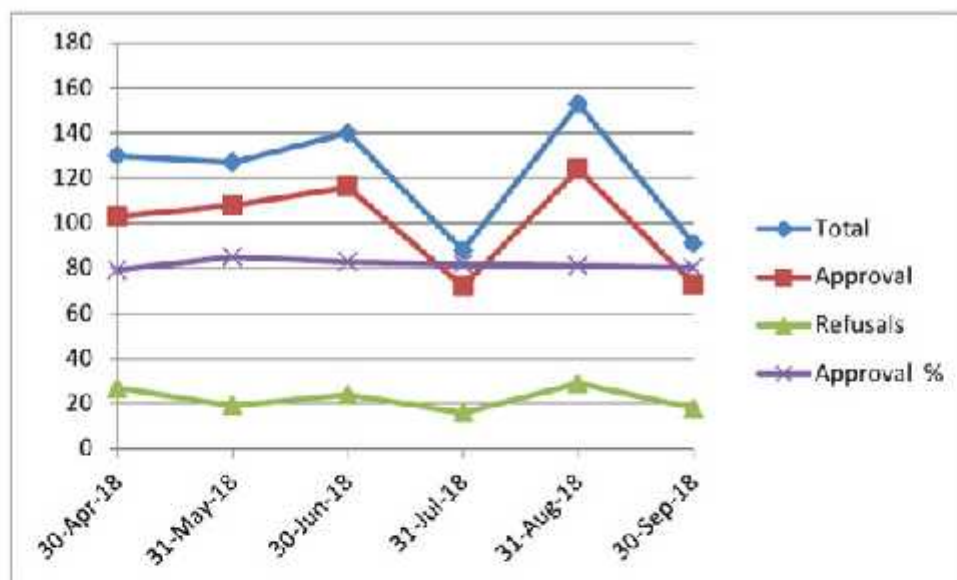
### 4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111
May	127	119
June	140	130
July	88	78
August	153	141
September	91	83

## Newry, Mourne & Down District Council – September 2018

### 5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued	Breakdown of Decisions	
April	130	Approvals (103)	79%
		Refusals (27)	21%
May	257	Approvals (211)	82%
		Refusals (46)	18%
June	397	Approvals (327)	82%
		Refusals (70)	18%
July	485	Approvals (399)	82%
		Refusals (86)	18%
August	638	Approvals (523)	82%
		Refusals (115)	18%
September	729	Approvals (596)	82%
		Refusals (133)	18%





## Newry, Mourne & Down District Council – September 2018

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### 6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	305	220	101	77	84	124	911
May	325	208	105	81	84	125	928
June	331	224	106	82	82	130	955
July	332	226	113	82	82	135	970
August	365	246	110	85	73	150	1,029
September	373	250	125	81	76	156	1,061

### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
11 April 2018	25	20	5
9 May 2018	17	10	7
6 June 2018	13	5	8
4 July 2018	14	6	8
1 August 2018	12	8	4
29 August 2018	13	4	9
26 September 2018	14	8	6
<b>Totals</b>	<b>108</b>	<b>61</b>	<b>47</b>

### 8. Appeals

#### Planning Appeal Commission Decisions issued during September 2018

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	16	1	1	0	0
Down	7	1	1	0	0
<b>TOTAL</b>	<b>23</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>

## Newry, Mourne & Down District Council – September 2018

### Statutory targets monthly update - up to July 2018 (unvalidated management information)

#### Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	0	2	110.4	0.0%	100	109	14.0	52.3%	49	6	170.2	66.7%
May	0	2	67.3	0.0%	116	118	16.9	43.2%	50	14	48.3	64.3%
June	1	1	20.2	100.0%	135	132	15.1	50.0%	49	25	49.2	60.0%
July	0	-	0.0	0.0%	107	81	15.2	49.4%	39	7	52.8	71.4%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
<b>Year to date</b>	<b>1</b>	<b>5</b>	<b>48.6</b>	<b>20.0%</b>	<b>458</b>	<b>440</b>	<b>15.4</b>	<b>48.6%</b>	<b>187</b>	<b>52</b>	<b>48.0</b>	<b>63.5%</b>

Source: NI Planning Portal

#### Notes:

1. CLUDS, TPOS, NMCS and PADS/PANS have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which the application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as 'typical'.

## Newry, Mourne & Down District Council – September 2018

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*3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.*

## Record of meetings between Planning Officers and Public Representatives 2018-2019

246

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
23/04/2018	A McAlarney	Cllr W Walker Cllr Andrews
27/04/2018	A McAlarney	Cllr Burgess
30/04/2018	A McAlarney	Cllr Walker
30/04/2018	A McAlarney	Cllr Fitzpatrick
10/05/2018	A McAlarney	Colin McGrath MLA
31/05/2018	A McAlarney	Cllr Rice
04/06/2018	A McAlarney	Cllr McMurray
29/06/2018	G Kerr	Cllr B Quinn
10/07/2018	G Kerr / P Smyth	Cllr B Quinn
17/07/2018	A McAlarney	Colin McGrath
09/08/2018	G Kerr / P Smyth	Cllr B Quinn
14/08/2018	A McAlarney	Cllr walker
04/09/2018	G Kerr	Cllr Tinnelly
07/09/2018	A McAlarney	Colin McGrath
12/09/2018	A McAlarney	Cllr walker Cllr Andrews
18/09/2018	A McAlarney	Cllr Walker Cllr Andrews
20/09/2018	A McAlarney	Cllr Rice

## Current Appeals

247

**AUTHORITY** Newry, Mourne and Down

**ITEM NO** 1  
**Planning Ref:** LA07/2017/0687/ **PAC Ref:** 2017/A0168  
**APPELLANT** Steven And Diane Campbell **DEA** The Mournes  
**LOCATION** 30m North Of 94 Greencastle Road  
 Kilkeel  
**PROPOSAL** RT34.4DF  
 Infill site for new dwelling and garage in existing cluster (amended plans)

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** Written Reps with Site Visit **Date Appeal Lodged**  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 2  
**Planning Ref:** LA07/2017/0786/ **PAC Ref:** 2017/A0178  
**APPELLANT** Walter Watson **DEA** Slieve Croob  
**LOCATION** 4 Drumnaquoile Road  
 Castlewellan  
**PROPOSAL** Replacement dwelling and detached garage

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 04/12/2017  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

248

<b>ITEM NO</b>	<b>3</b>		
<b>Planning Ref:</b>	LA07/2017/0319/	<b>PAC Ref:</b>	2017/A0188
<b>APPELLANT</b>	Mr Sean O'Hare	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	10A Lirnekiln Road Newry		
<b>PROPOSAL</b>	RT35 71 X Retention of authorised treatment facility for end-of-life vehicles, including access road and all associated site infrastructure, including areas of hardstanding, drainage systems, all buildings, structures, racks, fencing and gates		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	12/12/2017
<b>Date of Hearing</b>		<b>18/04/2018</b>	
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>4</b>		
<b>Planning Ref:</b>	LA07/2016/0952/	<b>PAC Ref:</b>	2017/A0213
<b>APPELLANT</b>	D & M Downey	<b>DEA</b>	Newry
<b>LOCATION</b>	113-117 Dublin Road Newry		
<b>PROPOSAL</b>	RT35 80P Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	18/01/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

249

<b>ITEM NO</b>	<b>5</b>	<b>PAC Ref:</b>	2018/A0026
<b>Planning Ref:</b>	LA07/2015/0461/	<b>DEA</b>	Crotlieve
<b>APPELLANT LOCATION</b>	John Mackin 72 Ballyvalley Road Mayobridge		
<b>PROPOSAL</b>	Replacement dwelling		
<b>APPEAL TYPE</b>	DC - Conditions of Approval		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	29/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>	<b>PAC Ref:</b>	2018/A0027
<b>Planning Ref:</b>	LA07/2016/1407/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Richard Newell 75A Glasdrumman Road Annalong		
<b>PROPOSAL</b>	<del>Go Down</del> Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	30/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

250

<b>ITEM NO</b>	<b>7</b>	<b>PAC Ref:</b>	2018/A0029
<b>Planning Ref:</b>	LA07/2016/1276/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Mr D Boal		
<b>LOCATION</b>	3 Main Street Ballynahinch		
<b>PROPOSAL</b>	Subdivision of existing retail unit to 2No. Retail Units and Change of Use to 4No apartments with extension to first floor to provide 2No. Apartments		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	01/06/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>	<b>PAC Ref:</b>	2018/A0030
<b>Planning Ref:</b>	LA07/2017/1192/	<b>DEA</b>	Newry
<b>APPELLANT</b>	Tranquility Ireland		
<b>LOCATION</b>	97 Fathom Line Fathom Lower (Main Portion)		
<b>PROPOSAL</b>	Retention of change of use of domestic dwelling and garage to three short term holiday let accommodation with alterations		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	01/06/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

251

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	LA07/2017/0969/	<b>PAC Ref:</b>	2018/A0046
<b>APPELLANT LOCATION</b>	Mr Peter Clerkin 160m South Of 106 Leitrim Road Hilltown	<b>DEA</b>	Crotlieve
<b>PROPOSAL</b>	Proposed retention and extension of farm shed (amended address)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	11/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	LA07/2017/0492/	<b>PAC Ref:</b>	2018/A0050
<b>APPELLANT LOCATION</b>	East Coast Coaches 70 Metres East Of 72 Rathfriland Road Newry	<b>DEA</b>	Crotlieve
<b>PROPOSAL</b>	Temporary permission for hard standing (area to be used for the parking and turning of coaches associated with existing bus and taxi depot)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	17/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

252

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	R/2014/0079/F	<b>PAC Ref:</b>	2018/A0054
<b>APPELLANT</b>	Mr Brendan Maginn	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Approx 285m South West Of No 63 Dundrine Road Castlewellan		
<b>PROPOSAL</b>	Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F)		
	(Additional surveys/info received)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	30/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2018/0645/	<b>PAC Ref:</b>	2018/A0058
<b>APPELLANT</b>	Mr William McDonnell	<b>DEA</b>	Crollieve
<b>LOCATION</b>	Opposite 60 Derryleckagh Road On Aughnagun Road Newry		
<b>PROPOSAL</b>	Change of house type and garage from previously approved under planning ref. P/2007/0735/RM		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	02/08/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

253

**ITEM NO** 13  
**Planning Ref:** LA07/2017/1802/ **PAC Ref:** 2018/A0064  
**APPELLANT** Mrs Bridget Hasson **DEA** Slieve Gullion  
**LOCATION** 80m North East Of No 50 Malahy Conlon Park  
 Cullaville Road  
**PROPOSAL** <sup>Cullaville</sup> Proposed infill dwelling and domestic garage

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Written Reps** **Date Appeal Lodged** 10/08/2018  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 14  
**Planning Ref:** LA07/2017/1668/ **PAC Ref:** 2018/A0065/F  
**APPELLANT** Mr & Mrs Joseph Bell **DEA** Rowallane  
**LOCATION** 33 Cluntagh Road  
 Crossgar  
**PROPOSAL** <sup>RT30 9FT</sup> Conversion of stables to domestic annex to be used as granny flat

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 10/08/2018  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

254

<b>ITEM NO</b>	<b>15</b>	<b>PAC Ref:</b>	2018/A0066
<b>Planning Ref:</b>	LA07/2017/1394/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr B And Mrs A Gibney		
<b>LOCATION</b>	80m East Of 89 Demesne Road Edendarriff Ballymahinch		
<b>PROPOSAL</b>	Dwelling and garage on a farm		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission	<b>Date Appeal Lodged</b>	10/08/2018
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>16</b>	<b>PAC Ref:</b>	2018/A0079
<b>Planning Ref:</b>	LA07/2018/0747/	<b>DEA</b>	Crollieve
<b>APPELLANT</b>	Joan Henderson		
<b>LOCATION</b>	200m South East 21 Levallyreagh Road Rostrevor Newry		
<b>PROPOSAL</b>			

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission	<b>Date Appeal Lodged</b>	05/09/2018
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

255

**ITEM NO** 17  
**Planning Ref:** LA07/2018/0464/ **PAC Ref:** 2018/A0080  
**APPELLANT** Mary Slane **DEA** Newry  
**LOCATION** Between No. 34 And 38 Seafin Road  
 Killeavy  
 Meigh  
**PROPOSAL** Dwelling and garage (amended address)

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 05/09/2018  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 18  
**Planning Ref:** LA07/2018/0220/ **PAC Ref:** 2018/A0085  
**APPELLANT** Mr & Mrs H Coulter **DEA** Rowallane  
**LOCATION** 50m SE Of 7 Old Saintfield Road  
 Creevyarnonan  
 Crossbar  
**PROPOSAL** Proposed 2 no infill dwellings, detached garages and site works

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 17/09/2018  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

256

<b>ITEM NO</b>	<b>19</b>	<b>PAC Ref:</b>	2018/A0086
<b>Planning Ref:</b>	LA07/2017/0701/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	J&J McKibbin		
<b>LOCATION</b>	Land 60m North East Of No. 181 Moyad Road Kilkeel		
<b>PROPOSAL</b>	RT34 4HI Erection of self-catering tourist accommodation, light industrial units and associated site works.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	18/09/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>	<b>PAC Ref:</b>	2018/AO021
<b>Planning Ref:</b>	LA07/2018/0166/	<b>DEA</b>	Slieve Gullion
<b>APPELLANT</b>	Sean Nugent		
<b>LOCATION</b>	60m East Of 66 Slatequarry Road Cullyhanna		
<b>PROPOSAL</b>	Retention of existing farm shed		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	15/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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**ITEM NO** 21  
**Planning Ref:** LA07/2017/0665/ **PAC Ref:** 2018/E0014  
**APPELLANT** Mr James K. Donnelly **DEA** Newry  
**LOCATION** 110 Metres North West Of No. 240 Dublin Road  
 Killeen  
 Newry

**PROPOSAL** Retention of agricultural building, erected under permitted development

**APPEAL TYPE** DC- Refusal of CLUD  
**Appeal Procedure** **Date Appeal Lodged** 14/06/2018  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 22  
**Planning Ref:** LA07/2018/0363/ **PAC Ref:** 2018/E0017  
**APPELLANT** Mr And Mrs S Thompson **DEA** Rowallane  
**LOCATION** 19A Rathcunningham Road  
 Toye  
 Derrynpatrick

**PROPOSAL** Use of 19A as a dwelling separate from 19

**APPEAL TYPE** DC- Refusal of CLUD  
**Appeal Procedure** **Date Appeal Lodged** 28/06/2018  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

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<b>ITEM NO</b>	<b>23</b>		
<b>Planning Ref:</b>	LA07/2018/0373/	<b>PAC Ref:</b>	2018/E0022
<b>APPELLANT</b>	James Purdy	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	78b Upper Dromore Road Warrenpoint		
<b>PROPOSAL</b>	Car bodywork repairs and construction sealants distribution.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	11/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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# Appeal Decision

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<b>Appeal Reference:</b>	2017/A0188
<b>Appeal by:</b>	Mr Sean O'Hare
<b>Development:</b>	Retention of treatment facility for end of life vehicles, including access road and all associated site infrastructure, including area of hard standing, drainage systems, all buildings, structures, racks, fencing and gates.
<b>Location:</b>	10a Limekiln Road, Newry
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/0319/F
<b>Procedure:</b>	Informal Hearing on 18 April 2018
<b>Decision by:</b>	Commissioner Mandy Jones, 27 September 2018.

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## Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

## Preliminary Issues

2. Prior to the hearing the Council amended refusal reason 10 to withdraw the reference to the Best Practicable Environmental Option (BEPO). At the hearing the Council also withdrew refusal reason 2 relating to Planning Policy Statement 4, Planning and Economic Development. Refusal reason 4 relating to paragraph 6.279 of the Strategic Planning Policy Statement ( SPPS ) was also withdrawn.
3. The appellant argues that the site has historically operated as a scrap yard for the reclamation and recovery of scrap metal including dismantling and the treatment of end of life vehicles ( ELVs ). It was contended that the operational development of the hard cored yard, access lane and perimeter fencing has existed since 1997 and the proposal seeks to retain works which were undertaken in 2015 – 2016 to upgrade the existing site. This includes new drainage, new storage racks for ELV shells and the erection of new buildings to facilitate the depollution and dismantling of the ELVs under cover in a controlled environment. These updated works are required to modernise the facility and to enable a new Waste Management Licence to be issued under the current regulations. The appellant submitted a large volume of evidence which claims that there is an established waste management land use and operational development comprising the hard cored yard, access road and perimeter fencing. This includes affidavits; a Waste Management Licence for Mr Sean O'Hare of O'Hare Autoparts issued in October 1997 in which the appellant has paid subsistence charges to retain and permit on – going operations on the site; a timeline of aerial photographs and payment of rates bills. Also submitted was a letter

from The Planning Service dated March 1997, signed by PJ Magee – Divisional Planning Manager in reference to 'Scrapyard at Limekiln Road'. It states that *'Planning Service can find no planning history for this site and understand that the scrapyard may have been at that location prior to re-organisation in October 1973. This would mean any history on the site being among Urban or Rural or County Council records, if any still exist. Therefore, it would seem that the use has been established and planning permission is not required in this case.'*

4. Although the Council accepted this letter and the use of the site as a scrapyard in 1997, they disputed the use of the site after this time arguing that it had ceased at some point and was abandoned as the business activity transferred to the Low Road site. They also queried some of the evidence presented.
5. The judgement in *Saxby v Secretary of State for the Environment and Westminster City Council (1998)* is the authority for the proposition that the proper mechanism for determination whether such works are lawful is through an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) under Section 169 and 170 of the Planning Act (Northern Ireland) 2011. No CLEUD has been issued in respect of any works on the site and in the absence of such a certificate, I cannot assume that any works on the site are lawful. This appeal is not the correct procedure to establish whether a lawful use exists on the site.
6. The appeal description is for 'Retention of authorised treatment facility for end of life vehicles, including access road and all associated site infrastructure, including area of hard standing, drainage systems, all buildings, structures, racks, fencing and gates.' Given that no CLEUD has been issued or applied for in this case, this is an inappropriate description of the proposal. I have deleted the reference to 'authorised' and the amended description now reads 'Retention of Treatment Facility for end of life vehicles, including access road and all associated site infrastructure, including area of hard standing, drainage systems, all buildings, structures, racks, fencing and gates.' I will now proceed to consider the appeal on this basis.

### Reasoning

7. The main issues in this appeal relate to :
  - The principle of the development in the countryside;
  - The visual impact of the development on the character and appearance of the countryside in an Area of Outstanding Natural Beauty;
  - The impact of the development on the surrounding residents and
  - The impacts of the development on the flow of traffic and road safety in the area.
8. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the local development plan, so far as material to the application, and to any other material considerations. The appeal site is located in the countryside within the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The site is also located within the Ring of Gullion Area of Outstanding Natural Beauty (AONB).
9. The BNMAP, which operates as the statutory Local Development Plan relevant to the appeal site, contains no provisions specific to this proposal for a waste treatment facility for end of life vehicles in the open countryside. BNMAP emphasises the

Regional Development Strategy guidance which seeks to manage our waste sustainability. Page 42 ( Volume 1 ) of the plan refers matters relating to waste are considered in the Waste Management Strategy for Northern Ireland. It states that a new approach to waste management has emerged in recent years driven forward by the UK and EU commitment to sustainable patterns of development which requires the reuse, recycling and recovery of materials from our waste.

10. The Strategic Planning Policy Statement for Northern Ireland – Planning for Sustainable Development – September 2015 (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the SPPS.
11. In respect of the appeal proposal no conflict arises between the SPPS and the prevailing regional policy set out by Planning Policy Statement 21 Sustainable Development in the Countryside ( PPS 21 ), Planning Policy Statement 11 Planning and Waste Management ( PPS 11 ), and Planning Policy Statement 2 Natural Heritage.
12. Being located in the countryside, the appeal proposal is subject to the policies of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). While Policy CTY 1 of PPS 21 sets out a number of instances where planning permission for non-residential development in the countryside will be granted, the use of land for a treatment facility for end of life vehicles is not one of the development types specifically identified. CTY 1 does, however, recognise that there are a range of other types of non-residential development that may be acceptable in principle in the countryside. The policy goes on to state that proposals for such development can be considered in accordance with existing published planning policies. PPS 11 sets out the prevailing policy for the development of waste management facilities.
13. The appeal site is located approx. 1 km south of the nearest settlement Bessbrook. It is accessed off the Limekiln Road by a laneway and is located immediately to the rear of a Northern Ireland Water Service Reservoir Site with associated infrastructure facilities buildings and raised ground levels. To the north is a derelict group of farm buildings. The topography of the site is predominantly flat and lies higher than the public road.
14. The development on the site relates to the retention of a treatment facility for end of life vehicles including access road and all associated site infrastructure, including areas of hardstanding, drainage systems, buildings, structures, racks, fencing and gates. The proposal seeks to retain works which were undertaken in 2015 – 2016 to upgrade the existing site. This includes installation of new site drainage, new storage racks for ELV shells and for the erection of new buildings to facilitate depollution and dismantling of the ELVs under cover in a more controlled environment.
15. There are 2 buildings on the site and 2 mobile site offices. The building towards the south of the site is for the storage for ELV parts. The central part is a metal shipping

container with two lean to parts to either side. It has a corrugated metal external finish. Its overall footprint is 12 x 8.3m with a height of 3.2m. There is also a small shipping container to the east used for the storage of residual lead acid batteries. The main building to the north east is fitted with vehicle depollution equipment and a vehicle ramp, offices and wc. Its overall footprint is 12.5 x 13m with a ridge height of 5.95m and is of a steel frame construction with corrugated metal cladding panels. There is a mobile site office towards the south eastern corner of the site, measuring 8.5 x 3.05m with a height of 2.60m and another mobile site office at the entrance to the site measuring 6 x 2.43m with a height of 2.95m. A yard area constructed in reinforced concrete spans the north eastern portion of the site which has an integrated piped drainage system for surface water management. To the west a large aggregate yard area of gravel hardstanding is used for the storage of depolluted ELVs only. At my site visit this area was filled with racks of ELV shells. The perimeter of the site has a high metal fence and there is a hedgerow to the southern boundary.

16. The appellant's Site Working Plan, sets out 'A Waste Code List of Wastes proposed to be accepted at the site' in table 1 which includes :

EWC 16 01: End of Life Vehicles from different means of transport ( including off road machinery ) and wastes from dismantling of end of life vehicles and vehicle maintenance ( except 13,14,16 06 and 16 08 )

EWC 16 01 04: End of Life vehicles ( un- depolluted )

EWC 16 01 06: End of Life Vehicles containing neither liquids nor other hazardous substances.

17. Table 2 sets out the total quantity of ELVs to be accepted annually, along with details of maximum storage capacity and timeframes for individual waste types. The waste activities proposed to take place on the site include:

- The acceptance for on – site treatment ( depollution ) of un depolluted End of Life Vehicles and their associated waste materials followed by dismantling for onward sale for recycling;
- The acceptance for on site treatment, comprising dismantling and storage of depolluted End of Life Vehicles and their associated waste materials for onward sale for recycling.

18. Waste will enter the site in a variety of vehicles comprising ; articulated transport vehicles for bulk deliveries of sorted and unsorted waste belonging to the operator; smaller loads of ELVs from individuals / companies delivered on trailers, vans etc and for vehicles to be scrapped as ELVs, self-driven to the site by owner, if roadworthy. Before offloading, all waste will be visually quantified and inspected. ELVs requiring depollution will be unloaded in a designated area where drainage is in place. For depolluted vehicles with the relevant paperwork, these will be visually inspected to confirm satisfactory depollution before being located to the relevant storage area. A flow chart of the depollution process is within the WP.

19. Policy WM2 of PPS 11 relates to Waste Collection and Treatment Facilities and states that proposals for the development of a waste collection or treatment facility will be permitted subject to a number of criteria. The Council argue that the appeal

- proposal does not meet criteria (a), (c) and (d). Criterion (a) requires that there is a need for the facility as established through the Waste Management Strategy (WMS) and the relevant Waste Management Plan (WMP).
20. The appellant contends that the proposed development is consistent with the objectives and principles within the WMS. It will contribute in moving towards the targets, by promoting an increase in the diversion of waste from landfill by sorting waste streams to facilitate their further recovery.
  21. It was argued that the appeal proposal is entirely consistent with Principles of Sustainable Waste Management (referred to in paragraph 1.16 of PPS 11) in that it remains close to the point of origin of the waste and will enable priority waste streams to be treated and recovered and diverted from landfill. This is consistent with the direction of the SWaMP Waste Management Plan for the South West Region. The plan promotes the increase in the number of waste management facilities for the recovery of waste in order to fulfil the Waste Management Hierarchy and meet waste recovery targets. It was argued that the need for the facility in the location is proven as O'Hare Autoparts operated a waste management facility at this site and at a site ( now closed ) at Low Road for in excess of 20 years and recycled and recovered ELVs from the local area.
  22. A License for a Waste Disposal Facility in accordance with the Pollution Control and Local Government ( NI) Order 1978 was issued to the appellant in October 1997 in relation to the appeal site. Evidence was presented that this remains in place and the appellant has paid annual subsistence charges to retain this Licence and to permit the ongoing operations of the site.
  23. At the hearing the Council stated that there was no dispute that there is a need for this waste facility in accordance with the Waste Management Strategy and the relevant Waste Management Plan but rather their argument was the siting and location of the appeal proposal within the countryside. The Council provided no argument that there was no need for this facility and I have no reason to conclude that this is, in fact the case. The proposal to recover waste from ELVs is consistent with the objectives and principals of the WMS and will contribute in moving toward the targets. It is also consistent with the SWAMP plan which confirms the need for suitable waste management facilities across the south west region and confirms that ELVs are a Priority Waste Stream. The appeal proposal is consistent with criterion (a) of Policy WM2.
  24. Criterion (c) of WM2 requires that the proposed facility complies with one or more of a number of locational criteria. Whilst bullet point 1 refers to industrial or port areas, bullet point 2 refers to active or worked out hard rock quarries or on the site of an existing or former waste management facility including a landfill site. The appellant's letter from the Divisional Planning Office dated March 1997 accepted that there was an established scrapyards on the site – and the Council accepted this although disputed the use since then. As referred to previously although the normal route to establish a lawful development is a CLEUD, this is not required in this case, as policy refers to a 'former waste management facility' even if the use had ceased as contended by the Council. The appeal proposal would therefore meet this locational criterion which refers to the site of a former waste management facility.

25. The Council's main argument was that there is a clear preference for such proposals to be in existing urban, industrial areas or quarries. It was stated by the Council that while policy does allow for such proposals in rural areas, the overall thrust of policy is that this will only be in exceptional circumstances. I note that policy does not require exceptional circumstances to be demonstrated for such proposals to be in the countryside. Criterion (c) bullet 5 states:
- *Where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings / plant are needed these must have an acceptable visual and environmental impact.*
26. At the hearing the Council produced a copy of PPS 11 which at criterion (c) bullet 5 referred to proposals being ' *suitability located in the countryside* '. My copy and the appellant's copy of PPS 11 published in December 2002 and that on the Planning NI website does not in fact make reference to this. I received no explanation of this discrepancy in wording by the Council and I can only assume that the Council are relying on incorrect or possibly out of date policy documents.
27. Bullet 5 states that a waste management operation may be acceptable in the countryside where it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. The proposal involves the retention of new buildings and not the reuse of existing buildings. While there are no existing buildings on the appeal site, to the east of the appeal site is a Northern Ireland Water Service controlled reservoir site with a substantial associated building sitting parallel to the road and a smaller building to its south. Immediately to the north is a cluster of disused farm buildings. The appellant claims that there is also the constructed footings of tourist accommodation units which were granted approval P/1999/0544/F – which was undisputed by the Council. As the site is adjacent to existing building groups it meets this element of the locational criteria for such proposals in the countryside.
28. Bullet point 5 goes on to say that *alternatively where it is demonstrated that new buildings / plant are needed these must have an acceptable visual and environmental impact.*
29. In terms of the visual impact of the proposal the Council also raised Policy CTY 13 of PPS 21, Integration and Design of Buildings in the Countryside which states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of appropriate design. Their focus was on criterion (c) that the building relies primarily on the use of new landscaping for integration; (d) the ancillary works do not integrate and (e) the design is inappropriate for the site and its locality.
30. Policy CTY 14 was also raised which states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. The Council focused on criterion (c) that it does not respect the traditional pattern of settlement exhibited in the area and criterion (e) that the impact of the ancillary works would damage rural character. As the site is within an AONB, Policy NH 6 of Planning Policy Statement 2 : Natural

Heritage applies and states that planning permission for new development in an AONB will only be granted where it is of an appropriate design, size and scale for the locality.

31. The Limekiln Road is a narrow minor and undulating road with heavy roadside vegetation to either side. The Council identified critical viewpoints from this road on approach to the site. When viewed from the Limekiln Road, across the reservoir site frontage, due to the raised ground levels within the adjoining reservoir site and the substantial roadside associated reservoir building, the entire appeal site is screened except for the very upper parts and ridge line of the main depollution building in the distance. The portion which is visible has the appearance of a rural agricultural building which is appropriate to the locality. The remaining buildings on the site and entire yard area containing ELV racks are completely screened from the road. On approach from the south again views to the site are well screened by the substantial roadside vegetation however there is a short break in the vegetation which allow views of the depolluted storage area to the south east of the site containing racks of ELV's. Given the distance from the road, the oblique and fleeting nature of the view the external storage area is barely discernible. A landscaping condition would ensure that the eastern boundary of the appeal site is planted and maintained which would contain this view. On approach from the north the site is again screened by intervening and roadside vegetation however there is a break in the vegetation which allows a fleeting long distance view to the external storage area along the northern portion of the site. Given the nature of this view, it is again barely perceptible. I do not consider these views to the external yard area only, to be determining. Given the presence of substantial vegetation, the rising ground levels within the reservoir site and the screening effect of the reservoir facility building I consider the site and its ancillary works including the access road and yard to be visually integrated. I consider that it would not primarily rely on the use of new landscaping. I consider that concerns in relation to CTY 13 are not sustained.
32. The immediate character of the area is mixed due to the adjoining NI water service reservoir site and associated buildings ( infrastructural land ), derelict farm buildings and agricultural land. A number of commercial yards and single dwellings lie within the wider area and within the AONB. Given the character, nature and scale of the surrounding immediate and wider landscape I do not consider that this treatment facility for ELVs offends the criteria raised in relation to CTY 14 rural character. Neither would it give rise to an unacceptable visual impact on the character of the wider ANOB.
33. The appeal proposal is on land adjacent to existing building groups in the countryside. The new buildings on the site including the depollution building and the parts storage buildings do not give rise to unacceptable visual or environmental impacts as they are screened from public view. I consider that the proposal therefore meets this requirement of the locational criteria for such proposals in the countryside. Overall, I conclude that the proposal meets 2 of the locational criteria in Policy WM2.
34. Criteria (d) of WM2 goes on to set out a number of other qualifying criteria. Bullet 1 does not apply as the proposal is not a regional scale waste collection or treatment facility. Bullet 2 is a requirement that proposals involving the sorting and processing of waste should be carried out in a purpose built or appropriately modified existing building unless it can be demonstrated that part or all of the proposed operation can

- only be carried out in the open. Bullet 3 is a requirement that the built development associated with the proposed methods of handling, storage, treatment, and processing of waste is appropriate to the nature and hazards of the waste concerned. Bullet 5 requires that the proposal will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures and cross references to Policy WM1.
35. The Site Working Plan states that the main depollution building will be fitted with an impermeable floor falling to a collection sump under a floor gully. This will comprise a 1m<sup>3</sup> fully isolated sump (not connected to the site drainage) to contain accidental spillages. The decontamination process will be completed with the aid of specialist equipment. A motorised vehicle lift is located within the depollution containment area. Hazardous materials will be removed from the ELVs and segregated in such a way not to contaminate any remaining parts of the vehicle. All hazardous solid materials removed will be stored in the containment area awaiting appropriate removal off site for disposal. Oils and fluids removed from the ELVs during the depollution process will be stored in a series of bunded tanks awaiting removal off site for further processing / disposal by a third party waste company. The perimeter of the site is enclosed with a high security fence.
  36. From the evidence presented by the appellant I am persuaded that the buildings on the site are purpose built and the associated yard area seem appropriate to the nature and hazards of the waste concerned and the outdoor storage of ELVs. I am satisfied that the proposal is consistent with bullets 2 and 3 of criteria (d). As the development does not involve proposals for the incineration of waste bullet 4 does not apply.
  37. The fifth bullet of criterion (d) requires that the development will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures and is cross referenced to Policy WM1.
  38. Policy WM1 of PPS 11 states that proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where a number of criteria are met.
  39. Bullet 1 requires that the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment. Paragraphs 4.11 and 4.12 of the SPPS refers to environmental and amenity issues including noise, air quality and general nuisance.
  40. The Council's refusal reason 9 referred to the potential to adversely affect the amenity of adjoining residents through noise and general nuisance. No noise impact assessment had been submitted to the Council and they were unable to assess the potential impact. A Preliminary Noise Impact Assessment was submitted with the appellant's statement of case ( dated Feb 2018 ) and commented on by EHO. A further updated noise assessment ( dated April 2018 ) was submitted prior to the hearing and was discussed at the hearing.
  41. The April report included measured background noise levels for the site and compared these against modelled noise levels solely attributable to the site facility.



All of the relevant noise levels were subsequently incorporated into a CadnaA noise model and used to calculate any noise impacts on local residents.

42. The Council accepted that no 10 Limekiln Road is a derelict building and as such is not a noise sensitive receptor. The report included 7 properties on the Limekiln Road as noise sensitive receptors. In addition, frequency analysis was carried out for external plant equipment and the results demonstrated a degree of tonality. Therefore a noise penalty was subsequently applied to the results of noise modelling for all receptors. The report concluded that even with the noise penalty applied the computed noise levels for each receptor was found to be significantly lower than existing background levels, and in conclusion it was considered that in accordance with BS4142:2014 noise impact will not occur on any of the local residential receptors – ie. That noise impact is negated. The Council considered the noise assessment report and concluded that they had no objections in respect of noise subject to conditions on the hours of operation as Monday – Friday 9.00 to 5.00 and closed Saturday and Sunday ( as set out in the appellants Site Working Plan ). No further issues were raised by the Council in terms of general nuisance. There are no objections in relation to bullet 1 of WM1 and paragraph 4.11 and 4.12 of the SPPS and the Council's refusal reason 5 is not sustained.
43. Bullet 2 requires that the proposed is designed to be compatible with the character of the surrounding area and adjacent land uses. The Council's argument is that there are other sites that would be preferable for such a use and that the proposal is incompatible with the character of the area due to noise and general nuisance. The locational criteria for such development in the countryside set out in Policy WM2 allows for the reuse of existing buildings or is on land within or adjacent to existing building groups which I have reached a conclusion on. The concept of compatibility is not the same as principle which I have already found to be acceptable in this countryside location. I have already concluded that there are no objections in relation to noise. Having made my visual assessment, I have also previously concluded that the facility has an acceptable visual impact. It is directly adjacent to a service reservoir infrastructure facility and surrounding agricultural land. It has not been demonstrated that the proposal is incompatible with the existing land uses either visually or in terms of noise and does not offend bullet 2 and 3 of Policy WM1.
44. Bullet 4 of Policy WM1 of PPS 11 requires that access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users. Although not referred to in the original reasons for refusal the Council added that this requirement had not been demonstrated to their refusal reason 9 within their statement of case.
45. Within the appellant's completed P1 form it stated that the average number of vehicles to the premises daily was staff 3; visitors/customers 20 and goods 1. The expected increase for all categories was 0. This was undisputed and there was no evidence presented in relation to the frequency and nature of vehicles to the site being unacceptable. Traffic movements relate to the daily intake and storage capacity on the site. A condition is necessary to limit the daily intake and storage capacities of ELVs on the site to control the levels of operations on the site. ( as set out in the appellants Site Working Plan ).
46. Site entrance drawings submitted with the appellant's statement of case indicated an existing access of 4.5m x 90m LHS and 4.5 x 25.80m RHS and the same splays

- for a proposed access of 4.5 x 90m LHS and 4.5 x 25.80m RHS. This is an existing substandard access which the appellant maintains has been used for many years and I have no evidence of any accidents occurring. Irrespective of this, the proposed access illustrated is substandard.
47. According to DCAN 15 : Vehicular Access Standards, table B, based on speeds of less than 25 mph splays of 2.4 x 45 would be required; for speeds up to 30mph, 2.4 x 60 m splays are required. It was claimed that 2.4 x 100 LHS and 2.4 x 60 m RHS could be achieved on the site. Given the speeds on the road, the appellant suggested a condition of 2.4 x 60m LHS and 2.4 x 45m RHS.
  48. The Limekiln Road is a single lane width minor road. On approach from Camlough Road the road is straight and has a fairly steep incline. On my site visit driving the road and observing motorists I would judge the speeds on this part of the road to be up to 30mph. From the opposite approach the road is winding, undulating and enclosed on both sides with high roadside vegetation and therefore I would judge speeds to be up to 25 mph. The existing access is directly adjacent to the NI water service reservoir site assess. There is a wide verge across the frontage of the reservoir site (of approx. 2.5m) which provides the splays for the access to the reservoir. I am satisfied that visibility splays 2.4 x 45 RHS could be achieved within the verge – this will require the removal of a short portion of roadside vegetation and some facing of vegetation in front of the reservoir fencing. Splays of 2.4 x 60m LHS can be provided as this land is within the appellant's ownership.
  49. The Council stated that they were satisfied that this issue could be dealt with by a negative condition requiring drawings showing the proposed access however I am unable to attach such a condition to a full application. However, a condition ensuring that visibility splays of 2.4 x 60m LHS and 2.4 x 45m RHS are provided would be necessary within a specified time period to ensure a safe access to the site. Accordingly, I am satisfied that the appeal proposal can meet the necessary road safety requirements of Policy WM1 as expressed in bullet 4.
  50. The Council's 6<sup>th</sup> reason for refusal states that the proposal is contrary to the Local Development Plan as it falls outside land zoned for economic development as designated in the Banbridge / Newry and Mourne Area Plan 2015. It was argued that the plan zones 124 hectares of land in Newry for economic development uses in the City and the proposal should be located within this designated zoning and no exceptional reasons have been advanced as to why the proposal should be on this site. The BNMAP does not make any reference to the location of treatment facilities for ELVs. The locational criteria in Policy WM 2 of PPS 11, subject to need, allows for treatment facilities in the countryside. In this regard I consider the Council's reason for refusal is misplaced and not sustained.
  51. In the final analysis, the treatment facility for end of life vehicles is consistent with the requirements of WM1 and WM2 of PPS 11. The facility meets the need and the locational criteria for such development in the countryside. The Council's refusal reasons 9 and 10 are not sustained. It will not harm the living conditions of residents of Limekiln Road by reason of noise or general nuisance and the Council's refusal reason 5 is not sustained.
  52. The visual impacts of the development are contained and very limited from the Limekiln Road and I consider it to be integrated and the impacts on rural character

given the context are not unacceptable within the AONB. Accordingly, it meets Policy CTY 13 and CTY 14 of PPS 21 and Policy NH 6 of PPS 2. The Council's refusal reasons 7,8 and 3 are not sustained.

53. The appeal development is therefore an acceptable 'other type of development' in accordance with Policy CTY 1 of PPS 21 and the Council's reason for refusal 1 has not been sustained. Accordingly, as all of the Council's reasons for refusal have not been sustained the appeal is allowed subject to the conditions set out below.

#### Conditions.

1. The hours of operation of the development hereby approved shall be limited to 9.00 am to 5.00 pm Monday to Friday and closed on Saturdays and Sundays. The site will be closed on the following public holidays: Christmas Day, Boxing Day, Easter Monday and May Day. No machinery shall be operated, no processes shall be carried out and no deliveries taken at or dispatched from the site outside of these hours.
2. The waste materials to be accepted at the facility hereby approved shall be restricted to those falling within the European Waste Catalogue Codes listed below.

EWC 16 01: End of Life Vehicles from different means of transport ( including off road machinery ) and wastes from dismantling of end of life vehicles and vehicle machinery ( except 13,14,16 06 and 16 08 )

EWC 16 01 04: End of Life Vehicles ( un- depolluted )

EWC 16 01 06: End of Life Vehicles containing neither liquids nor other hazardous substances.

3. The maximum daily intake and storage capacities of end of life vehicles and of residual wastes from the de-pollution of same shall not exceed the quantities and times as set out in the table below. ( table 2 of the Site Working Plan )

Permitted Waste Categories	Maximum Permitted Quantities	Amount
Undepolluted ELVs	Maximum Daily Intake Maximum Storage Capacity Maximum Storage time prior to depollution	5 Vehicles 15 Vehicles 2 Months
Depolluted ELVs	Maximum Daily Intake Maximum Storage Capacity Maximum Storage Time prior to removal	5 Vehicles 200 Vehicles 12 Months
Residual wastes produced as a result of depollution of End of Life Vehicles	Maximum Storage Capacity : Fuel oils - Petrol Fuel Oils – Diesel Coolant and Screen Wash	200 litres 1000 litres 200 litres

Engine Oils	1000 litres
Brake fluid /Transmission and Hydraulic Oils	100 litres
Contaminated Fuels	200 litres
Tyres	100 tyres
Engines	150 tonnes
Oil Filters	1 tonne
Other residual wastes	5 tonne
Maximum Storage Times	1 month

4. A scheme of planting shall be carried out during the first planting season following this decision. This shall include the planting of native trees and hedgerows along the full length of the eastern boundary of the site. This landscaped boundary shall be allowed to grow to a height of at least 4m from ground level and thereafter be permanently retained. The existing landscaped boundary to the south of the site shall be permanently retained at a height of 4m above ground level. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
5. Viability splays of 2.4 x 60m LHS and 2.4 x 45m RHS shall be provided at the point of access of the development onto the Limekiln Road within 4 weeks of this decision. Thereafter, these splays shall be permanently retained.
6. All hardstanding areas where storage handling of end of life vehicles occurs, shall be constructed from an impermeable material and designed to contain all contaminated run off.

This decision is based on the following drawings:

PAC ref :	Council ref:	Drawing
PAC 1	01	Site Environs @ scale 1:2500 @ a3
PAC 2	02	Site Layout with drainage @ scale 1:500 @a3
PAC 3	03	Car Racks Layout @ scale 1:500 @ a3
PAC 4	04	Main Building Elevation @ scale 1:100 @a3
PAC 5	05	Outhouses Elevations @ scale 1:50 @a3
PAC 6	06	Site Office Elevations @ scale 1:50 @ a3
PAC 7	07	Mobile Office / Toilet Elevations @ scale 1:50 @ a3
PAC 8	08	Main Building Internal Layout @ scale 1:100 @ a4
PAC 9	09	Outhousing Internal Layout @ scale 1:100 @ a4
PAC 10	10	Site Office Internal Layout @ scale 1:50 @ a4
PAC 11	11	Mobile Office /Toilet Internal Layout @ scale 1:50 @ a4
PAC 12	12	Car Rack Elevations and Plan @ scale 1:50 @ a4
PAC 13	13	Site Entrance Details @ scale 1:500 @ a4
PAC 14	14	Floodlighting Layout @ scale 1:500 @ a3



**2017/A0188**

**List of Documents**

**Newry, Mourne and Down Council**

**Planning Authority:**                   A     Statement of Case with appendices

**Appellant:**                                B     Statement of Case with appendices

C     Noise Impact Assessment – April 2018

D     Supporting Statement with appeal docs.

**List of Appearances**

Planning Authority: Gareth Murtagh, Newry, Mourne and Down District Council  
Orla O'Toole, Newry, Mourne and Down District Council

Appellant :	Gemma Jobling	JPE Planning
	David McLorinan	MCL Consulting
	John Laverty	MCL Consulting
	Leanne Hall	MCL Consulting
	James O'Hare	Owner of O'Hare Autoparts and son of appellant
	Jackie Patterson	Retired Councillor



# Costs Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
T: 028 9024 4710  
F: 028 9031 2536  
E: info@pacni.gov.uk

<b>Appeal Reference:</b>	2018/A0020
<b>Appeal against:</b>	The refusal of full planning permission for replacement dwelling
<b>Location:</b>	Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield
<b>Claim by:</b>	Mr Lawrence Patterson
<b>Claim against:</b>	Newry, Mourne and Down District Council for a full award of costs
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 17 <sup>th</sup> September 2018

## Decision

1. An award of costs is denied.

## Reasons

2. The planning application relating to the appeal was determined under the Planning Act (Northern Ireland) 2011. An appeal was made in accordance with Section 58 of the Act against Newry, Mourne and Down District Council's decision. The Commission therefore has the power to make an order as to the costs of parties in accordance with Section 205 of the Act. As the claim for costs was part of the submission of the appellant's statement of case evidence, it was made in a timely manner. The claim is therefore both eligible and timely.
3. The main issues to be considered are whether the planning authority has acted unreasonably and if so, whether its unreasonable behaviour has caused the claimant to incur unnecessary or wasted expenses. The claimant considered that the planning authority had failed to: recognise differences in policies; interpret the transitional arrangements; properly assess the proposal in terms of the SPPS (Strategic Planning Policy Statement); produce credible evidence in terms of the vernacular quality and the contribution that the building to be replaced makes; allow additional information to be submitted.
4. The planning authority applied the correct policies contained within Policy CTY 3 of PPS 21: Sustainable Development in the Countryside (PPS 21) and the SPPS. In terms of the transitional arrangements, as they did not consider that there was a conflict between the SPPS and the retained policy, there was no change in policy direction for them to resolve. The view that the proposed development was contrary to the SPPS and Policy CTY 3 was a professional viewpoint which they were entitled to formulate. It therefore follows that the SPPS would be included within the reason for refusal.



5. The planning authority adequately articulated their reasoning why they considered the existing dwelling to be vernacular and make a valued contribution; it is a matter of judgement whether the argument is credible. Annex 2 of PPS 21 is not specifically referred to in the planning authority's case officer's report or statement of case evidence. However, as confirmed in their rebuttal evidence, it is apparent that in determining that the proposal is a rural non-listed vernacular building the planning authority assessed its characteristics such as whether chimneys are expressed on the ridge line, the return being to the rear of the dwelling and the solid to void ratio. The planning authority had concluded that the building was substantially intact, occupied, vernacular, structurally sound and capable of improvement. It is for them to decide if further information is required in order for them to reach a decision on the planning application. The appellant could still have submitted further evidence if they so wished. However, even when the arguments contained in the appeal documents were presented to the planning authority, they still disagreed with the appellant. They were entitled to take this professional view and disagreement is not inherently unreasonable.
6. Given that there was not unreasonable behaviour by the planning authority, no unnecessary expenses have been incurred. No award of costs will therefore be made.

**COMMISSIONER DIANE O'NEILL**



# Appeal Decision

Park House  
87/91 Great Victoria Street  
BELFAST  
BT2 7AG  
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E: info@pacni.gov.uk

<b>Appeal Reference:</b>	2018/A0020
<b>Appeal by:</b>	Mr Lawrence Patterson
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Replacement dwelling
<b>Location:</b>	Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/0795/F
<b>Procedure:</b>	Written representations and Commissioner's site visit on 28 <sup>th</sup> August 2018
<b>Decision by:</b>	Commissioner Diane O'Neill, dated 17 <sup>th</sup> September 2018

## Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

## Claim for Costs

2. A claim for costs was made by the appellant against the planning authority. This claim is the subject of a separate decision.

## Reasons

3. The main issues in this appeal are:
  - whether the proposed development is acceptable in principle in the countryside
  - whether the dwelling to be replaced is a vernacular building which makes an important contribution to the heritage, appearance and character of the area and is capable of being made structurally sound and improved
4. Section 45 (1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 (ADAP) operates as the local development plan for the area where the appeal site is located. The site is located outside any settlement development limit within ADAP and is within the countryside. The ADAP has no material policies for dealing with dwellings in the countryside.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that any

conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, it is added that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' is also retained and provides relevant planning guidance.

6. The appellant argued that there was a difference between Policy CTY 3 and the SPPS in relation to non-listed vernacular dwellings. Rather than introducing a change in policy direction and/or providing a policy clarification on the policy on replacement dwellings, the SPPS is less prescriptive (pg 53) than Policy CTY 3 of PPS 21. The lack of reference to the section on non-listed vernacular buildings contained within Policy CTY 3 does not therefore mean that lesser weight should be afforded to the policy. This approach is supported by the 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' which is supplementary planning guidance that the SPPS states should continue to be treated as a material consideration during the transitional period. Like Policy CTY 3, Building on Tradition emphasises in paragraph 3.3.2 that the retention and sympathetic refurbishment of non listed vernacular structures is encouraged, particularly where they make an important contribution to the heritage, appearance or character of the locality. Paragraph 5.1.1 emphasises that due to the general sustainability approach running through PPS 21 and the importance of the retention of non-listed vernacular buildings to the character and appearance of the local rural landscape that a replacement will only be considered where it is clear that the building is not capable of being made structurally sound.
7. The planning authority argued that the SPPS introduces a tightening of policy with the use of the word 'must' as opposed to 'should' within Policy CTY 3. However, the changed emphasis relates to the replacement dwelling being located within the curtilage of the existing dwelling and not having a visual impact significantly greater than the existing building; these are not issues raised in the current appeal.
8. Policy CTY 1 of PPS 21 sets out 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. A number of instances when planning permission will be granted for a single dwelling are outlined. The appellant argued that the appeal proposal represents a replacement opportunity in accordance with Policy CTY 3 of PPS 21.
9. Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The planning authority did not dispute that the appeal building, which is currently occupied, exhibits the essential characteristics and is totally intact. However, they argued that the appeal building is a non-listed vernacular dwelling which makes an important contribution to the heritage, appearance and character of this area and is capable of being made structurally sound and improved. They considered that

the dwelling and outbuildings form a good example of a small cluster of development.

10. The appeal building (Drumnaconnell House), which is thought to date back to approximately 1900, is located between and can be accessed from the Ballynahinch and Drumnaconnell Roads. It consists of a two-storey cement rendered dwelling with a flat roof porch on the front elevation and a substantial two storey rear return. The windows located on the front elevation have a vertical emphasis with those on the side and rear elevations being varied with some having a vertical and others a horizontal appearance. The roof is finished in Bangor blue roof slates and has two chimneys located on the ridgeline at the gable ends. An outbuilding is attached to the southern elevation of the dwelling. There are a number attractive outbuildings to the north-east and south-east of Drumnaconnell House, the majority of which are to be retained. The outbuildings are thought to predate 1832. The front elevation of Drumnaconnell House is orientated towards the Ballynahinch Road when travelling in a north-easterly direction. The rear of the dwelling is accessed via a concrete yard located off the Drumnaconnell Road. A dry stone wall and dispersed vegetation define the boundaries of the appeal site.
11. Paragraph 5.18 of Policy CTY 3 states that the advice contained within Annex 2 of PPS 21 will be employed to help determine what constitutes a vernacular dwelling for the purpose of the policy. Referring to 'A Sense of Loss-The Survival of Rural Traditional Buildings in Northern Ireland', Annex 2 highlights that rural vernacular houses may be recognised as such by meeting most of the primary characteristics and some of the secondary characteristics listed. The planning authority considered that half of the primary characteristics were met in that the building had a linear plan, the walls were of mass load-bearing materials, the chimneys were along the ridgeline and the house has been extended to the rear of the dwelling. In terms of the secondary characteristics, given the age of the building they considered that it is highly likely that the internal walls would be load bearing. In line with A Sense of Loss, they consider that the preservation of the entire range of 'typical' Ulster countryside houses from vernacular to formal to be important and that the definition of vernacular has to be looked at in a broader view with its overall context and setting taken into account. The appellant agreed with the planning authority in terms of the appeal property possessing three out of the eight primary characteristics, however disputed that the dwelling, unlike the older outbuildings, had a linear plan. They also considered that the dwelling had none of the secondary characteristics as primarily the external walls are load bearing.
12. Whilst the outbuildings located within the appeal site are elongated and have a linear, rectangular form, the dwelling to be replaced, which measures approximately 9.5m long by 7.5m in depth, does not share this appearance. The proposal would therefore only meet three of the eight primary characteristics identified in Annex 2 of PPS 21. In addition, over the years a considerable amount of work has been done to the property which relates to these three characteristics. The work included a substantial rear two-storey extension and modern chimneys were fitted. The windows are also double glazed in white and brown uPVC and are an eclectic mix of sizes with some having a horizontal and others a vertical emphasis. The front porch is also said to have been rebuilt. Whilst some or all of the internal walls of the dwelling appear to be load bearing, and therefore meet one of the four secondary characteristics, the works, together

with the lack of the other primary and secondary characteristics, result in the substantial appeal dwelling not appearing as a vernacular building when viewed from its limited views along the Ballynahinch and DrumnacConnell Roads. A Sense of Loss refers to the limited nature of the definition of a rural vernacular building by using the primary and secondary characteristics, that there are very few buildings, as defined, remaining and that for the general preservation of the countryside that many other buildings would have to be considered. However, the dwelling is not considered to be a rural vernacular building that is considered worthy of protection. It therefore does not make an important contribution to the heritage, appearance or character of this countryside locality. As the dwelling is to be replaced in situ and as it is proposed, and could be conditioned, that a number of the attractive, traditional outbuildings be retained as part of the proposal, this would maintain the sense of a clustering of development within this complex. No objection was raised in relation to the design, visual impact or access arrangement of the proposal. It can be conditioned that the slightly wider and improved access arrangement be completed before the dwelling is occupied.

13. As the appeal dwelling is not a vernacular building and does not make an important contribution to the heritage, appearance and character of area, it is therefore unnecessary to assess whether the dwelling is structurally sound and capable of improvement. As the proposal complies with Policy CTY 3 of PPS 21, it is one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. Accordingly, the reason for refusal has not been sustained and the appeal succeeds.

### **Conditions**

- (1) The traditional outbuildings shown on Drawing 03 1:500 site plan dated April 2017 shall be permanently retained unless the planning authority gives written consent for their removal.
- (2) The visibility splays shown on the approved Drawing 03 dated April 2017 shall be laid out before any building operations commence.
- (3) The access shall be completed in accordance with the approved Drawing 03 dated April 2017 before the dwelling is occupied and shall be permanently retained.
- (4) The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings:-

Drawing 01 1:2500 site location map dated April 2017

Drawing 02 1:500 topographical survey dated April 2017

Drawing 03 1:500 site plan dated April 2017

Drawing 04 1:100 proposed ground floor plan dated 25 April 2017

Drawing 05 1:100 proposed first floor plan dated 25 April 2017

Drawing 06 1:100 proposed west and south elevations dated 25 April 2017

Drawing 07 1:100 proposed east and north elevations dated 25 April 2017

**COMMISSIONER DIANE O'NEILL**

**List of Documents**

Planning Authority  
(Newry, Mourne and Down District Council):-

Statement of Case PA 1  
Rebuttal PA 2

Appellant (Clyde Shanks-agent):-

Statement of Case A 1  
Rebuttal A 2

## CONTACT FROM PUBLIC REPRESENTATIVES – 2 July 2018 – 28 September 2018

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
25/6/18	Cllr L Devlin	Newcastle Bowling Club	Update requested	A McAlarney	Direct e mail	5/7/18
28/6/18	C McGrath MLA	LA07/2017/1872/F	Update requested	A McAlarney	Direct e mail	10/7/18
2/7/18	Cllr G Craig	AD Plant on Carrigagh Road, Finnis, Dromara	Meeting request	A McAlarney	Direct e mail	5/7/18
3/7/18	Cllr S Doran	LA07/2018/0877/F	Query regarding garage	J McParland	Direct e mail	3/7/18
"	C McGrath MLA	LA07/2017/0332/F	Update requested	A McAlarney	Direct e mail	3/7/18
4/7/18	J McNulty MLA	Several apps	Updates requested	P Rooney	Call transferred	4/7/18
"	C McGrath MA	LA07/2018/0425/F	Meeting request	A McAlarney	Direct e mail	5/7/18
"	Cllr M Murnin	LA07/2016/0660/F; LA07/2018/0634/O & LA07/2016/1037/O	Updates	A McAlarney	Direct e mail	11/7/18
5/7/18	C McGrath MLA	LA07/2017/1458/F	Update requested	A McAlarney	Direct e mail	5/7/18
9/7/18	Cllr S Doran	LA07/2017/1615/F	Update requested	J McParland	E mail sent	9/7/18
10/7/18	C McGrath MLA	Various applications	Meeting date arranged	A McAlarney	Direct e mail	10/7/18
"	Cllr T Andrews	22 The Anchorage, Killyleagh	Enquiry	A McAlarney	Direct e mail	11/7/18
"	C McGrath MLA	LA07/2017/1256/O	Letter issued	A McAlarney	Direct	10/7/18
11/7/18	Cllr W Clarke	LA07/2017/1003/F	Update requested	A McAlarney	Direct e mail	11/7/18
16/7/16	Cllr M Murnin	LA07/2017/1747/F	Update requested	A McAlarney	Direct e mail	17/7/18
18/7/18	Cllr M Murnin	.....	Advice about erecting a sign	A McAlarney	E mail sent	19/7/18
"	Cllr W Walker	LA07/2018/0632/F	Update requested	A McAlarney	Direct e mail	19/7/18
19/7/18	C McGrath MLA	Local Development Plan	How to request rezoning of land?	M McIlhone	Telephone call	19/7/18
19/7/18	Cllr R Mulgrew	.....	Query	P Rooney	Call transferred	19/7/18
"	Cllr W Walker	LA07/2018/0632/F	Further query re; recommendation	A McAlarney	Direct e mail	23/7/18
"	C McGrath MLA	Brackenridge, Downpatrick	Query re Flooding	A McAlarney	Direct e mail	31/8/18

## CONTACT FROM PUBLIC REPRESENTATIVES – 2 July 2018 – 28 September 2018

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
23/7/18	Cllr D Curran	.....	.....	A McAlarney	Call transferred	23/7/18
"	Cllr L Devlin	R/2014/0079	Update requested	A McAlarney	E mail sent	23/7/18
24/7/18	Cllr G Sharvin	LA07/2018/0394/F	Enquiry re: meeting with NIHE	A McAlarney	Direct e mail	30/7/18
25/7/18	Michael for C McGrath MLA	.....	Advice re: a mobile shop	P Rooney	E mail sent	25/7/18
26/7/18	Cllr G Craig	LA07/2016/1606/F	Arrange meeting with Planning & Roads.	A McAlarney	E mail sent	26/7/18
"	P Weir MLA	R/2010/0371/F	Update requested	A McAlarney	Direct contact	6/8/18
27/7/18	Cllr W Walker	LA07/2017/1831/F	Meeting request	A McKay	Direct e mail	3/8/18
30/7/18	Cllr H Harvey	LA07/2017/0290/O	Update requested	A McAlarney	Direct e mail	2/8/18
1/8/18	W Irwin MLA	LA07/2018/0431/F	Update requested	A Davidson	E Mail sent	2/8/18
"	Cllr W Walker	Castlewellan app.	When going to Committee?	A McAlarney	Direct e mail	2/8/18
"	Cllr W Walker	.....	Who deals with Donaghmore?	A McAlarney	Direct e mail	2/8/18
"	Cllr M Murnin	LA07/2016/.0599/F; LA07/2017/0272/F; LA07/2017/1800/F & LA07/2017/0324/F	Updates requested	A McAlarney	Direct e mail	2/8/18
"	Cllr S Doran	LA07/2018/0358/F & LA07/2018/1151/RM	Updates requested	J McParland	Direct e mail	3/8/18
2/8/18	Cllr T Hearty	LA07/2017/1760/F	Query re: site visits	A Davidson	Direct e mail	3/8/18
3/8/18	Cllr W Walker	LA07/2017/1831/F	Meeting arranged for 9/8/18.	A McKay	Direct e mail	3/8/18
"	Cllr D Taylor	LA07/2017/0978/F	Update requested	A McAlarney	E Mail sent	7/8/18
4/8/18	Cllr S Doran	LA07/2015/1000/F	Update requested	A McAlarney	Direct e mail	6/8/18
6/8/18	C McGrath MLA	LA07/2017/0937/F	Update requested	A McAlarney	Direct e mail	6/8/18
7/8/18	C Boylan MLA	.....	Update requested	A Davidson	E mail sent	8/8/18
"	Cllr D Taylor	LA07/2017/0978/F	Update requested	A McAlarney	E mail sent	7/8/18
8/8/18	Cllr L Devlin	.....	Query	A McAlarney	E mail sent	8/8/18
"	W Irwin MLA	.....	PAD enquiry	J McParland	E mail sent	8/8/18
"	Cllr M Murnin	Dev. Plan POP	Key Issue 9 ( T Wooley)	A McKay/A Hay 8.8.18	Direct e mail	8/8/18



## CONTACT FROM PUBLIC REPRESENTATIVES – 2 July 2018 – 28 September 2018

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
13/8/18	Cllr T Hearty	LA07/2018/0616	Update and site meeting Larkin's Road and Liscaigot Road.	A Davidson	Direct e mail	13/8/18
13/8/18	Cllr W Walker	LA07/2018/1104/F	Request for office meeting.	A Hay – J McParland	Direct e mail	13/8/18
"	C McGrath MLA	LA07/2017/0937/F	Update	A McAlarney	Direct e mail	13/8/18
"	C McGrath MLA	LA07/2017/1458/F	Update	A McAlarney	Direct e mail	14/8/18
14/8/18	Cllr S Doran	LA07/2018/0190/RM	Query	A McAlarney	Direct e mail	14/8/18
"	W Irwin MLA	LA07/2018/0390/O	Query who is the Case Officer?	J McParland	Direct e mail	14/8/18
15/8/18	C McGrath MLA	LA07/2016/0865/F	Update provided	A McAlarney	Direct e mail	15/8/18
17/8/18	Cllr W Walker	LA07/2018/1030/F	Letter of support – correct application	A McAlarney	Direct e mail	17/8/18
"	Cllr T Hearty	LA07/2018/0616	Update and site meeting Larkin's Road and Liscaigot Road.	A Davidson	Direct e mail	17/8/18
18/8/18	Cllr L Kimmons	LA07/2017/1795/F	Update requested	A Davidson	Direct e mail	20/8/18
20/8/18	C McGrath MLA	LA07/2017/0750/F	Update requested	A McAlarney	Direct e mail	20/8/18
"	C McGrath MLA	154 Loughinisland Rd	Update requested	A McAlarney	Direct e mail	20/8/18
"	Cllr T Andrews	LA07/2017/1671/F	Update requested	A McAlarney	Direct e mail	20/8/18
"	Cllr W Walker	LA07/2018/0340/F	Office meeting requested	A McAlarney	Direct e mail	20/8/18
"	Cllr T Andrews	LA07/2017/1353/O	Update requested	A McAlarney	Direct e mail	20/8/18
"	Cllr T Hearty	LA07/2018/1252/F	Information requested	A Davidson	Direct e mail	21/8/18
21/8/18	Cllr R Howell	Dundrum Playgroup	Query	A McAlarney	E mail sent	21/8/18
"	Cllr W Walker	LA07/2018/0383/O	Request for meeting	A McAlarney	Direct e mail	21/8/18
"	C McGrath MLA	LA07/2017/1701/F	Update requested	A McAlarney	Direct e mail	21/8/18
"	Cllr L Devlin	-----	2:30pm V/call to C McGrath MLA	J McParland	E mail sent	22/8/18
"	J McNulty MLA	LA07/2018/0722/F	Update requested	A Davidson	Direct e mail	22/8/18
22/8/18	Frances for S Bradley	-----	Requested a Davidsons e mail address	M McInhone	Telephone call	22/8/18
23/8/18	C McGrath MLA	Development Plan	Query	M McQuiston	Call transferred	23/8/18

## CONTACT FROM PUBLIC REPRESENTATIVES – 2 July 2018 – 28 September 2018

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
"	Cllr D McAteer	Development Plan	Query	M McQuiston	E mail sent	23/8/18
29/8/18	Cllr R Howell	LA07/2018/1145/F	What are amendments?	A McAlarney	E mail sent	29/8/18
31/8/18	Cllr R Mulgrew	-----	Returned call	A Davidson	E mail sent	31/8/18
5/9/18	Cllr R Mulgrew	LA07/2018/0753/F	Update	P Rooney/J McParland	E mail sent	5/9/18
6/9/18	Cllr G Sharvin	Gym Dock application	Query re Decision	A McAlarney	Direct e mail	6/9/18
7/9/18	Cllr C Enright	LA07/2018/1029/DCA	When will decision be made?	A McAlarney	E mail sent	7/9/18
10/9/18	Cllr L Devlin	LA07/2018/0001/F	Update requested	A McAlarney	Call transferred	10/9/18
"	Cllr D Curran	-----	Advice requested	A McAlarney	Call transferred	10/9/18
"	Cllr S Doran	LA07/2017/1326/F	Update requested	A McAlarney	Call transferred	10/9/18
11/9/18	Cllr D Taylor	LA07/2017/0978/F	Update requested	A McAlarney	Direct e mail	12/9/18
12/9/18	Cllr S Doran	-----	General advice	A McAlarney	Call transferred	12/9/18
"	Cllr D Taylor	-----	Update	A Davidson	Call transferred	12/9/18
13/9/18	Cllr D Taylor	LA07/2017/1671/F	Update requested	A McAlarney	Direct e mail	19/9/18
17/9/18	Brenda for Sinead Bradley	-----	Update on an application at Drumalane Road, Newry	P Rooney	E mail sent	18/9/18
"	Cllr J Rice	-----	Update on application at McKays Road, Castlewalian	A McAlarney	E mail sent	17/9/18
18/9/18	Brenda for Sinead Bradley	-----	Update on an application at Drumalane Road, Newry	P Rooney	Call transferred	18/9/18
20/9/18	Cllr W Clarke	-----	Meeting request	A McAlarney	Direct e mail	20/9/18
21/9/18	C McGrath MLA	-----	Query	A McKay	Call transferred	21/9/18
"	Cllr L Devlin	LA07/2018/0442/F	Updates on 3 Applications	A McAlarney	Call transferred	21/9/18
24/9/18	Cllr D Curran	-----	Query	A McAlarney	Call transferred	24/9/18
25/9/18	C McGrath MLA	LA07/2016/0865/F	Query regarding Committee consideration	A McAlarney	Direct e mail	27/9/18
26/9/18	Cllr R Mulgrew	-----	Query	A Davidson	E mail sent	26/9/18
27/9/18	Cllr G Sharvin	Saul Pastoral Centre	PAD enquiry	A McAlarney	Direct e mail	27/9/18