



September 26th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 28th September 2016** at **9:30 am** in the **Boardroom Monaghan Row Newry**.

The Members of the Planning Committee are:-

Chair: Councillor W Clarke

Vice Chair: Councillor J Macauley

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

Agenda

Exempt Information Items

1. Training for Members of the Planning Committee.

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Committee Business

2. Apologies.

3. Declarations of Interest.

Minutes for Adoption

4. Minutes of Planning Development Committee Meeting held on Wednesday 31 August 2016. (Copy enclosed).

[Planning Minutes 31 August 2016.pdf](#)

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For Consideration and/or Decision

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

Development Management - Planning Applications for determination

6. LA07/2015/0083/F - Paul McKeown - change of use from shop to hot food carry out with sit in facility - 16 Dromore Street, Ballynahinch. (Case Officer report attached).

Rec: APPROVAL

7. **LA07/2015/0308/0 - David and Maura De Mello - replacement dwelling and refurbishment of outhouse - in front of 113 Dunmore Road, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

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

LA07-2015-0308-O David and Maura De Mello.pdf

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Item 7 - submission of support.pdf

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8. **LA07/2015/0575/F - Shimna Integrated College - proposed development of grassed area to synthetic training area, including perimeter fencing and flood lighting - Shimna Integrated College, The Lawnfield, King Street, Newcastle. (Case Officer report attached).**

Rec: APPROVAL

LA07-2015-0575-F Shimna Integrated College.pdf

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9. **LA07/2015/0583/F - Mr & Mrs J Lambe - replacement garage and first floor den/games room ancillary to use of existing farm dwelling (amended description and plans) - 121 Ballynahinch Road, Crossgar. (Case Officer report now removed).**

Rec: REFUSAL

- A request for speaking rights has been received from Andrew McKibbin Agent in support of the Application. **(Submission now removed).**
- **Planners have now advised that this application will be removed from the agenda to address an issue with the proposal description which inaccurately describes the proposal, and to include an additional reason for refusal**

10. **LA07/2015/0703/F - Mr J Lambe - existing temporary storage of waste construction and demolition material - land 65m south of 9 Vale Road, Crossgar. (Case Officer report now removed).**

Rec: REFUSAL

- A request for speaking rights has been received from Andrew McKibbin Agent in support of the application. **(Submission now removed).**

- Planners have now advised that this application will be removed from the agenda to include an additional reason for refusal.

11. **LA07/2015/1021/0 - Mr Desmond McAuley - proposed dwelling under Policy CTY10 of PPS21 - approx 50m southwest of 15a Loughinisland Road, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-1021-O Desmond McAuley.pdf](#)

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12. **LA07/2015/1187/0 - Seamus O'Rourke - replacement dwelling and garage - 15m north and to the rear of 98 Drumlee Road, Kilcoo. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2015-1187-O Seamus O'Rourke.pdf](#)

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

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13. **LA07/2015/1211/F - Mr & Mrs J Lambe - proposed new access and laneway - 121 Ballynahinch Road, Crossgar. (Case Officer report now removed).**

Rec: REFUSAL

- A request for speaking rights has been received from Andrew McKibbin Agent in support of the application. **(Submission now removed).**
- Planners have now advised that this application will be removed from the agenda for further consideration.

14. **LA07/2015/1307/F - Mr & Mrs L McBride - proposed conversion and reuse of existing building and extension to that as single dwelling - 40m south of 35 Ballynahinch Road, Castlewellan. (Case Officer report now removed).**

Rec: REFUSAL

- A request has been received from Mr Paul Hamilton, that this application be deferred to the next Planning meeting as the agent is on holiday.

15. **LA07/2015/1315/0 - Clare Ferris - proposed dwelling on in-fill**

site under Policy CTY8 Ribbon Development- between 16 and 20 Lough Ross Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2015-1315-O Clare Ferris.pdf](#)

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[Item 15 - submission of support.pdf](#)

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16. LA07/2016/0039/0 - Mr Paul Smith - new farm dwelling and garage - adjacent to and north of 84 Castlewellan Road, Dromara. (Case Officer report attached).

Rec: REFUSAL

- Request for speaking rights in support of application has been received from Robert Martin Agent, Paul Smith Applicant and DEA Councillor P Clarke **(Submission attached)**
- **(NB: Cllr Clarke will summarise on content of submission)**

[La07-2016-0039-O Paul Smith.pdf](#)

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

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17. LA07/2016/0101/0 - W J Jamison - single dwelling - 36 Killyleagh Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-0101-O W J Jamison.pdf](#)

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18. LA07/2016/0182/F - Mr S C Graham - proposed farm dwelling - approx 180m southeast of 31 Ringhaddy Road, Killinchy. (Case Officer report now removed).

Rec: REFUSAL

- Application has been withdrawn by the applicant - written instruction received 21/09/2016.

19. LA07/2016/0197/0 - Mr David Chambers - dwelling and garage - adjacent to 1 Holly Lane, Ballyhossett Road, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

20. **LA07/2016/0365/0 - Mr & Mrs McCluskey - 2 No. proposed dwelling houses - lands between 1 Brae Road and 212 Belfast Road, Ballynahinch. (Case Officer report now removed).**

Rec: REFUSAL

- A request has been received from Mr Paul Hamilton, that this application be deferred to the next Planning meeting as the agent is on holiday.

21. **LA07/2016/0447/0 - Mr & Mrs Shields - proposed 2 infill sites - lands approx 100m north of No. 22 Teconnaught Road, Loughinisland. (Case Officer report now removed).**

Rec: REFUSAL

- A request for speaking rights has been received from Andy Stephens, Matrix Planning Consultancy, in support of the application. **(Submission now removed).**
- **Planners have now advised that this application will be removed from the agenda for further consideration and review of the recommendation.**

22. **LA07/2016/0474/0 - Mr C Hanna - 2 dwellings and garages - lands between 55 Mountainview Road and 1 Martinpoole Road, Ballynahinch. (Case Officer report now removed).**

Rec: REFUSAL

- A request has been received from Mr Paul Hamilton, that this application be deferred to the next Planning meeting as the agent is on holiday.

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

Rec: REFUSAL

- A request for speaking rights has been received from Ewart Davis, Agent, in support of the application. **(Submission attached).**
- Councillor D Curran has advised of his support for this application. **(Statement attached).**
- Councillor H Harvey has advised of his support for this application.

[LA07-2016-0559-F J.W and S Watson.pdf](#)

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[Item 23 - submission of support.pdf](#)

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[Item 23 - support from Cllr. Curran.pdf](#)

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24. **LA07/2016/0572/0 - Kathleen Lyons - proposed farm dwelling and garage - adjacent to 41 Saintfield Road, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-0572-O Kathleen Lyons.pdf](#)

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25. **LA07/2016/0671/F - Newry, Mourne and Down District Council - the dismantling and reconstruction of an existing stone wall and gate posts to upgrade the existing entrance to Council depot and provide the required sight line requirements - lands to the front of Council Offices at 24 Strangford Road, Downpatrick. (Case Officer report attached).**

Rec: APPROVAL

[LA07-2016-0671-F Newry, Mourne and Down District Council.pdf](#)

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26. **LA07/2016/0739/F - Mr H Edemen - proposed dormer to the rear to allow a roof space conversion - 3 Lislane Court, Saintfield. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-0739-F H Edemen.pdf](#)

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27. **R/2013/0217/F - Mr Tony Steel - erection of agricultural shed (amended address) - 120m east of No. 18 Moneylane Road, Dundrum. (Case Officer report attached).**

Rec: REFUSAL

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

[R-2013-0217-F Tony Steel.pdf](#)

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[Item 27 - submission of support.pdf](#)

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28. **R/2013/0427/F - Mr Kenneth Martin - dwelling and garage on a**

farm- 45m south east of 53 Drumaghlis Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

[R-2013-0427-F Kenneth Martin.pdf](#)

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29. R/2014/0159/F - Philip Patterson - replacement agricultural shed - 31 Brae Road, Ballynahinch. (Case Officer report now removed).

Rec: REFUSAL

- A request has been received from Mr Jimmy Anderson, Agent, that this application be deferred to the next Planning meeting as the agent is on holiday.

30. R/2014/0288/F - Oliver Curran - new detached dwelling and garage - 104 Saul Street, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

[R-2014-0288-F Oliver Curran.pdf](#)

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31. R/2014/0541/F - Down District Council - refurbishment of existing playground facility - Lislea Drive Recreation Area, Crossgar. (Case Officer report attached).

Rec: APPROVAL

[R-2014-0541-F Down District Council.pdf](#)

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32. R/2014/0566/F - Canon McCrory - replacement of existing primary school with single dwelling - 167 Dunmore Road, Guinness, Ballynahinch. (Case Officer report now removed).

Rec: REFUSAL

- A request for speaking rights has been received from Sean Kennedy, Kennedy Design, in support of the application. **(Submission now removed).**
- **Planners have now advised that this application will be removed from the agenda for further consideration of the amended plans received which seek to address the reasons for refusal.**

33. R/2015/0078/0 - Mrs M Dodds - proposed infill site for 1 No. dwelling and garage within gap site along an existing

continuously built up frontage (amended proposal) - lands 20m north east of 65 Tollymore Road, Newcastle. (Case Officer report attached).

Rec: REFUSAL

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

R-2015-0078-O Mrs M Dodds.pdf

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Item 33 - submission of support.pdf

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34. LA07/2015/0144/F - Frank Newell - erection of dwelling for guest house accommodation (with demolition of existing dwelling at No. 338 Newry Road) with access via existing laneway to No. 338 Newry Road - approx. 130m south/south-west of No. 338 Newry Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Mr Stephen Hughes Agent in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor H Reilly in support of the application. **(Attached).**

LA07-2015-0144-F Frank Newell.pdf

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Item 34 - submission of support.pdf

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Item 34 - speaking rights Cllr. Reilly.pdf

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35. LA07/2015/0196/F - Mr A McParland -demolition of an existing garage and provision of new town house - adjacent to No. 22 Erskine Street, Newry. (Case Officer report now removed).

Rec: REFUSAL

- A request for speaking rights has been received from Mr Tony O'Hare, Agent, in support of the application. **(Submission now removed).**
- Planners have advised application has been removed from schedule as applicant has indicated amended scheme is to be submitted.

36. LA07/2015/0232/F - Francis McGuinness - retention of existing shed for installation of timber biomass heating system with associated drying floor for timber biomass and agricultural crops, including ancillary plant machinery storage area - 10m west of 43 Newtown Road, Killeen, Newry. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2015-0232-F Frank McGuinness.pdf](#)

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[Item 36 - submission of support.pdf](#)

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37. **LA07/2015/0495/F - Ms Denise Kelly - erection of new equine shed for the storage of fodder (hay) and for horses to shelter in - opposite and 100 metres east of No. 12 Commons Hall Road, Newry. (Case Officer report attached).**

Rec: APPROVAL

[LA07-2015-0495-F Denise Kelly.pdf](#)

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38. **LA07/2015/0694/F - Turlough Kennedy - proposed dwelling and garage - Dairy Lane, Newtownhamilton. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2015-0694-F Turlough Kennedy.pdf](#)

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[Item 38 - submission of support.pdf](#)

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

Rec: REFUSAL

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

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40. **LA07/2015/0776/F - John McBride - construction of 1 No. 2 storey dwelling with associated landscaping and car parking (revised description) - to the rear of 83 & 85 Kilkeel Road, Annalong. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Mr David Archer objecting to the application. **(Submission attached)**.

41. **LA07/2015/1171/F - Mr J Hughes - proposed two storey dwelling and detached garage (renewal of current approval P/2010/0629/F) - 30m north east of 6 Main Street, Camlough. (Case Officer report now removed).**

Rec: REFUSAL

- Planners have agreed to take this application off the Committee agenda to allow for the submission of a flood risk assessment by the agent.

42. **LA07/2015/1181/F - Stuart Moffett - erection of a dwelling on a farm to comply with policy PPS 21 (CTY10) - adjacent to 77 Cloughanramer Road, Newry. (Case Officer report now removed).**

Rec: REFUSAL

- This application to be removed from the addendum list to consider additional information submitted by the agent/applicant.

43. **LA07/2015/1209/0 - Ciaran Hughes - proposed family dwelling on a farm, with associated garage and garden - Blackrock Road, Crossmaglen. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Fearghal Murray, Agent, in support of the application. **(Submission attached). Powerpoint presentation also.**
- A request for speaking rights has been received from DEA Councillor T Hearty, in support of the application. **(Submission attached).**

44. **LA07/2015/1217/0 - Mr & Mrs Quinn - site for replacement dwelling and garage (off site replacement due to current proximity to public road) - land adjacent to and north east of 20 Crohill Road, Cobane, Newry. (Case Officer report attached).**

Rec: REFUSAL

45. **LA07/2015/1244/F - Barney Mackin - farm dwelling and garage - approx. 19.3m north-east of No. 27b Derrycraw Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

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

LA07-2015-1244-F Barney Mackin.pdf

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Item 45 - submission of support.pdf

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46. **LA07/2016/0091/F - Mr Peter Clarke - proposed dwelling with amendments to access for 14 and 14a Upper Dromore Road, Warrenpoint - to the front of No. 14 Upper Dromore Road and between Nos. 12 and 16 Upper Dromore Road, Warrenpoint. (Case Officer report attached).**

Rec: REFUSAL

LA07-2016-0091-F Peter Clarke.pdf

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47. **LA07/2016/0557/F - Mr and Mrs Oliver Reavey - retention of dwelling as constructed previously approved under planning ref P/2015/0186/RM - 85 Newtown Road, Camlough. (Case Officer report attached).**

Rec: REFUSAL

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

LA07-2016-0557-F Mr and Mrs Oliver Reavey.pdf

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Items 47, 49 and 54 - submission of support.pdf

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48. **LA07/2016/0579/0 - Sean & Eamon McGeeney - farm dwelling with domestic garage - adjacent and immediately north east of No. 37 Loughross Road, Crossmaglen. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Collins & Collins Agent, in

support of the application. **(No submission received).**

[LA07-2016-0579-O Messers Sean and Eamon McGeeney.pdf](#)

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49. LA07/2016/0602/0 - Martin & Lorraine McNeill - erection of dwelling with domestic garage - between 8 & 16 Goragh Road, Newry. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-0602-O Mertin and Lorraine McNeill.pdf](#)

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[Items 47, 49 and 54 - submission of support.pdf](#)

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50. LA07/2016/0663/RM - Peter McShane - erection of a dwelling and detached domestic garage - adjacent to and north of No. 29 Low Road, Ayalogue, Newry. (Case Officer report attached).

Rec: APPROVAL

[LA07-2016-0663-RM Peter McShane Jnr.pdf](#)

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51. LA07/2016/0716/F - Peter Collins - replacement dwelling - Main Road, Ballymartin - immediately to the east of its junction with Wrack Road. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-0716-F Peter Collins.pdf](#)

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[Item 51 - submission of support.pdf](#)

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52. LA07/2016/0731/0 - Sheena Gribben - site for dwelling and garage on a farm - 60m south east of 47 Castlewellan Road, Hilltown. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Sheena Gribben, applicant, in support of the application. **(Submission attached).**

[LA07-2016-0731-O Sheena Gribben.pdf](#)

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[Item 52 - submission of support.pdf](#)

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53. **LA07/2016/0798/F - Timothy McGinn - removal of occupancy condition on previous approval P/2010/1012/RM - west of and adjacent to No. 1 Cullentragh Road, Lissummon, Co. Armagh. (Case Officer report now removed).**

Rec: REFUSAL

- **Planners have advised that this application is to be taken off the Committee agenda and that a Planning Officer will be in contact with Mr McGinn to discuss the application with him.**

54. **LA07/2016/0812/0 - George Kelly - dwelling with domestic garage in a gap/infill site - between 54 and 54A Mill Road, Mullaghbawn, Newry. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2016-0812-O George Kelly.pdf](#)

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[Items 47, 49 and 54 - submission of support.pdf](#)

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55. **LA07/2016/0826/0 - Kevin Donaghy - proposed erection of detached dwelling and garage - lands to the west and rear of Nos. 22 and 24 Ballynabee Road, Maghernahely, Bessbrook. (Case Officer attached).**

Rec: REFUSAL

[LA07-2016-0826-O Kevin Donaghy.pdf](#)

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56. **LA07/2016/0875/F - Community Rescue Service - erection of building occupied by South Down Community Rescue Service for the purposes of training and to store water safety/rescue equipment - hardstanding located between playing fields at Fathom Line and to the rear of Nos 31-65 Drumalane Park, Newry. (Case Officer report attached).**

Rec: APPROVAL

[LA07-2016-0875-F Community Rescue Services.pdf](#)

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57. **P/2014/0071/F - Mr John Perry - Change of use to part of commercial (pre-cast concrete works) yard to a waste management facility for the depollution and dismantling of End**

of Life Vehicles (ELVs) and the sorting and bulking of scrap metal - lands south east of 54 Newcastle Street, Kilkeel. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Mr William McMurray objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Gordon Bell & Son Solicitor on behalf of their client, objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Michelle McCready objecting to the application.
- A request for speaking rights has been received from Gemma Jobling, Agent, in support of the application. **(Submission attached).**

P-2014-0071-F John Perry.pdf

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Item 57 - submission of objection.pdf

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Item 57 - submission of objection (2).pdf

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Item 57 - statement of support.pdf

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58. **P/2014/0670/F - Mr Frank King - retention of existing shed and hard standing area for agricultural purposes (revised address and plans) - Lands to the rear of No. 33 Flagstaff Road and associated farm complex (shed approx. 45 metres to the west of existing dwelling with hardstanding extending approx. 50 metres further west and 33 metres further north-west of shed). (Case Officer report attached).**

Rec: REFUSAL

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

P-2014-0670-F Frank King.pdf

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Item 58 - submission of support.pdf

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59. **P/2014/0678/F - Mr Frank King - retention of existing fuel sales business to include existing hard standing area and portacabin - 33a Flagstaff Road, Fathom Lower, Newry. (Case Officer report attached).**

Rec: REFUSAL

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

60. P/2014/0859/F - Brendan Carr - retention of building for agricultural use - 65 m south of 43 Newry Road, Drumilly Belleek. (Case Officer report attached).

Rec: REFUSAL

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

61. P/2015/0095/F - Mrs Geraldine Fearon - erection of a farm dwelling and garage - 140m north east of No. 61 Foughiletra Road, Jonesborough. (Case Officer report attached).

Rec: REFUSAL

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

62. P/2015/0136/F - Mr L Magennis - use of existing first floor offices for Class A (2) use (Financial and Professional Services) - 43 Forkhill Road, Ellisholding, Newry. (Case Officer report attached).

Rec: REFUSAL

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

63. P/2015/0162/F - Denis Robb - proposed erection of farm dwelling - lands approx 41m west of No. 54 Edenappa Road, Jonesborough. (Case Officer report attached).

Rec: REFUSAL

64. **P/2014/0894/F - Hilary McCamley - erection of dwelling - lands fronting Mayvale Court, Newry Road, Mayobridge (to the rear of 3 Whinbloom Villas (off Chapel Hill Road) and adjacent and north-east of 8 Mayvale Court). (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Bernard Dinsmore, Agent, in support of the application. **(Submission attached). Request that the ACE Map and photograph be displayed on the screen.**

P-2014-0894-F Hilary McCamley.pdf

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Item 64 - submission of support.pdf

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For Consideration and/or Decision

65. **NILGA Events - Planning in Councils - Refresher series for Councillors. (Attached).**

Elected Members and the Planning Committee (25 October 2016 - Craigavon Civic Centre)

The Councillor Role in the Development Plan Process(2 November 2016- Glenavon Hotel Cookstown)

Councillor and the Planning Appeals Commission (13 December 2016 - Antrim Civic Centre)

Working with Developers and Agents (Date/venue tbc)

For Noting

66. **Planning Department Performance Indicators. (Attached).**

AUGUST 2016 Planning Committee Performance report.pdf

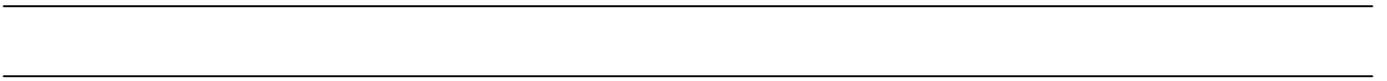
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67. **Report - contact from Public Representatives - August 2016. (Attached).**

Planning - 28 September 2016 Committee report.pdf

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68. **Current planning appeals. (Attached).**



Invitees

Cllr Terry Andrews	terry.andrews@downdc.gov.uk
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@downdc.gov.uk
Cllr Stephen Burns	stephen.burns@downdc.gov.uk
Lorraine Burns	lorraine.burns@newryandmourne.gov.uk
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Mr Gerard Byrne	gerard.byrne@nmandd.org
Cllr Michael Carr	michael.carr@newryandmourne.gov.uk
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Cllr charlie casey	charlie.casey@newryandmourne.gov.uk
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Cllr Patrick Clarke	patrick.clarke@downdc.gov.uk
Cllr Garth Craig	garth.craig@downdc.gov.uk
Cllr Dermot Curran	dermot.curran@downdc.gov.uk
Mr Eddy Curtis	eddy.curtis@newryandmourne.gov.uk
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Mr Liam Hannaway	liam.hannaway@nmandd.org
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Mr Anthony McKay	anthony.mckay@nmandd.org
Eileen McParland	eileen.mcparland@newryandmourne.gov.uk
Carmel Morgan	carmel.morgan@newryandmourne.gov.uk
Cllr Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr Mark Murnin	mark.murnin@nmandd.org

Mrs Aisling Murray	aisling.murray@newryandmourne.gov.uk
Cllr Barra O Muiri	barra.omuiri@nmandd.org
Cllr Pol O'Gribin	pol.ogribin@nmandd.org
Mr Canice O'Rourke	canice.orourke@downdc.gov.uk
Ms Patricia Oakes	patricia.oakes@downdc.gov.uk
Cllr Brian Quinn	brian.quinn@newryandmourne.gov.uk
Cllr Henry Reilly	henry.reilly@newryandmourne.gov.uk
Cllr Michael Ruane	michael.ruane@newryandmourne.gov.uk
Cllr Gareth Sharvin	gareth.sharvin@downdc.gov.uk
Cllr Gary Stokes	gary.stokes@nmandd.org
Sarah Taggart	sarah-louise.taggart@downdc.gov.uk
Cllr David Taylor	david.taylor@newryandmourne.gov.uk
Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Mrs Marie Ward	marie.ward@downdc.gov.uk

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

1

Ref: PL/DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 31 August 2016 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson:

Councillor W Clarke	(10.00am – 12.25pm)
Councillor J Macauley	(12.25pm – 12.45pm)
Councillor W Clarke	(12.45pm – 12.55pm)

In Attendance:**(Committee Members)**

Cllr C Casey	Cllr G Craig
Cllr G Hanna	Cllr V Harte
Cllr K Loughran	Cllr M Ruane
Cllr M Murnin	

(Officials)

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/87/2016: APOLOGIES / CHAIRPERSON'S REMARKS

Apologies were received from:

Councillor L Devlin
Councillor M Larkin
Councillor D McAteer

P/88/2016: DECLARATIONS OF INTEREST

Councillor W Clarke declared an interest in Planning Application R/2014/0449/F (Ronan McVeigh) – construction of 2 detached dwellings and 4 apartments in one 2 storey block. New private driveways gardens parking spaces and fences (renewal of previous planning permission R/2007/0503/F- 13 Tullybrannigan Road Newcastle, and said he would not be taking part in discussion on this application.

**P/89/2016: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 3 AUGUST 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 3 August 2016 (Copy circulated).

AGREED: On the proposal of Councillor G Craig seconded by Councillor V Harte it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 3 August 2016 as a true and accurate record.

**P/90/2016: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 10 AUGUST 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 10 August 2016, which was a continuation of the Planning Committee Meeting held on Wednesday 3 August 2016. (Copy circulated).

AGREED: On the proposal of Councillor G Craig seconded by Councillor G Hanna it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 August 2016, which was a continuation of the Planning Committee Meeting held on Wednesday 3 August 2016, as a true and accurate record.

P/91/2016: ADDENDUM LIST

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

AGREED: It was unanimously agreed to remove Planning Application LA07/2015/0776/F – Mr John McBride – to the rear of 83 and 85 Kilkeel Road, Annalong, from the Addendum List.

It was noted Councillor Hanna had made a representation on this application asking that it be withdrawn from the addendum list to be given full consideration by the Planning Committee.

AGREED: On the proposal of Councillor Craig seconded by Councillor M Murnin it was agreed to approve the Officer recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications:

LA07/2015/0253/F**Applicant:** Jonathan and Fergus Woods**Proposal:** Erection of 2no. broiler poultry house with 4 no. feed bins
2no gas tanks, biomass plant room with 1 no wood pellet bin,
washing collection tank and an office, changing and standby
generator building and associated site works (to contain
74,000 broilers)**Location:** 120m south of 36 Ballytrim Road Killyleagh BT30 9TJ.**Recommendation: APPROVAL****LA07/2015/0761/F****Applicant:** Damien McMahon**Proposal:** Extension and alteration to existing terraced dwelling with
improvements to access.**Location:** 79 Drumalane Road Newry Co Down BT35 8AR**Recommendation: REFUSAL****LA07/2015/1318/O****Applicant:** Ellen Ward**Proposal:** New dwelling house**Location:** 50m east of Lower Carrogs Road Newry BT34 2NG**Recommendation: REFUSAL****LA07/2016/0460/O****Applicant:** Robert White**Proposal:** Proposed infill site for dwelling and garage at.**Location:** Lands 20m South East of No.14 Temple Hill Road Newry
Co. Down**Recommendation: REFUSAL****R/2012/0545/F****Applicant:** CES Quarry Products Ltd**Proposal:** Extension to quarry**Location:** Castlenavan Quarry 131 Newcastle Road Seaforde
Downpatrick Co Down BT30 8PR**Recommendation: APPROVAL****R/2013/0355/F****Applicant:** Down District Council**Proposal:** Provision of additional burial plots and associated paths at
existing cemetery**Location:** Loch Inch Cemetery 1 Riverside Road Ballynahinch BT24
8JB.

Recommendation: APROVAL

P/92/2016: APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Principal Planning Officer it was agreed on the proposal of Councillor Craig seconded by Councillor Loughran to withdraw the following Planning Applications from the schedule:-

- LA07/2015/0881/O – Peter Balchius c/o agent – site for dwelling and garage (amended address) – NW of junction of Dublin Road with Ellisholding Rod Newry (130m south of No 163 Dublin Road) - **Planning Department advised this application had been withdrawn from schedule by the Agent.**

The following applications were then determined by the Committee:

(1) LA07/2015/1202/O – Dermot and Antionette Murphy

Location:

Site to the rear of 17B Bonds Road, Dorsey, Silverbridge, BT35 9PE

Proposal:

Outline application for a new dwelling on an infill/gap site.

Conclusion and recommendation from Planning Official:

REFUSAL

AGREED: On the proposal of Councillor Hanna seconded by Councillor Harte it was agreed to exclude the public and press from the Meeting during discussion on this 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 any individual.

Speaking Rights:

Councillor B O Muiri presented in support of application.

AGREED: It was unanimously agreed the Committee come out of closed session.

When the Committee came out of closed session the Chairperson reported the following Decision which had been agreed by the Committee in respect of Planning Application LA07/2015/1202/O.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Casey it was agreed to issue a Refusal, for the reasons recommended, in respect of Application LA07/2015/1202/O, as per the Development Management Officer Report, on the understanding Planning

Department will meet with the Applicant as soon as possible to discuss making another planning application more appropriate to the applicant's personal circumstances.

(2) P/2009/1336/F – Mr JC Campbell c/o Agent

Location:

52, 68 to 72 and 74 Shore Road, Rostrevor.

Proposal:

Sheltered housing and communal facilities in one block of 10 apartments, a 70 bed nursing home each with site works and parking and 41 apartments with site parking and basement parking.

Conclusion and recommendation from Planning Official:

REFUSAL

Speaking rights:

Mr C Sands presented in objection to the application. Mr K Hanna was also present. Mr E Larkin and Mr C Campbell presented in support of the application.

AGREED: On the proposal of Councillor Craig seconded by Councillor Casey it was agreed to defer Planning Application P/2009/1336/F to allow Planning Officers to meet with the applicant and for discussions to take place between the applicant and the objectors, and to facilitate a site visit by the Committee Members.

Abstentions: 0

(3) R/2011/0632/F – Mr M Trainor c/o Newline Architects

Location:

Amended proposal/plans received) 900m west of 77 Ardglass Road (former Airfield Bishops court) Ballyhornan, Co Down

Proposal:

Erection of 2 no. wind turbines with a hub height of 62m, 3 no rotary blades of 26.5m (amended proposals/plans received)

Conclusion and recommendation from Planning Official:

APPROVAL

Speaking rights:

Mr S Bradshaw presented in objection to the application.
Mr P Henry Agent presented in support of the application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Craig it was agreed to issue an Approval in respect of Planning Application R/2011/0632/F, as per the Development Management Officer Report.

Abstentions: 0

(Councillor W Clarke withdrew to the Public Gallery - 12.25pm)

(Councillor J Macauley chaired the meeting from this point – 12.25pm)

(4) R/2014/0449/F – Ronan McVeigh

Location:

13 Tullybrannigan Road, Newcastle

Proposal:

Demolition of existing dwelling. Construction of 2 detached dwellings and 4 apartments in one storey block. New private driveways, gardens, parking spaces and fences.
(renewal of previous planning permission R/2007/0503/F)

Conclusion and recommendation from Planning Official:

REFUSAL

Speaking rights:

Mr R McVeigh presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Ruane it was agreed to issue an Approval in respect of Planning Application R/2014/0449/F, contrary to Officers recommendation, on the basis that the application fulfils PPS7 LC 1, and subject to the inclusion of the conditions nos 1-6 as contained in the Development Management Officer Report.

Abstentions: 0

(12.45pm – Councillor J Macauley left the chair)

(12.45pm – Councillor W Clarke re-joined the meeting and chaired the meeting from this point)

P/93/2016: NILGA EVENTS – PLANNING IN COUNCILS

Read: Details of NILGA events regarding Planning in Councils – Refresher series for Councillors which are scheduled as follows: **(Copy circulated)**

Elected Members and the Planning Committee – 25 October 2016
(Craigavon Civic Centre)

The Councillor Role in the Development Plan Process – 2 November 2016
(Glenavon Hotel Cookstown)

Councillor and the Planning Appeals Commission – 13 December 2016
(Antrim Civic Centre)

Working with Developers and Agents – date/venue to be confirmed

AGREED: It was unanimously agreed to defer appointments to NILGA Events regarding Planning in Councils, to the next meeting of the Planning Committee Meeting to be held on Wednesday 28 September 2016.

P/94/2016: SPEAKING RIGHTS

In response to concerns raised by Councillor Ruane regarding the operation of the newly introduced speaking rights, it was noted a report would be brought to Council in due course regarding a review of the changes that have been made to the Planning Protocol.

There being no further business the meeting concluded at 12.55pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 28 September 2016.

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

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

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

Council Newry, Mourne and Down

Date 9/28/16

ITEM NO	1				
APPLIC NO	LA07/2015/0083/F		Full	DATE VALID	3/31/15
COUNCIL OPINION	APPROVAL				
APPLICANT	Paul McKeown 89 Burren Road Ballynahinch			AGENT	H D Design 3 Bannview Road Banbridge BT32 3RL
					NA
LOCATION	16 Dromore Street Ballynahinch				
PROPOSAL	Change of use of shop to hot food carryout with sit in facility				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	9	0	0		0
			Addresses	Signatures	Addresses
			0	0	0
					Signatures
					0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0083/F

Date Received: 31st March 2016

Proposal: Proposed change of use from shop to hot food carry out with sit in facility.

Location: 16 Dromore Street, Ballynahinch.



Site Characteristics & Area Characteristics:

The site in question is a single storey flat roof building with a building to one side and an access lane to the other side and adjacent to that lane is the fire station. The site is situated in a mix of building types and is within the town centre and is also within an area of archaeological potential. The site is not within the primary retail core but is

adjacent to it, in close proximity. The building was previously occupied by extra vision DVD rentals but at present has no occupation.

There is a mix of buildings in the vicinity with a mix of uses; the site is within the town centre of Ballynahinch as defined in the Ards and Down Area Plan 2015. The uses in the area include retail, restaurants and carry outs, office and residential.

Site History:

R/2004/0740/F – 12-14 Dromore Street, change of use of ground floor of 2 storey buildings to rear of no 14 dromore Street previous use storage to auto parts shop -7-10-2004 – granted.

R/1976/0375 – 17/19 Dromores Street – office accommodation – granted – approval - 13-12-1976

R/1995/1039 -10-12 Dromore Street – change of use from stores to retail premises – granted – 30-01-1996

Planning Policies & Material Considerations:

The application is considered against the Ards and Down Area Plan 2015 and the SPPS as well as all other material planning considerations.

Consultations:

Environmental health have been consulted 4 times as pieces of additional information were submitted and on the fourth response replied with no objections subject to conditions. The consultation period was extensive due to continued lack of information being provided from the applicant/agent.

Transport NI has responded with no objections provided there is no requirement for off street parking provision.

NIEA Drainage and Water has no objections.

Objections & Representations

The application was advertised 29th April 2015 which expired 13th May 2015. 17 neighbour notifications were sent, 9 objections have been received from 6 or more different addresses (6 addresses with one withheld). Neighbour notification expired 28th Jan 2016.

Objections received include the following concerns:

- The owner/occupier of property no 37 Dromore Street is concerned that there may be parking issues arise with the fire station adjacent.
- Anonymous objection in relation to parking.
- The owner/occupier of 25 Dromore Street objected to littering along Dromore Street and parking being an issue.
- The owner/occupier of no 25 Dromore Street objects in relation to littering in the street is already bad and this would aggravate the situation and parking and pedestrian access.
- The owner/occupier of no 354 Dromore Street has objected to the application on the same grounds as above.

- 31 Dromore Street, 23A Dromore Street, 35 Dromore Street and 39 Dromore Street all object on the same grounds.

Consideration and Assessment:

The application is considered against relevant policy, consultation responses and objections are taken into consideration.

The area has a number of hot food facilities in close proximity and this has been raised as a main concern from surrounding occupied addresses however there is nothing to suggest that the application does not conform to policy and this provision would not lead to demonstrable harm in the immediate area. There is nothing to suggest there would be demonstrable harm as a result of the change of use that would support a refusal in this instance. The proposal is in keeping with the Ards and Down Area Plan 2015. The previous occupiers would have drawn the same level of activity to the site.

Transport NI has no objections on the basis that no off street parking is required for the application. Given the amount of accessible public parking in the area and also the previous use of the building as an extra vision it is considered that there is no requirement to request off street allocated parking in this instance. Parking has been raised as an issue, especially around the fire station. This area is clearly marked for no parking and there is provision close by for parking therefore it is not considered that this premises requires off street parking and will operate as many other businesses do in the area, to discriminate against one property in the area when there are no clear indicators that sets this building apart from others in this area. The application for the change of use required input from Environmental Health to ensure that there would be no negative impacts resulting from the premises being used for hot food. The agent was asked several times to provide the information to satisfy Environmental Health requests, the information was finally provided and Environmental Health has no objections subject to conditions.

Given that the land use is in keeping with the Ards and Down Area Plan and the proposal is in keeping with relevant policy and there is not likely to be any demonstrable harm as a result of the application the proposal is considered acceptable.

Objections have been taken into consideration and are not thought to warrant a refusal of the application. The issue of littering on the streets cannot be controlled with the refusal of this application.

The application is now recommended as an approval as all information has been submitted however there has been objections from 6 or more objections so the application will be presented to committee.

Recommendation:

Approval

Conditions:

The following conditions are necessary:

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.

Any outlet from the extraction and ventilation ducting shall terminate at a height not less than 1m above the ridge height of the main building.

The air handling equipment located as on drawing W2/19/15.

Case officer:

Authorised By:

Date:

ITEM NO 5
APPLIC NO LA07/2015/0308/O Outline **DATE VALID** 5/8/15
COUNCIL OPINION REFUSAL
APPLICANT David and Maura De Mello 113 **AGENT** Karl J Sherry 103
 Dunmore Road Rostrevor Road
 Ballynahinch Hilltown
 BT24 8QQ BT34 5TZ
 40638336

LOCATION In front of 113 Dunmore Road
 Ballynahinch.

PROPOSAL Replacement dwelling and refurb of outhouse

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

- 1 The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact.
- 2 The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the existing structure has previously been replaced and is therefore not eligible for replacement again.



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

**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2015/0308/O

Date Received: 08th May 2015

Proposal: replacement dwelling and refurbishment of outhouse

Location: In front of 113 Dunmore Road, Ballynahinch, Co Down.





Site Characteristics & Area Characteristics:

The site in question is a collection of buildings along set along the Dunmore Road. The site is flat with several buildings, none of which are in a good state of repair. The site itself sits to the front of an occupied dwelling that is gable ended onto the site. The site is largely overgrown with no clear vehicular access onto the site. There is rough planting along the boundary but the site is still visible from the public road. The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The area is a rural area the surrounding landscape would be relatively hilly in nature. There are no particularly long views of the application site in the surrounding area.

Site History:

R/2010/0688 – Dunmore Road, Ballynahinch opposite no 113 – replacement dwelling (parochial house and garage) - granted 15-04-2011

R/2004/1262/O – land at Dunmore Road, to the east and adjoining the access to St Colemans R'C Church – granted – 27-07-2006.

R/2004/1261/O – West and adjoining access to St Colemans Church – new dwelling – 27-07-2006

R/2003/1004/O – site of old Dunmore Hall, Dunmore Road – cross community centre for Dunmore area – 20-01-2006 – refused

R/2006/1145/RM – 113 Dunmore Road – dwelling – permission granted – 16-03-2007

R/2009/0167/F – Change of use of existing vernacular farm yard complex to tourist accommodation – 13-08-2009 – granted

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 3 and PPS 21 and SPPS as well as all other material considerations.

Consultations:

NIEA, Drainage and Water – No objections

Transport NI – initially responded advising if the dwelling could not be reasonably occupied then transport NI was to be re consulted, as there is no dwelling on site that can be occupied Transport NI was re consulted, and as a result the agent was

asked clarify which access is to be used, the agent clarified that the existing access to no 113 is to be used, Transport NI was content with this.

Objections & Representations

No neighbour notification was required; the dwelling to the rear of the site is owned by the applicant and is identified in the lands in blue.

Advertisement was carried out 03/06/2015 which expired 17/06/2015. No objections have been received.

Consideration and Assessment:

The first consideration is in relation to CTY 3 Replacement Dwellings.

During the site inspection it was not clear what building the applicant was implying had been a dwelling and what buildings were stores, the structures were not complete with one building appearing as an ancillary building to the dwelling to the rear of the site, no 113 Dunmore road. The rear wall has been removed and a steel head in place, this building does not display the essential characteristics of a dwelling. The buildings on site all had the appearance of agricultural buildings due to the size and openings however given the poor state of the structures this is not confirmed. The buildings on site could not be considered for replacement as there is not enough physical evidence to demonstrate there is a structure on site that demonstrates the essential characteristics of a dwelling.

There is considerable planning history on the site which does demonstrate some of the previous use on the site.

There is the ability to replace a building within the curtilage of the site and also a dwelling could be accommodated to integrate within the surroundings provided that there was a building eligible of replacement.

R/2004/1000/O granted outline permission for a "new dwelling on site" with a proposal of demolition of former dwelling and outbuilding coloured blue and construct new dwelling on site and retain existing outbuildings and provide access point. The access point was shown to the side of the existing buildings where an access point is located today and the building coloured blue appears to have been altered and is now used as ancillary accommodation to the dwelling now located to the rear of this structure. This application was followed by a Reserved Matters application and as part of this application the large two storey dwelling to the rear of the site has been approved, there is a building shown as a vacant dwelling that were part of the previous approval.

Given that it appears that the building now used as a an ancillary building, with no back wall may have been replaced previously, approvals are lacking a condition to demolish therefore it cannot be confirmed.

In any case there is no building on site that can be considered for replacement.

The agent was contacted on 19th May 2016 and advised of the opinion demonstrated above and additional information was submitted and the agent advised he believed there were two dwellings on site, 113 had been a replacement for the farm house

and the replacement sought here is for the coach house. Details were included from what appears to be a historic article however the agent did not advise of where the extract was taken from however it noted that there was a coach/cart house on site and that this was a purpose built house for a vehicle with a loft upstairs for storing bedding for animals, there is definitely no indication that this building had ever been a dwelling and all previous applications indicate it as an agricultural out building.

A dwelling could be accommodated on the site as per CTY 13 design and integration of buildings in the countryside however as there is no building to replace this is not now needing consideration. The cart house on site does not demonstrate the essential characteristics of a dwelling.

Recommendation:

Refusal – as this application is a refusal it will be recommended to committee as a refusal.

Refusal Reasons/ Conditions:

- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact.
- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21; Sustainable Development in the Countryside as the existing structure has previously been replaced and is therefore not eligible for replacement again.

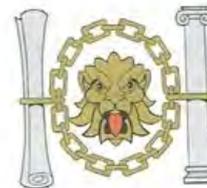
Case officer:

Authorised By:

Date:

KARL J SHERRY

CHARTERED MEMBER OF THE INSTITUTE
OF ARCHITECTURAL TECHNOLOGISTS



18

Our Ref: D&MD 01 16
Your Ref: LA07/2015/0308/O
Date: 19th September 2016

Colette McAteer
Democratic Services
Newry Mourne and Down District Council
O'Hagan House
Monaghan Row
Newry BT35 8DJ

Dear Colette

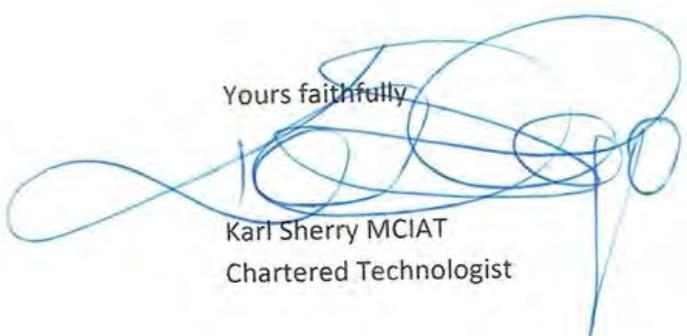
Re:-SPEAKING RIGHTS TO DISCUSS APPLICATION LA07/2015/0308/O ON THE 28TH
SEPTEMBER 2016

I wish to avail of Speaking Rights to discuss the above mentioned application which has
been recommended for a refusal.

I enclose a copy of my statement which includes photographs and site history.

Thanks for all your help to date

Yours faithfully


Karl Sherry MCIAT
Chartered Technologist

103 Rostrevor Rd.
Hilltown, Co. Down
BT34 5TZ

Tel: 028 4063 8336
Email: karljsherry@hotmail.com

1

Architectural Design Consultant
Surveyor
Planning Supervisor

STATEMENT IN RELATION TO REPLACEMENT DWELLING AND REFURBISHMENT OF
OUTHOUSE IN FRONT OF 113 DUNMORE ROAD BALLYNAHINCH COUNTY DOWN FOR MR
DAVID AND MRS MAURA DE MELLO-----PLANNING REFERENCE LA07/2015/0308/O

An application was made on the 7th May 2015 in relation to the above mentioned and was validated on the 27th May 2015.

The proposal is to replace an existing dwelling, refurbish an adjoining lean to and demolish all the existing structures within the site.

The dwelling to be replaced has NEVER been replaced and photographs clearly show all the characteristics of a dwelling.

The reasons for refusal are stated as non compliance with Policies CTY1 and CTY3 of Planning Policy Statement 21.

Policy CTY1 is just a generalisation which shows where DEVELOPMENT IN THE COUNTRYSIDE can be appraised and applied for.

My application was applied for under Policy CTY3 and meets with all the criteria laid down by this policy.

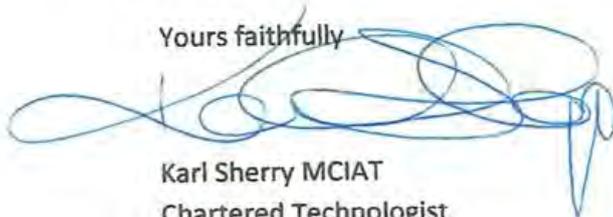
I have enclosed a photograph of the replacement dwelling, a site location, showing its position within the site and a short history of the property. Please note that this building was never replaced before.

I submit that this property to be replaced, clearly exhibits the essential characteristics of a dwelling and a minimum all external walls are substantially intact. The Policy also states the following:- favourable consideration will however be given to the replacement of redundant non-residential buildings with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise, makes an important contribution to the heritage, appearance or character of the locality. The overall site shows a large number of ruins, which my client intends to clear away and replace with a new dwelling house.

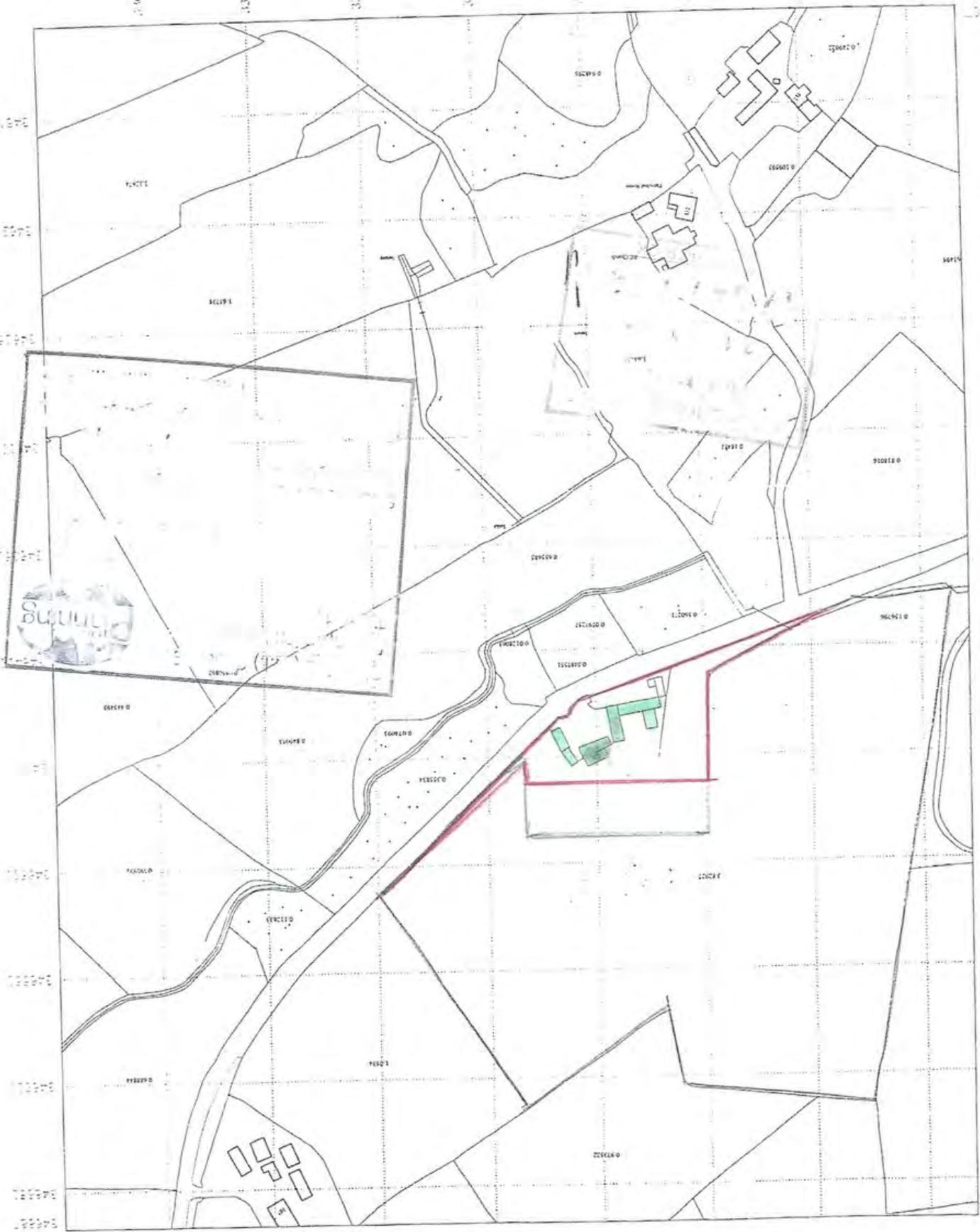
I have again shown a photograph of these buildings and it quite obvious, that the removal of these structures would greatly enhance the locality and environment.

I submit that the application clearly complies with Policies CTY1 and CTY3 of Planning Policy Statement 21.

Yours faithfully



Karl Sherry MCIAT
Chartered Technologist



FARMSTEAD AT DUNMORE ROAD, DUNMORE, CO DOWN.



OS Survey 1973/4

Site and Location

The farmstead once straddled Dunmore Road, but now lies entirely to the North thereof on a predominantly South facing slope. The homestead abuts the road but is with farm land to either side. The buildings included a substantial two storey traditional Irish farmhouse with offices, a cart or coach house with loft over, a two storey range of outbuildings incorporating stables, lofts, and a proto-industrial use, two other buildings housing transitional industrial activities, a covered well and various smaller ancillary outhouses, off-shoots etc.. Complementing the built fabric are various inter-related spaces; firstly, through which access to the buildings was obtained, a substantial cobbled yard fronting the dwelling and cart house; secondly, an adjoining working yard alongside the road; thirdly, to the rear, a horse walk which

provided mechanised power; fourthly an animal pound across the road; and finally, the farmland itself on which there was a retting dam by the roadside some distance West of the homestead.

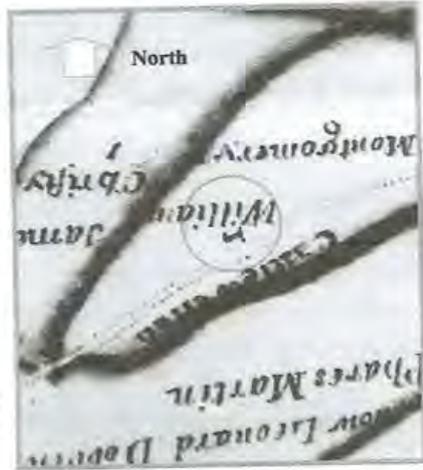
The area is located South of McAuley's Lake, Spa, and just outside the boundary of the proposed Mourne Area National Park.

History

The house was last occupied in late 1970s, shortly after which the Bangor Blue roof slates were stolen from the site. One building no longer exists and those that do, have lain unused and fallen into disrepair. Lack of prudent stewardship ensured that those elements prone to decay did. However, much of the valuable 'hard' built fabric remains in-situ and thus the original built form and essential character of the homestead persists - stone masonry and brick work, gables, chimney breasts, walls to eaves, tiled, cobbled and solid floors, external cobbles and much more - all strongly evocative of the traditional vernacular of Co Down.

Through use of common materials, scale and character of build of the individual elements, the group as a whole retains a sense of cohesiveness and identity. The organic development of the buildings, the yard and the spaces can be traced through the physical fabric of the structures and historical sources, especially the OS Bases reproduced below.

The Townland of Dunmore was part of the Earl of Moira's Kinelarty Estate and it is from Estate Maps the first evidence of occupation of the site can be gleaned. The adjoining Map is dated 1782 and shows the farms and tenements in the Townland. The building shown circled in red lies North-West of the 'Upper Road To Castlewellan', and is the early homestead. As annotated, at that time it was on a farm leased to a Mr William Montgomery.



'A MAP of DUNMORE'
Extract of 1782 Earl of Moira's Kinelarty Estate Map,

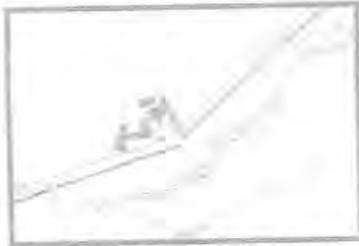
The OS Bases below show in greater detail (and increasing accuracy) the subsequent development of the farmyard:-



O.S. 1834,



O.S. Rev'd 1859/61.



O.S. Ed 1931, Rev'd 1919 .

The 1834 Map was the earliest Ordnance Survey Series record of the area and formed the basis of the First Townland Valuation. The 1859/60 OS Map Revision is generally associated with the Second, the 'Griffith's', Valuation.

In the Townland Valuation the Lessee of the Tenement was a *Pat Jennings*. The 'Land' extended to a little over 35 acres and was described thus:
'Arable good sharp soil lies pretty well and fair depth ... also moory and light arable ... also rocky and furzy knolly ... also waste at houses'

The buildings were listed as follows:

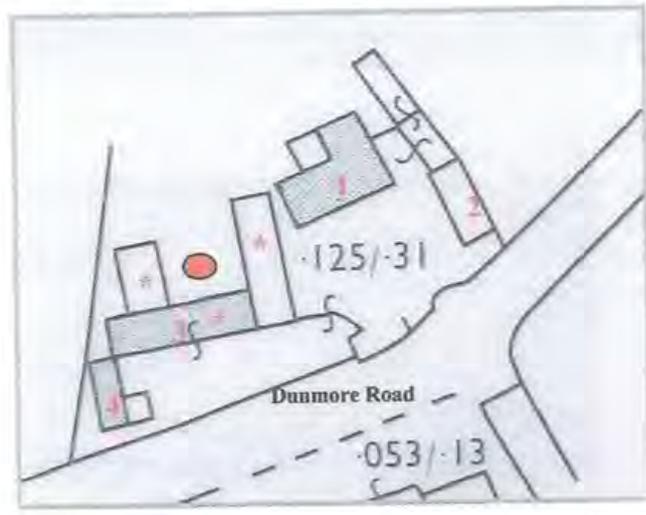
- 'House, Public, Grocery ... b+*
- House a+*
- Office b+*
- Small Office -- '*

Although clearly a well maintained property (*a+* and *b+*) the amenities of the dwellings were not sufficient to breach the Rateable threshold applied in the Townland Valuation.

The Griffiths Valuation of around 1860 records the occupier of the farmyard and a reduced 16 acres of the same land as *Patrick Jennings*. (Presumably the same or a relative) The description of the Tenement was: *'House, offices and land.'* The immediate Landlord was William B. Forde.

By the 1830s the site was already a place of public resort, having been recorded as a *'Spirit Grocer'*, or Public House. The rapid development of the site henceforth – extension of the dwelling house/spirit grocer building, shop and Post Office, the replacement of other buildings and new-build – is recorded by the footprints appearing on the 1859/60 OS Base. The mechanised power source, (for threshing, grinding cereal and flax) the range and extent of buildings confirms the folk lore that this was a focus for business and leisure.

The Farmyard and Buildings



Although a record of the 1973/4 OS Survey this Plan shows the footprint of the Homestead in the 1860s. The main elements are identified:

- 1 Dwelling, Spirit Grocer**
- 2 Coach / Cart House**
- 3 Stables and Lofts**
- 4 Piggeries/Meat House**
- Horse Walk**
- * Power Take Offs**

The farmyard bears all the signs of organic unplanned growth characteristic of the vernacular. Radiating from around the principal building, the dwelling house, the overall pattern is un-ordered but sequential and the building detail typically asymmetric. To have been set back this distance from the public road shows the complex to have been of some note and the earlier maps show a common spacious yard between the road and house to have been flanked by outbuildings. By 1860 the dwelling had been extended, outhouses enlarged or replaced and others newly built. At an early stage a Horse Walk was built in the smaller yard facing away from the

road to provide motive power for take-offs ultimately to three of the outbuildings. Two of these seem to have been dedicated to a single use: the third, a two storeyed outhouse contained stables (not byres) with lofts over. The overall context and scale suggests early agriculturally based processing industry rather than a use related solely to farming.

The Dwelling House, (1, Page 5) as the principal or host building, is the focus of the complex. It dominates the main yard through which access is obtained to the others. It is constructed of mainly quarried stone and is therefore unlikely to be the same building shown on the 1782 map. Rather that has probably been rebuilt and the replacement constructed in two clear stages. The clues within the structure are conflicting; the apparent sequence of build indicates that the two bays to the right of the present front door were first, housing the *'House, public, grocery'*. However, the actual means and material of construction suggests the other three bays were the earlier.



View of farmhouse from yard

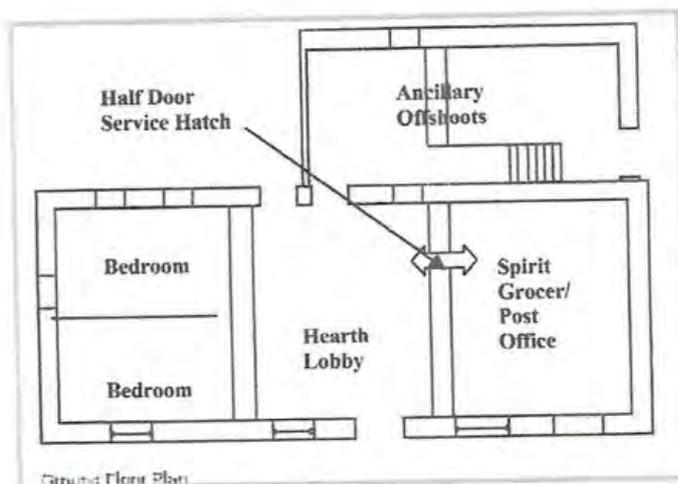
In either case all the elements of the structure are consistent with the vernacular of that era, as is the detailed reading of the fabric with the uses recorded in the Valuation and confirmed by local folklore – setting, materials, scale and proportions, chimneys and gables, hearth lobby, location of entrance door changed, larger window, internal half door adaptation.



Hearth from 'Direct Entry' door

It is very much the typical traditional farmhouse: it is a two storey derivative of the direct entry cottage, linear in form and development, gabled roof, somewhat ordered to the front elevation but quite asymmetric to the rear, hard corbelled eaves, ... lime wash render (remains thereof), and 'gentrified' chimneys. Ancillary offshoots were subsequently added to the rear – pantry accommodation, animal shelter, general

storage – probably all facilities required for the Spirit Grocer and other business carried on at the premises. Details still exist sufficiently to identify distribution of various uses - e.g. half-door adaptation opened onto the hearth lobby was probably a serving hatch used by the 'spirit grocer'. An unserviceable firearm was found under the floorboards of the Post Office.



The principal elements of the ground floor plan are shown here.

It is proposed to adapt the dwelling house to accommodate three spacious bedrooms, a sitting room and a kitchen to provide catered accommodation. Whilst there are some structural issues to address the existing building will be used as a template (See Drawing No 216-A2-09)

The Coach/Cart House, (2, Page 5) fronts the main yard conveniently situated between the house and the gate accessing the farm from the Dunmore Road.



Coach / Cart House Elevation facing Yard

A purpose built house for a vehicle, this is two storey with an outside stone staircase access to the loft above (to left) and a single storey clap-til taking up the space between its gable and Dunmore Road (to right). The elemental nature of the coach/cart house entrance arch shows this to be an earlier rather than later construction. As with all the farmstead buildings the detailing, in this case the tiled pediment on the gable, gives a hint of the quality of finish and thus status of the complex. The loft would have stored bedding and food for the animals housed in the stables below adjoining the vehicle house.

Again this building displays all the characteristics of a vernacular build of this era – largely quarried stone, rectangular gabled form. The smaller adjoining buildings (left and right) would have been for general use.

It is proposed the Coach House, with smaller ancillary outhouses (just off picture) be converted to two self catering units. The building is perhaps the most stable of all and should withstand the planned work. (See Drawing No 216-A2-09)

Stables and Lofts, (3, Page 5) comprise the buildings fronting the narrow yard alongside Dunmore Road, They are addressed by a cobbled street along the front which appears to have been covered by a cantilevered metal framed canopy attached to the building; to the rear are two substantial 'offshots' which with the lofts enclosed the horse walk which would have powered the power 'take-offs' shown on Page 5



ABOVE
View of Entrance to Narrow Yard and Stables from Principal Yard.
Note: Street Cobbles and Flags.

LEFT
Lower Drive Shaft from Horse Walk

Stable: Note cobbled centre and drainage Channels and raised Flags for Horse Standing.

BELOW
View of Horse Walk from field.

This range of outbuildings is quite typical of the larger vernacular farm of the early 19th Century – domestic in scale, rectangular and linear in form with gabled construction, stables located on the lower floor, storage and processing of grain and fodder on the upper level. Here the power source, the horse walk, is located at an intermediate level on filled ground behind the stables. Unusually, it drives three shafts, one to each of the two flanking buildings and one to a unit on the lower level housing the stables. It is thought that the spindle driving the mechanisms must have been at least two, probably four 'horse power' to drive all three 'takes offs'.



The Horse Walk, flanked by the proposed 'activities room' .. loft with stable below .. and barn to right.

This range of outbuildings lends itself to access on various levels and eases issues of accessibility and structural problems in conversion. Three self catering units are proposed with a general activities room and an office at the corner upper floor.

With the exception of part of the rear wall of the stables which will have to be replaced to resist the accumulated ground force of infilling for the horse walk, this range of buildings is otherwise fairly secure and overall should be fit for conversion as planned. (See Drawing No 216-A2-08)

Ancillary Buildings and Structures very typical of this age are cast about the farmstead. There are those referred to above – the clap-til and small houses either side of the Coach House and the extensions to the rear of the dwelling. There are also traditional gateposts with flanking walls at the Dunmore Road entrance, dividing walls and gateposts between the main yard and the 'narrow' yard alongside Dunmore Road, perimeter walls and ditches, footings of past buildings, cobbled yard and street, horse walk – all of which will contribute to the significance and character, and ultimately the rebirth, of the farmstead. (See Drawing No 216-A2.11)

One artefact which will add immeasurably to the ambience of the proposal is the brick and stone built well by the side of the access from Dunmore Road. The fundamentals are still in place and the old maps indicate that the well was enclosed in a small house or shelter. This will be restored as a feature of the original homestead.

Secondly, there is a small range of buildings to the West, at the end of the 'narrow yard' with one corner abutting a corner of the stables. Once roofed and single storey with drained tiled and cobbled floors and with an open pen to the front, they appear to have been built for a specialist purpose; one suggestion is a meat house (cold and no light) and the presence of the drained open pen (for slaughter) at the lowest point in the yard might bear this out. (See Drawing No 216-A2-08)

To protect the unity and enclosed ambience of the farmstead it is proposed to re-locate the main access to the field adjoining the building group to the West. The latter is therefore ideally located to serve as a reception building giving access to the complex. It is proposed to locate the administrative offices here with some car parking. Other parking in, e.g., adjacent to the old Horse Walk, will be available for those requiring ease of access.

ITEM NO	7			
APPLIC NO	LA07/2015/0575/F	Full	DATE VALID	7/6/15
COUNCIL OPINION	APPROVAL			
APPLICANT	Shimna Integrated College The Lawnfield King Street Newcastle BT33 0HD	AGENT	Simon Francis CPD Civil Engineering Branch Clare House 303 Airport Road West Belfast BT3 9ED NA	
LOCATION	Shimna Integrated College The Lawnfield King Street Newcastle BT33 0HD			
PROPOSAL	Proposed development of grassed area to synthetic training area, including perimeter fencing and flood lighting			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	6	0	1	0
	Addresses Signatures		Addresses Signatures	
	8	9	0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

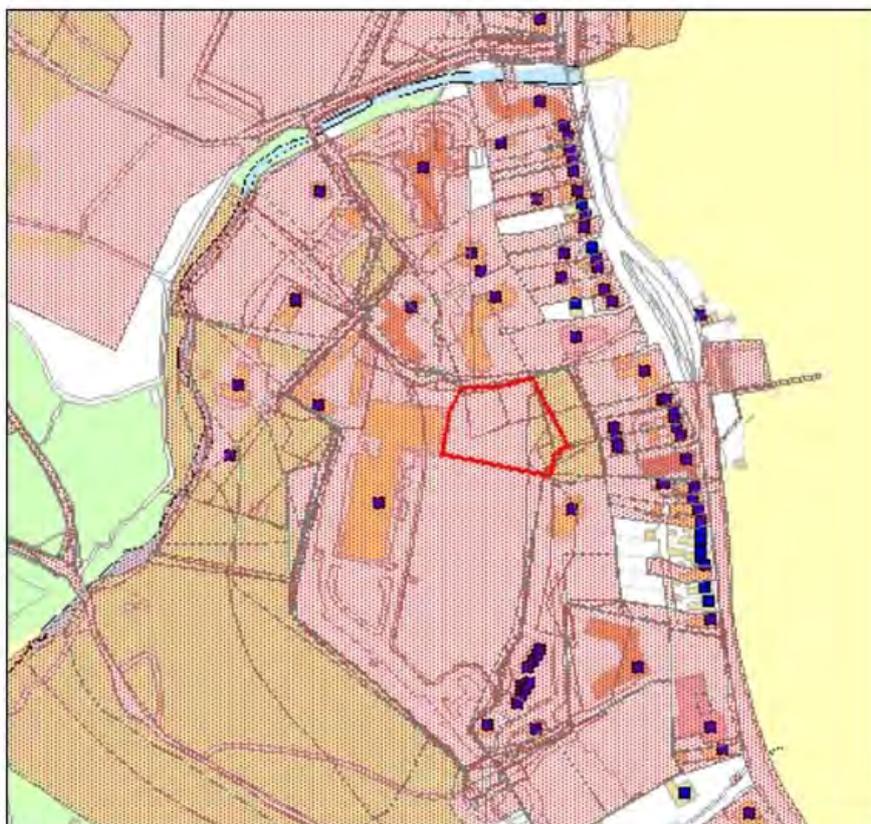
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0575/F

Date Received: 6th July 2015

Proposal: Proposed development of grassed area to synthetic training area, including perimeter fencing and flood lighting

Location: Shimna Integrated College, The Lawnfield, King Street, Newcastle within the middle coast are of the Council area.



Site Characteristics & Area Characteristics:

The site is within the grounds of an established secondary school within the settlement limits of Newcastle. The site itself is within the open space of the school, the position of the proposed pitch has a slightly undulating topography that increases

in level as you move north within the site. As the site is within a larger open space area, the boundaries of the school include the north and eastern boundary and are identified by a 2m high security fence with hedging in places. The south and western boundaries are undefined on site. There is a band of deciduous trees within the southern portion of the site. The school grounds are enclosed and include parking and school buildings.



Site History:

R/2014/0378/F, Proposed Free Standing sports halls and limited siteworks, Shimna Integrated College, Granted 26.11.2014

R/2012/0475/F Conversion of basement area to form teaching accommodation, storage and toilet facilities, Shimna Integrated College, Granted 30.10.2012

R/2012/0201/F Mew Modular Classroom, Shimna Integrated College Granted 01.08.2012

R/2009/1079/F New home economics facility, Shimna integrated College, Granted 10.02.2010

R/2009/0301/F Proposed replacement of existing rain water goods and tiled roof with new metal roof and matching rain water goods and provision of solar/PV cells on roof, Shimna Integrated College, Granted 14.08.2009

R/2000/0824/F Provision of dormer windows to classrooms and one gable window to study room (amendment to previous application R/2000/0190 for loft conversion into classrooms), Shimna integrated College, Granted 18.09.2000

R/2000/0190/F Conversion of vacant loft area into classrooms for school accommodation, Shimna Integrated College, Granted 23.03.2000

R/1994/0673 Second level integrated school and associated site works, Lands at Lawnfield, Newcastle, Granted 14.11.1994

R/1997/0900 2 storey extension to existing school and provision of play area, Shimna Integrated College, Granted 03.03.1998

R/1994/0234 Integrated Secondary School, Lawnfield, King Street, Newcastle, Granted 26.07.1994

R/1997/0073 Extension to college and siting of mobile accommodation, Shimna Integrated College, Granted 30.07.1997

Planning Policies & Material Considerations:

The proposal will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, The Strategic Planning Policy Statement for

Northern Ireland, PPS8 Open Space, Sport and Outdoor Recreation, PPS2 Natural Heritage as well as Parking Standards.

Consultations:

NI Water - no objection to the proposal.

Transport NI - no objection

DARD Rivers Agency - site is not within the 1 in 100 year Fluvial/200yr Coastal flood plain, no objection.

NIEA - Archaeology and Built Heritage, no objections to the proposal in relation to listed building adjacent and PPS6 Policy BH11

NIEA Natural Environment Division - refers applicant to standing advice and noting it is content the proposal would not have any adverse impact on the ASSI and N2K and advising the competent authority, Newry Mourne and Down District Council should undertake a Habitats Regulations Assessment (HRA) to ensure compliance with Habitats Directive. Please note consultation with Shared Environmental Services provided a HRA within their response.

Environmental Health Unit - the submitted information shows the predicted light intrusion at windows of nearby residential properties may exceed the recommended levels in the Institution of Lighting Professionals guidance Notes for the Reduction of Obtrusive Light and therefore recommends the following conditions;

1. The floodlighting must not be operated after 21:00
2. The floodlighting must be installed and maintained so as to achieve levels of light as specified in drawing No 505443KC/P05

Shared Environmental Services - Considered the potential impacts, included a HRA and advised no impact would be likely. Full response available on file for consideration.

Objections & Representations

A total of 58 Neighbour Notifications and application advertised in Mourne Observer on the 29th of July 2015.

6 objections were received and a petition of objection with 8 signatures. The objections and petition have raised the following planning issues;

- Noise and nuisance on neighbouring properties which abut the grounds of the school
- Floodlighting and impact on private amenity of neighbouring dwellings, particularly the apartments of Lawnfield Close and Donard Fold
- potential for unsociable hours associated with floodlight pitch and the potential for evening and weekend use by third parties
- traffic generated from use
- impact on privacy of neighbouring dwellings
- impact on the character of the area
- loss of trees to facilitate the pitch

- advising of close proximity of a floodlit pitch and need for proposal
- advising of neighbours not receiving notification from Council

NOTE - additional neighbours have been added and notified further to Case Officers site inspection.

Consideration and Assessment:

The proposal is for a sports pitch and floodlighting within Shimna Integrated College, Newcastle.

Several objections and a petition have been received regarding the proposal and the impacts the proposal would have of adjacent residential properties in terms of loss of privacy, loss of amenity, noise, traffic, loss of trees, and the impact of the proposed floodlighting. This will be considered within the main body of the report. During the processing of the planning application, Council was made aware that neighbouring parties had not been notified. This has been resolved further to site inspection and additional neighbour notification.

It must be noted that concerns have been raised regarding the potential conduct of parties using the site, the value of neighbouring properties and impact the proposal would have and the use of public money to facilitate the proposal, while Council notes these comments it must be highlighted that this is not a planning matter to consider.

The site is within the Newcastle settlement limits and identified as Existing Open Amenity Space within the Ards and Down Area Plan 2015.

Policy OS5 Noise Generating Sports and Outdoor Recreational Activities states that only development of sport or outdoor recreational activities that generate high levels of noise will be permitted where all the following criteria are met:

- (i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;
- (ii) there is no unacceptable level of disturbance to farm livestock and wildlife; there
- (iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude.

The site is located within an established secondary school and outdoor use is associated with the site. Objections have been received in relation to the proposal from neighbouring residential units. Consultation with Environmental Health considered the details of the proposal and recommended Council apply conditions to the development in relation to the floodlighting this would in turn result in restrictions in use of the pitch in the evening to 9pm.

The proposal is located within Newcastle town and would not result in any impact on will be no issues regarding livestock.

NIEA referred to the potential for bats on site but were content that bats of the woodland to the west of the site would not be affected. They also noted there were no issues regarding bats and the floodlighting. However they raised the issue of removal of trees on site to facilitate the proposal. Considering the site is open with a few scattered trees the Council would not be of the opinion that the site would result in any loss of bats. Roosting bats would be significantly disturbed on site by the

noise and use of the existing use of the site for the school with bells and outside amenity grounds which the site already provides space for.

It must be noted that the use of sport within the grounds is established through the existing school use. The noise associated with such activities can cause disturbance to local residents and conflict with nearby noise sensitive uses such as schools, hospitals, nursing homes and places of worship.

The proposal would provide an additional amenity to the school. Environmental Health Unit raised no concerns in relation to potential noise generated by the proposal however concerns were expressed regarding lights and proposed conditions. This will be assessed under the relevant policy.

Considering the site is zoned for amenity within the Ards and Down Area Plan and the established use associated with the site, the Council would not be of the opinion that the proposal would result in any conflict with adjacent Donard Fold, church or residential properties' by way of noise. It must be noted that the Donard Fold overlooks the grounds however the window adjacent to the boundary facilitates a stairwell. The neighbouring apartments at Lawnfield have a mature boundary that would provide a slight buffer for noise and Environmental Health has recommended a condition for floodlighting not beyond 9pm. This will ensure the residential amenity of the neighbouring residents is not disturbed by floodlighting during unsociable hours.

Policy OS 7 The Floodlighting of Sports and Outdoor Recreational Facilities states that the development of floodlighting associated with sports and outdoor recreational facilities will only be permitted where all the following criteria are met:

- (i) there is no unacceptable impact on the amenities of people living nearby;
- (ii) there is no adverse impact on the visual amenity or character of the locality; and
- (iii) public safety is not prejudiced.

Floodlighting a football pitch could extend the hours of operation of such facilities, thereby creating greater flexibility and potential for enhanced use by more people, both as participants or spectators. Care must be taken, however, to ensure that such development will not cause unacceptable harm to amenity or prejudice public safety. In certain cases it may be possible to permit proposals subject to the imposition of conditions limiting the hours during which the floodlights may be operated and/or the frequency of their use, restricting the luminance or brightness of the lights or requiring the installation of appropriate shielding. This has already been highlighted by Environmental Health and discussed within this report.

Impact on Natural Heritage must be considered. NIEA returned comments from Natural Environment Division which must be considered. The proposal will develop a portion of a larger grassed area within an established school grounds as a football pitch with associated works and flood lighting. Considering the proposal will result in the loss of trees within the site area, due to the nature of the site and further to site inspection the Council is satisfied that the proposal would not have any detrimental impact on bats.

Environmental Health comments highlight recommended conditions restricting the hours of use of the floodlighting and the maintenance and installation of the floodlighting to reflect what is detailed on the drawings as submitted. The condition

restricting the hours the floodlights can operate will ensure that the neighbouring residential dwellings within Lawnfield Grove, which has detailed objections, will not be disturbed by the floodlights beyond 9pm.

The site is enclosed within the school grounds which has a secure boundary and parking contained within the site.

The proposal, from details provided, would not prejudice public safety and as the site is ancillary and located within existing school grounds there would be no impact on the visual amenity or character of the local area which is zoned within Ards and Down Area Plan 2015 as amenity as previously identified within the report. It must be noted the proposal would not conflict with the existing zoning.

Parking Standards highlight the need for 1 car parking space per 3 players, 2 cycle spaces per pitch and 1 coach space for every 4 pitches. Considering the site is located within and ancillary to the existing secondary school use on the enclosed grounds, the existing parking will support the proposed pitch with no additional spaces needed.

NIEA Natural Environment Division advised they considered the impacts on the Murlough SAC/ASSI and Eastern Mourne ASSI/SAC and was satisfied that the proposal would not have any adverse impact on the ASSI and N2K. They then advised Council to undertake a Habitats Risk Assessment on Murlough SAC and Eastern Mourne SAC to ensure compliance with the Habitats Directive. Under the provisions of the Habitats Regulations, plan-making authorities are required to undertake an Appropriate Assessment for any development plan (or development proposal) which either individually, or in combination with other plans or projects, is likely to significantly affect a European Site. Shared Environmental Services provided a Habitats Risk Assessment within their response to the Council's consultation in keeping with the Habitats Directive.

PPS2 states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on: a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance). The advice from NIEA refers to potential impact on bats. Having inspected the site and discussed the proposal internally, due to the open nature of the site within this urban area with minimal tree coverage (consisting of scattered trees which will be removed) the site is highly unlikely to have any impact on the local bat population. NIEA further advise that the lighting is unlikely to impact the bats using the woodland to the west.

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

Recommendation:

Approval

Refusal Reasons/ Conditions:

Please note conditions proposed, may be subject to change;

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The floodlighting must not be operated after 21:00 hours.
Reason: To safeguard the living conditions of residents in adjoining and nearby properties.
3. The floodlighting must be installed and maintained so as to achieve levels of light as specified in drawing No. 505443KC/P05.
Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

Case Officer **DATE**

Appointed Officer **DATE**

ITEM NO	13				
APPLIC NO	LA07/2015/1021/O	Outline	DATE VALID	10/9/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr Desmond McAuley	AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT NA		
LOCATION	Approx 50m south west of 15A Loughinisland Road Downpatrick BT30 8PT				
PROPOSAL	Proposed dwelling under Policy CTY10 of Planning Policy Statement 21				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	0
			Addresses	Signatures	Addresses
			0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and 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 farm business is currently active and has been established for at least six years.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Loughinisland and the surrounding countryside.



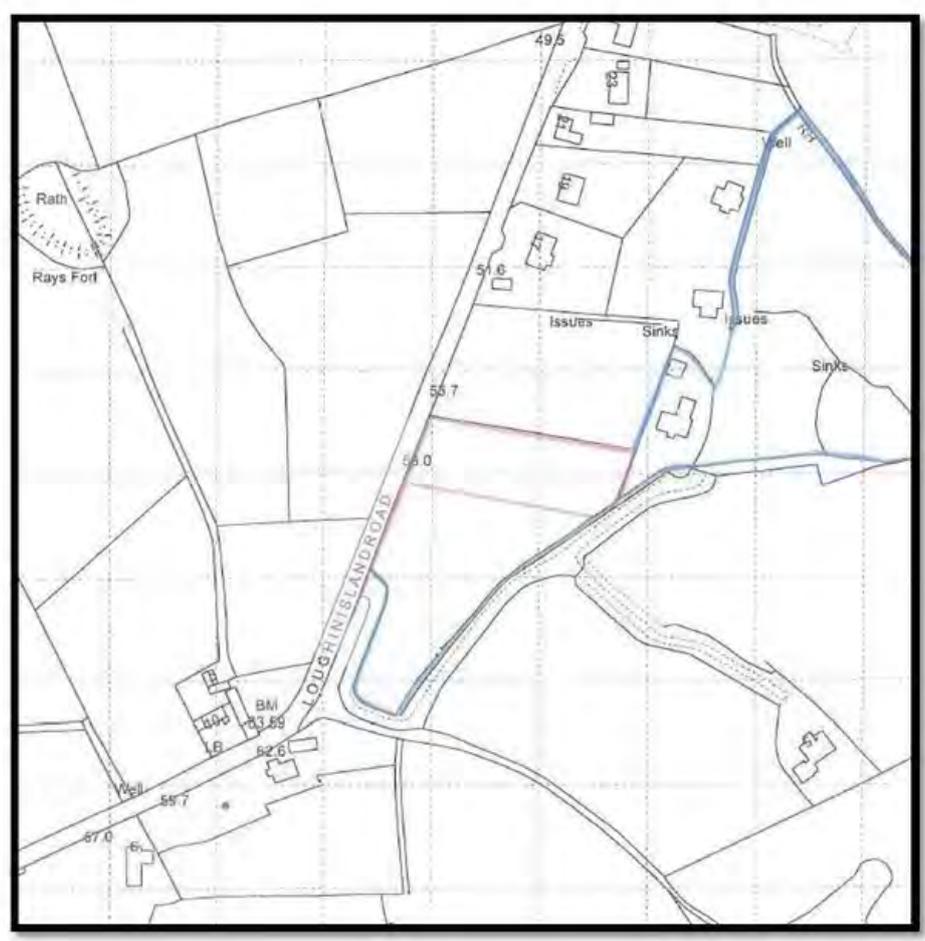
Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1021/O

Date Received: 9th October 2015

Proposal: Proposed dwelling under Policy CTY10 of Planning Policy Statement 21

Location: The site is located to the south of Loughinisland and approximately 7km to the west of Downpatrick. The site address is 50m southwest of 15a Loughinisland Road, Downpatrick.



Site Characteristics & Area Characteristics:

The site is characterised by agricultural land and is part of a larger agricultural field just outside the Loughinisland settlement. The site slopes steeply upward from east to west, rising up to the Loughinisland Road which is elevated above the site. The northern boundary of the site is defined by an existing mature hedge which contains numerous mature trees. The southern boundary of the site is undefined. The eastern boundary is defined by a mature hedge along an existing access lane and the western boundary is defined by a mature hedge along Loughinisland Road. There is an existing shed located on the site with a mono-pitched roof. There is an existing agricultural gate access into the site along the eastern boundary from the laneway.

The area is characterised by residential properties and open countryside. The site is located just outside the Loughinisland settlement limit. There is a housing development under construction directly north of the site (within the settlement limit) approved under R/2006/0838/F. There are 5 detached dwellings located to the northeast of the site including the applicants address at 15a Loughinisland Road. To the east of the site there is an agricultural shed within the applicant's ownership and beyond this is open countryside. To the south of the site is open countryside and to the west is the Loughinisland Road. The topography of the surrounding area is varied with land rising to the east, south and west of the site.

Site History:

- R/1991/0436 - adjacent to 17 Loughinisland Road - Housing development (8 semi-detached dwellings) - Granted

- R/1996/0082 - Lands adjacent to 17 Loughinisland Road - Proposed 2No dwellings – Granted
- R/1996/1011 - Lands adjacent to 17 Loughinisland Road – 2 dwellings - approved
- R/2000/1394/O - Land to the rear of Nos 17 and 19 Loughinisland Road, Loughinisland - Site for 5 private dwellings – Withdrawn 15.10.2001
- R/2001/1304/O - Site for dwelling 220 metres east of No. 11 Loughinisland Road - New dwelling and garage - Withdrawn 28.12.2001
- R/2002/0073/F - 220m East of No. 11 Loughinisland Road, Loughinisland - Site for dwelling and garage – Granted 13.05.2002
- R/2003/1500/F - 220m East of No. 11 Loughinisland Road, Loughinisland - New dwelling not occupied amended house type to that approved ref no. R/02/0073 – Granted 10.03.2004
- R/2004/0736/F - Land to the rear of Nos 17 & 19 Loughinisland Road, Loughinisland - 4 Private dwellings – Granted 21.04.2005
- R/2004/1047/O - Lands adjacent to 17 Loughinisland Road, Loughinisland - Development of 4 New Dwellings (Amended Red Line) – Granted 26.07.2005
- R/2006/0838/F - Lands south of 17 Loughinisland Road, Downpatrick - Erection of 6 detached dwellings and garages and associated works (amended plans) – Granted 21.07.2008

- R/2009/0969/F - 40 metres East of No 17 Loughinisland Road Loughinisland Co Down BT30 8BT - Proposed change of 4no house types and alterations to layout from that approved – Granted 01.07.2010
- R/2010/0157/CA- 15A Loughinisland Road, Castlenavan, Downpatrick, Down, BT30 8PT – Unauthorised shed and hardstanding – Case closed
- R/2015/0045/CA - 15A Loughinisland Road, Castlenavan, Downpatrick, Down, BT30 8PT - Alleged unauthorised access – Case closed

Planning Policies & Material Considerations:

- Regional Development Strategy
- Strategic Planning Policy Statement (SPPS)
- Local Development Plan (Ards and Down Area Plan 2015)
- Planning Policy Statement 3
- Planning Policy Statement 21
- DCAN 15
- Building on Tradition

The site is located within the open countryside, outside any defined settlement limit. There is an archaeological monument located to the west of the site. NIEA HMU have no objections to the proposal.

Consultations:

- Statutory – Transport NI – Request amended plan
- Statutory – NIEA –HMU & WMU - No objections
- Statutory – DARDNI – Cat1 business no established over 6 years / SFPs not claimed
- Statutory – NI Water – No objections
- Advice and Guidance – No objections

Objections & Representations

The following neighbouring properties were notified:

- 15 & 15a Loughinisland Road, Downpatrick

No representations were received with regards to this application

The application was advertised on 19th October 2015.

Consideration and Assessment:

There was a prior enforcement case to investigate an unauthorised shed and an unauthorised access. Both cases have been closed.

The application is for a farm dwelling in the open countryside therefore the principle of the development will be assessed under the SPPS and PPS21.

The site is located just outside the defined settlement limit of Loughinisland as defined in the Ards and Down Area Plan 2015. The site abuts the southern settlement boundary.

Under CTY1 of Policy PPS21 a dwelling on a farm will be permitted where it meets the criteria of CTY10, CTY 13, CTY14, CTY15 and CTY16.

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

The applicant has submitted a P1C form with farm business ID. The business number provided on the P1C does not match the business ID on the farm maps. DARD was consulted and responded to confirm the business number relating to this address is that given on the farm maps. DARD have responded that the farm business ID has not been in existence for more than 6 years and the applicant has not claimed SFP's or other allowances within the last 6 years. Whilst DARD note that there is a category 3 number on the farm since 2009, the proposal does not comply with criteria (a) of CTY10 as it has not been demonstrated that the land has been actively farmed for more than 6 years.

(b) No15a and the surrounding 5 acres of land is currently for sale but has not yet been sold off. No other dwellings or development opportunities have been found to have been disposed of, therefore the proposal is not contrary to criteria (b)

(c) the proposed site is considered to visually link and cluster with existing buildings on the farm holding. The site is approximately 10m to the southwest of the 15a Loughinisland Road. The proposal is not considered contrary to criteria (c).

The proposal is considered contrary to CTY for the reason set out above.

CTY 13 – The proposed site is not considered to be a prominent feature on the landscape as the dwelling could be located toward the east of the site on lower ground. Whilst there are existing natural boundaries to the north and east of the site the west and south boundaries are open and undefined. The public views of the site

are from the existing lane to the south serving 5 dwellings and from Loughinisland Road to the southwest. The site would lack a suitable enclosure when viewed from these directions. Whilst the existing boundaries would provide a backdrop to the dwelling, the site would be open along southern and western boundaries. It is not considered that the dwelling would integrate suitably into the landscape.

No detailed design has been submitted. The proposal is considered contrary to CTY 13 in that the site lacks long established boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

CTY 14 – Whilst the proposed dwelling would not be a prominent feature on the landscape a dwelling in this location just outside the settlement limit would result in a suburban style build up when viewed with existing and approved buildings. The proposed site would cause a detrimental change to the rural character of the area.

The proposal is considered contrary to CTY 14.

PPS21 CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. The settlement boundary is clearly defined when travelling from the south along Loughinisland Road, giving a clear distinction between the settlement and the surrounding countryside. The site is visible from the public road when travelling from the south and it is considered that a dwelling in this location would result in the marring of this distinction and is therefore contrary to CTY15.



CTY16 – the P1 states the use of a bio disc. NIEA WMU have been consulted and have no objected to the proposal. The proposal is not contrary to CTY16 subject to the applicant obtaining the necessary permissions from NIEA and NI Water.

The proposal is considered unacceptable as it has not been demonstrated that the farm has been in active use for over 6 years. The proposed dwelling would lack suitable natural boundaries to allow it to integrate into the surrounding area and would cause a detrimental change to the rural character of the area. A dwelling in this location would mar the distinction between the settlement of Loughinisland and the surrounding countryside.

Transport NI requested an amended plan to show visibility splays. This information was not requested from the applicant, however the agent submitted a revised plan on the 11th May. Transport NI were not re-consulted on this amended plan due to there being concerns regarding the principle of the development.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and 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 farm business is currently active and has been established for at least six years.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Loughinisland and the surrounding countryside.

ITEM NO 16
APPLIC NO LA07/2015/1187/O Outline **DATE VALID** 11/11/15
COUNCIL OPINION REFUSAL
APPLICANT Seamus O'Rourke 60 Dublin Road
 Kilcoo Newry **AGENT** Fletcher Architects
 NI Ltd Unit 11 The Oldge
 1 Dublin Road
 Castlewellan
 BT31 9AG
 NA

LOCATION Land 15m north and to the rear of 98 Drumlee Road
 Kilcoo
 Newry
 BT34 5JA

PROPOSAL Replacement dwelling and garage

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

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the existing structure has been substantially rebuilt and all external structural walls are not substantially intact.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1187/O

Date Received: 11th November 2015

Proposal: Replacement dwelling and garage

Location: The site is located approximately 5km to the southwest of Castlewellan and 20km to the southwest of Downpatrick. The site is located at land 15m north & to the rear of 98 Drumlee Road, Kilcoo.



Site Characteristics & Area Characteristics:

Characteristics of Site

The site contains the remains of a vernacular building located 15m to the north & rear of 98 Drumlee Road, Kilcoo. The building is in a derelict state of repair and appears to have been derelict for a long time. There is no remaining roof over what would have been the dwelling and the walls are approximately 1.5m above ground level. There are no remaining lintels above the windows or doors, except for an

internal door where a wooden lintel appears to be in place above an internal door. There have been mature trees growing within the building which have been cut back leaving tree stumps. The southern section of the building is in better condition and would have served as an outhouse. There are traces of roof slates and timbers remaining over this section of the building. The land surrounding the site is rough unimproved land and there is a marshy area to the rear of the building.

There are existing stone walls to the south of the site along what would have been an access lane. There are stones on the ground surrounding the site and no clear defined curtilage given the age of the building. There is an existing lane to the west of the site leading to sheds connected to the neighbouring dwelling to the south of the site.

The site is on elevated ground with long views over the countryside to the south of the site. The site itself slopes upward from the southwest to the northwest toward the dwelling to be replaced; it slopes downward toward the north-eastern edge of the site.

Characteristics of Area

The area is characterised by open countryside with sparsely located dwellings and farms. There is a large reservoir located approximately 200m to the south of the site on lower ground. To the north of the site there are sheds and containers beyond which is open countryside. Approximately 200m to the northeast there is an abandon dwelling, beyond this the land rises up to higher hilly ground. To the southeast of the site is 98 Drumlee Road, which is a derelict dwelling. To the southwest the land slopes downward. There is a dwelling under construction with foundations in and garage partially constructed. There is an inhabited dwelling directly to the west of the site. There are several mature trees located 20m to the west of the site.

Site History:

R/2003/0563/O - 96 Drumlee Road, Kilcoo, Newry - Erection of replacement dwelling – Granted 05.08.2003

R/2005/0491/O - 98 Drumlee Road, Kilcoo, Newry, BT34 5JA - One replacement dwelling house and one double garage – Refused 11.03.2006

R/2006/0704/RM - 96 Drumlee Road, Kilcoo, Newry - Proposed replacement dwelling – Granted 09.11.2006

R/2006/0638/F - 96 Drumlee Road, Kilcoo - Proposed replacement dwelling and garage – Refused 12.05.2008

R/2008/0827/F - 96 Drumlee Road, Kilcoo, Newry - Erection of dwelling replacement and garage change of design from approval R/2006/0704/RM and non-compliance with planning condition - Granted 28.10.2010

R/2014/0607/O - 98 Drumlee Road, Kilcoo, Newry, BT34 5JA - Proposed replacement dwelling and detached garage – Granted 23.02.2015

LA07/2015/0857/F - 98 Drumlee Road, Kilcoo, Newry - Proposed application for variation of condition 3 and 7 on planning application R/2014/0607/O – Pending

Planning Policies & Material Considerations:

- The Regional Development Strategy (RDS)
- The Strategic Planning Policy Statement (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

Development Plan – The Ards and Down Area Plan 2015

The site is located within the open countryside and is outside any defined settlement. The site is located within a designated AONB.

Consultations:

Statutory – NI Transport – No objection if dwelling could be reasonably occupied with minor modifications, if not reconsult.

Statutory – NIEA – WMU – No objection

Statutory – NI Water - No objection

Advice and Guidance – Environmental health - No objection

Objections & Representations

60 Drumlee Road

92 Drumlee Road

96 Drumlee Road

No objections received.

The application was advertised on 23.11.2015.

Consideration and Assessment:

The remains of no98 Drumlee Road are located directly to the southeast of the site.

This dwelling was granted approval to be replaced off-site under application R/2014/0607/O. No reserved matters application has been received at this time for this neighbouring site. There is another replacement dwelling under construction to the southwest of the site. The latest approval for this site was R/2008/0827/F.

Foundations have been laid and a double garage is partially constructed.

Principle

The SPPS and PPS21 CTY3 both state that provision should be made for the replacement of an 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.

The building is derelict and has been for some time. The roof over what would have been the dwelling has completely gone and there are no remaining joists or roofing over this section. The store is also missing the roof however some traces of slates and wooden joists remain on the gable wall and within the floor of this section of the building. The front elevation does exhibit characteristics of a dwelling in that there is an opening for a doorway with a small opening on either side which would appear to be the windows. The external walls of what would have been the dwelling are at a height of approximately 1.5m above ground level. The upper section of the external walls is missing, as are the lintels above the windows and doors; however the top of the walls are level and uniform in height. The southern gable is substantially intact and the northern gable has partially collapsed. There are internal partitions indicating 3 internal rooms. No chimneys remain.

Within the building there is a timber lintel above an internal door with several large stones placed on top. It is not considered to be an original feature and appears to have been placed here with stones placed on top. It is considered that the internal fireplace has been rebuilt by placing two large granite stones, one vertical and one laid horizontally across the top. The fireplace as it now exists is not considered to be an original feature.



The northern section of the building has completely collapsed and small moss covered stone walls remain just above ground level.

There is a clear distinction between the stone walls of the dwelling section of the building and the store section of the building. Whilst there are sections of the dwelling where original lime mortar can be seen within the wall structures, much of dwellings walls do not contain lime mortar. It is evident in my opinion that parts of the dwelling have been rebuilt.



The southern section of the building, which would have been an attached store, remains in better structural condition with a complete gable and external walls mostly covered with dated lime render. The doorway remains intact. There is a lack of consistency between the store and the dwelling section of the building. The dwelling appears to have been partially rebuilt more recently. Furthermore the internal lintel and fireplace do not appear to be original features of the building and again appear to have been set in place more recently. It is not considered that all external structural walls would have been substantially intact prior to these sections of wall being rebuilt.

The principle cannot therefore be established as the proposal fails to comply with the SPPS and policy CTY1 and CTY3.

Siting – the proposal for an off-site replacement with the replacement dwelling to be located to the north of the site. The proposed siting of the dwelling would be on slightly elevated ground above the position of the existing dwelling. There are several large mature trees to the west of the site which would provide screening when viewed from the Drumlee Road and there are limited long views of the site available from the south along Lackan Road, however longer range views are available from along the Dublin Road to the south. There are several sheds located to the north of the site. There is no clearly defined curtilage given the age of the building, however the proposed siting would be considered acceptable given the natural screening to the southwest and the backdrop of higher land to the north. The site would be in keeping with the settlement pattern.

Integration

The proposed site is slightly elevated above the existing dwelling position. There is an existing natural boundary along the west of the site. The rising ground to the north

of the site would provide a backdrop when viewed from the Dublin Road. It is considered a dwelling would integrate suitably on the site.

The proposal is not found to be contrary to CTY13 & 14. The proposal is not considered contrary to CTY16 subject to the necessary permission and consent to discharge.

Planning History

It is noted that permission for a replacement dwelling was granted for a similar site to the southeast under R/2014/0607/F at no98 Drumlee Road. No98 was found to comply with policy and all external walls were found to be substantially intact. It was not considered in this case that any walls had been rebuilt.



(Proposed site 15m to the north of 98 Drumlee Road)

It is my opinion that the site being assessed, 15m north of 98 Drumlee Road, has been partially rebuilt and that the walls prior to being built up would not have been substantially intact. Therefore the proposal is contrary to CTY1 and CTY3.

Recommendation - Refusal

Refusal Reasons:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the existing structure has been substantially rebuilt and all external structural walls are not substantially intact.



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1187/O

Proposal: Proposed Replacement Dwelling & Detached garage

A supporting statement was received by the case officer via email on 16th August 2016. Consideration is given below to the statement provided.

Photographs have been provided showing the condition of the dwelling.

The statement clarifies 4 points from the case officer's report.

1. I agree that a roof is not required to meet the requirements of PPS21 CTY3 however the reason the application is recommended for refusal is because it is considered that the dwelling has been substantially rebuilt and all external walls are not substantially intact.
2. The agent states that the floor has filled with debris over the years and that the walls meet the level of the eaves on each gable. I disagree with this as the heights of the walls of the dwelling do not match the height of the walls on the attached store which would have continued across the front elevation. Also the door lintel height of the dwelling would originally have matched the door lintel height of the adjoining shed.
3. It is considered that external and internal walls have been rebuilt and that external walls are not substantially intact.
4. It is noted that there is a ruined store on the northern gable end. The southern store remains in better condition than the dwelling and gives a good indication of the building lines.



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

20th September 2016

Dear Sir / Madam,

Reference LA07/2015/1187/O
Location Land 15m north and to the rear of 98 Drumlee Road, Kilcoo, Newry
Proposal Replacement dwelling and garage

1. I refer to the above planning application, which is to be discussed at the Council's planning committee meeting on 28th September 2016. The application has been recommended for refusal, for the following reason:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the existing structure has been substantially rebuilt and all external structural walls are not substantially intact.

2. On the basis of this submission, and indeed the earlier supporting statements provided by the applicant's agent, the Council is respectfully requested to reconsider its recommendation to refuse permission.
3. A cursory perusal of the site's planning history reveals that planning permission has recently been granted for a replacement dwelling just metres away from this proposal (R/2014/0607/O). Although the existing building is very much degraded, it is contended to be of replacement category and is not deemed to be significantly less intact than the building that was permitted to be replaced under application R/2014/0607/O. Issues of consistency and administrative fairness are therefore material considerations to be allocated significant weight in the determination of this planning application.



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Observations from the Council's Professional Planning Report

4. This report shows how the Council's planning officials assessed the planning application. When describing the characteristics of the site, it is stated therein that the subject building represents the "remains of a vernacular building". However, since it is later contended that there is no longer in-situ a structure that represents a dwelling, it is noteworthy that the remains of the building have been sufficient to enable it to be identified as "vernacular". This simple observation would appear to verify that there is actually in place a substantially intact building (for the purposes of the relevant planning policy) and therefore the building ought to be deemed eligible, in principle, for replacement with a new dwelling.
5. The planning report indicates that the structure's external structural walls are not substantially intact. However, if there was no structure that represents a dwelling, the planning official dealing with the case would not have been able to determine that the building was in fact a former dwelling house.
6. The planning officer acknowledged the presence of trees within the confines of the building. It is clear that these trees have resulted in damage to the building in recent years, and it is not material that it is some time since the building has been occupied as a dwelling.
7. It is disconcerting to note that the planning report contains a number of un-verified assumptions. Critically, the planning official assumed that the "southern section of the building is in better condition and would have served as an outhouse". This un-tested assumption is considered to have unfairly influenced the outcome of the application, and this particular issue must be re-visited.
8. The planning report acknowledges that the building does at least exhibit the characteristics of a dwelling / former dwelling. External walls were said to measure 1.5 metres high, and the upper section of upper walls was said to have been missing. As has previously been pointed out by the applicant's agent – debris from the roof and overgrowth have raised the building's floor level up by at least 0.3 metres. Thus, there is in fact substantially more remaining of the external structural walls than has been estimated by the planning officials.



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9. The planning report noted a purported “clear distinction between the stone walls of the dwelling section of the building and the store section of the building”. It was purportedly evident that “*parts of the dwelling have been rebuilt*”. However, the refusal reason states that the dwelling has been “*substantially rebuilt*”. Yet, there has been no explanation as to how the assessment moved from the initial belief that parts of the dwelling have been rebuilt, to the conclusion that the dwelling has been substantially rebuilt. Absent this information, the current planning recommendation is based upon an incomplete assessment and a decision would therefore be regarded as ultra vires if subjected to a legal challenge.
10. The planning assessment would appear to have been conducted on the assumption that a dwelling and an attached outbuilding were separate, distinct, elements. However, a dwelling and any associated / ancillary building that is attached must always be regarded as one and the same planning unit. It follows that, structurally, they must be regarded as one and the same. Accordingly, the subject building cannot be regarded as incomplete as the Council’s report suggests.
11. The planning report indicates that “there is a lack of consistency between the store and the dwelling section of the building”. “The dwelling appears to have been partially rebuilt more recently”. However, a lack of consistency between two parts of the building is not of itself a determining factor. Again, the writer acknowledges that the building has been “partially rebuilt”, which as a statement falls considerably far short of an indication that the building has been “substantially rebuilt” - which is the sole reason the application has been recommended for refusal.
12. Another issue that has been overlooked in the assessment of the application relates to the timing of the alleged works that were undertaken to facilitate the “partial rebuilding” of the building. If there was no indication when the works took place, there could have been no attempt made to ascertain whether or not the alleged works were immune from planning enforcement action. The planning report states that “it is not considered that all external structural walls would have been substantially intact prior to these sections of wall being rebuilt”. As outlined above, since no attempt has been made to investigate whether the alleged works were undertaken more than 5 years ago, it cannot be stated with any degree of certainty at this time that any alleged works are not immune from planning enforcement action, and at this time the alleged works referred to are not unlawful. Accordingly, the benefit of doubt must be given to the applicant.



13. The planning report does acknowledge the recent permission granted adjacent to this site. However, the report indicates that "it was not considered in this case that any walls had been rebuilt", hence the attempt to distinguish the two proposals and to minimise the weight to be attributed to that decision. This basic statement is considered to not represent the full facts of the cases, and it appears unduly simplistic. Further attention is therefore required to be given to this subject before a balanced decision can be arrived at.
14. My concluding remarks regarding the content of the case officer report relate to the unexplained jump from the earlier statement that the building has been partially rebuilt to the final conclusion that the building has been substantially rebuilt.
15. In asserting that the building has not been partially rebuilt, it is submitted that any works undertaken were no more than maintenance as opposed to substantial alterations / replacement. Historic orthographic images reveal that the subject building was overgrown at a time, and this overgrowth included a mature tree growing up through the (then) abandoned dwelling. This imagery portrays an inaccurate reflection of the building however in truth, the building's previous substantial completeness 5 years ago is relevant to the determination of this planning application although this has not been addressed in the professional planning report.

OTHER RELEVANT INFORMATION

16. In July 2013 the Environment Minister published his review of PPS 21. Its aim has been two-fold:
 - firstly, informed by experiences and perceptions of all those involved in sustainable development in the countryside, to take appropriate steps necessary to ensure everyone is treated consistently; and
 - secondly, to ensure appropriate flexibility on the operation of PPS21 in line with its content and substance.
17. The Ministerial Statement, while not operational planning policy, is material to the determination of individual planning applications and appeals.
18. The background to the Review was that the Minister received a number of representations outlining concerns that some people were not getting the same



opportunity to build in rural areas compared with other parts of Northern Ireland. These concerns centred on whether the policy was being applied consistently across area planning offices; and whether some area offices were applying the policy more strictly than others. The Minister acknowledged that it would be wrong if the policy was not being implemented fairly in all cases.

19. The recommendation to refuse this application is inconsistent with the recent approval granted to replace a nearby building. This would appear to indicate that the policy is not being implemented fairly in this case.
20. Through the aforementioned Review of PPS 21, the Minister explored the application of Policy CTY 3 'Replacement Dwellings' with a view to identifying additional flexibility, especially in regard to the assessment of whether the dwelling to be replaced meets the essential characteristics of a dwelling. One example, where a more flexible approach had been taken related to a proposal for a replacement dwelling in the Armagh area. The structure had long ago been a dwelling however there was no roof and while the 4 walls were intact they were not 100% complete. The structure was also completely overgrown with vegetation internally and externally.
21. Prior to the review there would have been concerns that the structure did not qualify for replacement in accordance with Policy CTY3 as the four walls were not substantially intact. Following staff training provided as part of the review process, the application was re-assessed and a greater degree of flexibility was applied. The Department concluded that on balance the application was acceptable and approval was granted. That was purported to have demonstrated the value of the operational review, interrogation of policy, application in real time, training and peer review leading to the right outcome. It is respectfully contended that the same approach should be taken with regard to the processing of this planning application.

Previous Ministerial Correspondence

22. Back in 2010 the (then) Environment Minister issued correspondence to a fellow MLA in relation to the issue of replacement dwellings (Appendix 1). It is clear that the letter in question set out the position of the NI Executive and not simply the views of an individual politician.



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23. Therein, it was acknowledged that the Policy is “open to interpretation” and situations were described where “greater flexibility” could be applied. The Minister confirmed that a judgement can be applied if three external walls are substantially intact. “Where peaks of gables have been lost this also can be interpreted as substantially intact” and the Minister reiterated that there was “considerable flexibility in the application of the policy”.

Precedent

24. In land use planning, the issue of precedent is a legitimate material consideration in the determination of a planning application. Appendix 2 to this submission contains a brief summary providing details of a large number of applications that have been decided in circumstances that would support the approval of this application.
25. In one particular case (P/2010/0373) a planning enforcement notice had been served subsequent to the implementation of alleged unauthorised works to reinstate a dwelling. In this case, if there is nothing to preclude the retention of the existing structure, in its current form, and it would therefore be perverse not to allow its replacement with a new dwelling.
26. The replacement dwelling approved on the adjacent site (R/2014/0607) was no less ruinous than the subject building and that decision established a clear precedent in support of this application.
27. Planning Appeal 2014/A0254 is relevant to the assessment of this proposal insofar as the Council indicated therein that the original structure has been removed and the new structure does not exhibit the essential characteristics of a dwelling house.
28. At the site inspection the appointed Commissioner noted a building with built up front, rear and gable walls. The planning authority argued that the original structure had been removed and that a new unauthorised structure with no residential status was erected. The appeals Commissioner determined the appeal on the basis of evidence showing the condition of the building in 2005. In this case, if the Council is amenable to a brief deferral, similar evidence can be presented to aid this assessment.



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Status of alleged "rebuilding works"

29. Article 23 (3) of the Planning Act (Northern Ireland) 2011 confirms that certain operations, or uses of land shall not be taken for the purposes of this Act to involve development of the land. These include the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building. In light of the above, it is respectfully contended that if works were undertaken on the subject building these did not constitute development requiring planning permission. Accordingly, it cannot be argued that the structure was substantially rebuilt and is therefore not eligible for replacement with a new dwelling.

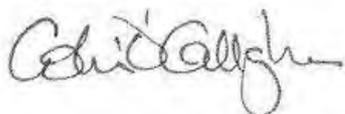
Conclusion

30. It is respectfully contended that the Council has not been able to substantiate its own reason for refusal, and the assessment of the application would appear to have avoided the need to apply flexibility in the application of the policy, or the need to achieve an appropriate standard of consistency in decision making. The planning report confirms that the Council has ignored the amount of wall remaining below the finished floor level, which has become raised due to overgrowth and rubble from the collapsed roof. Consequently, the assessment as to how substantially intact the building is, fell short of the required standard of scrutiny.
31. The Council's assessment of the proposal indicated the building had been partially rebuilt however the refusal reason states it has been substantially rebuilt. Either the refusal reason is incorrect or the initial assessment was incorrect. Accordingly, the application needs to be reassessed in order to achieve clarity on this point.
32. Even if, as the Council has alleged, the building was wither partially or substantially rebuilt, no attempt has been made to ascertain when such works occurred. On that basis, it cannot be assumed that any such works were unlawful or are not immune from planning enforcement action.
33. It is also respectfully contended that such works would be exempted from the meaning of development and since there has been no breach of planning control the assessment of the proposal should be progressed on the basis of the building's present physical condition.



34. The Environment Minister's Review of PPS 21 confirmed the approach that should be taken with regard to the assessment of this proposal and his previous clarification to an MLA adds further credence to this proposal.
35. On the basis of the above information, the Council is respectfully requested to reconsider its recommendation to refuse permission for this proposal.
36. In the event that you require additional information or further clarification, please do not hesitate to contact the undersigned.

Yours faithfully,



.....
Colin O'Callaghan
Chartered Town Planner
Bsc Hons Dip TP MRTPI



RTPI
Chartered Town Planner



APPENDIX 1

Environment Minister Edwin Poots' letter to Thomas Buchanan MLA, setting out how he intended Policy CTY 3 of PPS 21 to be applied.

APPENDIX 2

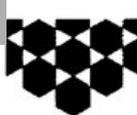
Precedents

- P/2011/0775/O – Approval granted. Planning report acknowledged that the building was in a dilapidated state, and some improvement/construction to the shell of the building was noted. The planning officer commented that internally two walls had been erected but this was given no weight as the assessment was “concerned with the external four walls”. It was noted that one wall had been reconstructed.
- P/2010/0373/O – Planning appeal 2007/A0729 had earlier been dismissed. Department’s photographic evidence suggested the original building was not a dwelling. The application was re-considered and approved after the publication of PPS 21 however.
- P/2009/0855/F – Permission granted to replace a dilapidated and structurally incomplete dwelling. Building was originally deemed not to exhibit the essential characteristics of a dwelling and the external walls were not substantially intact. However, when re-considered it was determined that the structure was “on the margins of the replacement policy”. On balance approval was recommended “given recent direction on replacement policy from PPD”.
- P/2010/0664/O – Application initially recommended for refusal – “no evidence the existing building ever was a dwelling”. Planning officer’s report stated that “the building to be replaced does not exhibit the essential characteristics of a dwelling, there is no evidence of a fireplace or chimney, there are no dividing walls and no evidence has been submitted to suggest that the building ever was a dwelling”. Application subsequently approved.
- Appeal 2007/A0466. Department had undertaken enforcement action, alleging the unauthorised construction of a building, then refused an application for replacement dwelling. Application was allowed upon appeal, after the Department withdrew its reasons for refusal.



- P/2010/1291/F. Permission granted. Initial planning report noted that the structure appeared to have been extensively rebuilt and so does not comply with Policy CTY 3. However, when re-considered it was acknowledged that there was a clear indication that there was a dwelling on this site, "and it would be hard to establish what was built up and when to meet the criteria for replacement therefore on balance given also that the site can't be seen" approval was recommended.
- H/2013/0099/O – Permission granted. Only one original wall remained intact. Re-consideration adopted the "flexible interpretation" advocated in the Minister's Review of July 2013.
- I/2013/0320/O - Replacement of mobile home that had been rendered etc. Works were undertaken to the exterior of the mobile home, and these works were deemed not to affect the external appearance of the building (and as such were deemed not to constitute development). While it could be argued that the key consideration was whether or not the building was permanent, it was equally important to decide whether works undertaken to the building constituted development. Permission was granted nonetheless.

**From the office of the
Minister of the Environment**



DEPARTMENT OF THE ENVIRONMENT
www.doeni.gov.uk

Mr Thomas Buchanan MLA
West Tyrone DUP Advice Centre
5 Dublin Road
Omagh
Co. Tyrone
BT78 1ES

DoE Private Office
Room 717
Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB

Telephone: 028 9054 1166

Email: private.office@doeni.gov.uk

Your reference:

Our reference: COR/322/2010

Y July 2010

Dear Thomas

Thank you for your letter of 2 June 2010 seeking clarification of the term “substantially intact” in relation to policy in PPS21 on the replacement of dwellings.

The purpose of changing the policy on replacement dwellings was a recognition that many former dwellings had fallen into a state of dilapidation, becoming an eyesore in the countryside. The Executive is of the view that it would be better if these buildings were replaced by fit for purpose homes.

The premise of the policy is to replace an existing dwelling or a former dwelling where the majority of the building remains intact. The policy says that, as a minimum, all external structural walls of the dwelling should be “substantially intact”. This is open to interpretation for example if the roof remained on the dwelling greater flexibility could be applied to the percentage of walls remaining. Where the roof has gone the external load bearing “shell” of the building should remain substantially intact. In this respect, it should follow that all four individual external structural walls which make up the single building unit remain, and are substantially in place. However, if three of the four walls are wholly in tact then a judgement can be applied if the 4th wall has been damaged by livestock, machinery or indeed by the owner to allow building to be used for storage. Considerably greater flexibility can be applied where the roof is largely still in place. Where peaks of gables have been lost this also can be interpreted as substantially intact. Each application must be dealt with on its own merit but there is considerable flexibility in the application of this policy. The policy does not allow the replacement of buildings which are essentially ruinous or where the building is only partially remaining.

I hope you find this information helpful.

Yours sincerely


EDWIN POOTS MLA
Minister of the Environment

ITEM NO	22			
APPLIC NO	LA07/2015/1315/O	Outline	DATE VALID	12/11/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Clare Ferris 1 Killaughy Road South Millisle Newtownards BT22 2DY		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822
LOCATION	Between 16 and 20 Lough Road Crossgar BT30 9DT			
PROPOSAL	Proposed Dwelling on in-fill site under Policy CTY 8 Ribbon Development			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement for N.I (SPPS) and 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 Lough Road, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1315/O

Date Received: Dec 2015.

Proposal:

Outline planning permission is sought for a dwelling on in-fill site, under policy CTY8 of PPS21

Location:

The site is located in the countryside off the Lough Road, between Crossgar and Killyleagh as identified in the Ards and Down Area Plan 2015. The Lough Road is considered to be a relatively minor, windy road whereby this area is pre-dominantly rural in character, although also includes several dwellings/holdings. There do not appear to be any other zonings affecting the site.

Site Characteristics & Area Characteristics:

The site is located along Lough Road and comprises an irregular shaped roadside field at present, enclosed by a grass verge, hedgerow, scattered planting and post and wire fencing.

The site is bounded by the dwelling and curtilage of no.20 to the north side and the dwelling and curtilage of no.16 and a field to the south side.

No.20 includes a sizeable dwelling whereby the curtilage extends down to and accesses onto the road, and is occupied at present, while the dwelling and curtilage of no.16 is set back from the road, whereby the dwelling is vacant and the site overgrown at present. This property accesses onto a laneway. There is clear evidence of a natural stone wall and several trees some 5-10m forward of the existing dwelling which appears to define the extent of the site curtilage, thus does not extend down to adjoin the road, whereby the adjoining field then extends from this curtilage down to the road.

Site History:

A history search has been carried out for the site and surrounds whereby no relevant history was observed relating to the application site.

It is noted there is a recent permission for a farm dwelling to the south of no.16 and beyond the existing laneway serving this property. (REF R/15/0122), while the dwelling of no.16 was previously granted permission for a replacement however this was never enacted (REF R/99/0673).

Consultees

Having account the nature of this proposal, and location and constraints of the site consultations have been carried out with Transport NI, NI Water, Environmental Health and NIEA, as part of this application, who offer no objections in principle, although Transport NI have requested an amended red line for sightline purposes. It is noted the lands required for sightline purposes are outlined in blue.

Representations

None received to date (12-05-16)

Applicable Policy Considerations:

Ards and Down Area Plan 2015, RDS, SPPS, PPS2, PPS3, PPS21 and associated supplementary guidance documents

PPS 21

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

Policy CTY 1

Development in the Countryside. 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. Details of these are set out below. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

There are a range of developments that may be permitted in the countryside in certain cases.

Housing Development

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

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

- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10;

As stated above the site is located in the countryside whereby policy PPS21 (Sustainable Development in the Countryside) is key.

This is an Outline application for a dwelling whereby a P1 form, site location plan, supporting statement and design and access statement have been submitted. The information submitted indicates the applicant (Clare Ferris) lives in Millisle (Newtownards), whereby Certificate A has been completed on the P1 form. Based on the information submitted this application is for an infill dwelling to be considered against policy CTY8 of PPS21.

As stated above the site comprises a roadside plot off Lough Road, whereby the lands rise gently from the road. The site outlined in red is irregular in shape and comprises a field at present, which is considered large enough to accommodate a dwelling with sufficient provision for parking, amenity space, services and spacing with any other existing/approved property to prevent any unacceptable impact.

While it is noted the site may appear and be considered to be broadly located between the dwellings of no.16 and 20, the dwelling of no.16 is not considered to share a common frontage to the Lough Road. Although it is acknowledged this dwelling fronts towards the Lough Road, it is set back from the road and accesses onto the existing laneway, where the curtilage also does not extend down to this road. As such it is considered the proposal fails this policy test.

As this is an Outline application no details have been provided regarding the siting or house type proposed, although it is noted there are a mix of house types and sizes along this stretch of road. It is also noted the lands beyond the rear of the site undulate, whereby the site is low lying, and includes a backdrop of fields and planting, thus no concerns are raised regarding compliance with policies CTY13 and 14.

While it is considered the site is large enough to accommodate a dwelling, with sufficient provision for parking and amenity space, while also being located a sufficient distance from any other property, it is considered it fails the policy test of CTY8 of PPS21.

Following initial consideration of the proposal a letter was issued to the agent on 3rd May outlining the concerns and position of the Planning Dept referred to above, and afforded an opportunity to submit further information in support of the application. Further correspondence was received from the agent on 11th May 2016, who remains of the opinion the site forms an infill opportunity under policy CTY8, and has

requested the application be considered on this basis. An amended site location plan was also received to include site visibility splays as per comments from Transport NI.

Recommendation:
Accordingly Refusal is recommended.

Refusal reason:
The proposal is contrary to the SPPS and 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 Lough Road, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.

Planning Committee Schedule of 28th September 2016

Planning reference: **LA07/2015/1315/O**

Proposal: Construction of a dwelling on infill site under Policy CTY8

Date Valid December 2015

Applicant: **Clare Ferris**

Location **Between 16 and 20 Lough Road**

Recommendation: **Refusal**

Reasons

1 The proposal is contrary to the Strategic Planning Policy Statement for N.I (SPPS) and 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 Lough Road, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.

Site Description

The site is located in the countryside off the Lough Road, between Crossgar and Killyleagh as identified in the Ards and Down Area Plan 2015. The Lough Road is a minor road and the general area is considered to be rural in character, although there are several dwellings/holdings in the area of the application.

Assessment of reason for Refusal

PPS 21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in develop plans(Ards and Down Area Plan 2015)

Development in the Countryside.

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, and one of policy is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8

The application site is rectangular in shape and is located in a gap site between 2 dwellings (No 20 to the North and No16 to the South) both dwellings having associated building located in their vicinity as can be seen from ordinance survey maps and aerial photography.

No 16 is currently a vacant farm house due to the death of the applicant's mother and has associated farm buildings located to the side and rear while No20 comprises an existing dwelling which has been extended with a 2 storey extension as can be seen from aerial photography

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception to Policy CTY8 states that permission will be granted for development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuous built up frontage.

Policy CTY8 clarifies further by stating that "For the purpose of this policy, the definition of a substantial and continuous built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear."

The application site is compliant with this policy as it is within an **otherwise** substantial and continuous built up frontage.

Both buildings have a setback from Lough Road of between 30 & 40 m.

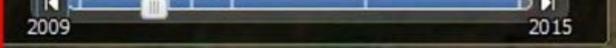
While this is an outline application it must be stressed that it is the applicant's intention to develop the proposed dwelling to the rear of the application site to keep in sync with the existing setback distances.

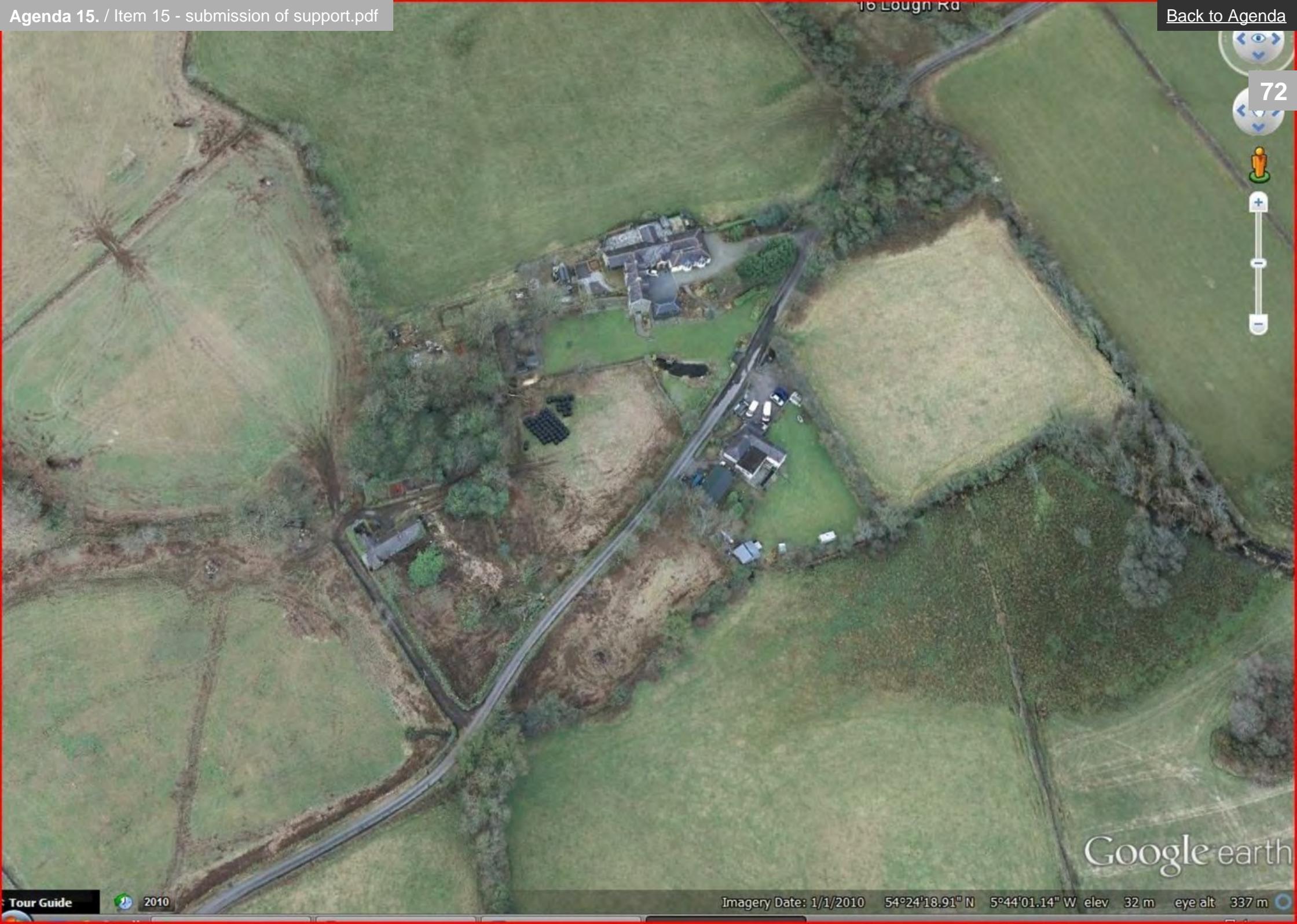
The applicant accepts that the Planning Department can restrict the location of the proposed buildings with a shaded portion of the submitted site boundary and she would be happy to adhere to such a restriction.

The planning department have raised no issues of concern in relation to policies CTY13 and 14 as the site has an established backdrop of mature planting.

Conclusion

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





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Navigation controls including a person icon, a plus sign, and a vertical slider.

Google earth



Image © 2016 DigitalGlobe

Google earth

ITEM NO	23			
APPLIC NO	LA07/2016/0039/O	Outline	DATE VALID	1/4/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Paul Smith 33 Crossgar Road Dromara Dromore BT25 2JT	AGENT	Robert M Martin Arcgitectural Design Rathmourne 17 Tullyhenan Road Banbridge BT32 4EY NA	
LOCATION	Adjacent to and north of 84 Castlewellan Road Dromara Dromore Co Down BT25 2JN			
PROPOSAL	New farm dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses	Signatures
			0	0
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that the policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other development opportunities have not been disposed of from the farm holding.



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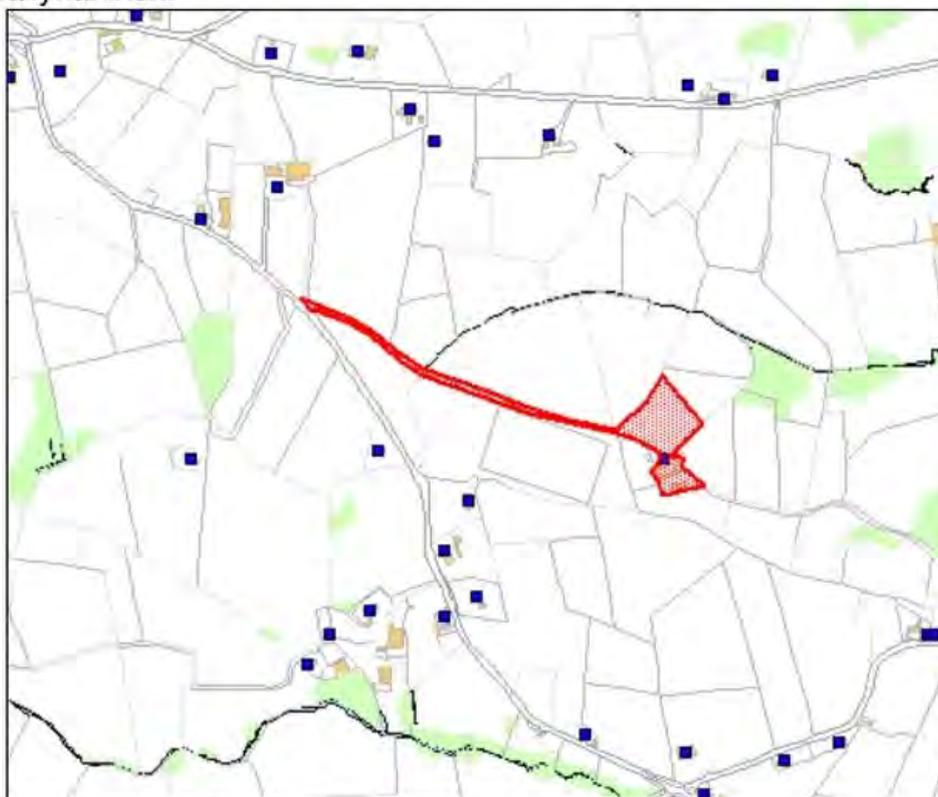
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0039/O

Date Received: 4th January 2016

Proposal: New farm dwelling and garage

Location: Adjacent to and north of 84 Castlewellan Road, Dromara. The site is approx. 10miles north of Castlewellan, 1.5m south and east of Dromara and 7miles west of Ballynahinch.



Site Characteristics & Area Characteristics:

The site is accessed from the Castlewellan Road via an existing stone lane which serves farmland and access to farm builds and an approved replacement dwelling. The site is within a drumlin topography and has an undulating topography itself. The site has established natural boundaries on the north-west, north-east and south-eastern boundaries. The south-western boundary is defined by an open wire fence

and abuts the existing stone lane. There are 2 established buildings to the south which neighbour the site and there are exposed foundations to the south of the site which abut the concrete farm yard area. To the west of the site, at a short distance, is an established football ground with a small clubroom and floodlighting which is accessed directly from the Castlwellan Road.

View of site from Castlwellan Road, you can see access point.



Site



Site History:

Q/2004/0858/O - Mr Brendan Smith

Site for dwelling and garage adjacent to and north of 84 Castlewellan Road

Approval 24.04.2006

Farm Map page 4 of 5 (site within these grounds)



Adjacent fields to site

Q/2001/0309/O Mr Darby

Replacement Dwelling at 84 Castlewellan Road

Approval 8.6.2001

Q/2004/0866/O Mr Brendan Smith

Replacement at 84 Castlewellan Road, Dromara

Approval 12.5.2005

Q/2007/0851/RM Mr B Smith

Replacement at 84 Castlewellan Road, Dromara

Granted 19.2.2008

Field 21

Q/1991/0271

Farm Dwelling opposite 33 Crossgar Road

Approval 27.8.1991

Field 25

Q/2009/0511/O Barbara Smith

Replacement Dwelling at 17 Crossgar Road

Withdrawn 25.6.2010

Q/2004/0860/O Miss Bronagh Smith

Replacement at 17 Crossgar Road

Refused 8.5.2006 (DES5 Integration)

Fields 72-74

Q/2015/0080/F Mrs Smith

Replacement (change of house type) at 34 Moneybane Road

Pending

Q/2004/0863/O Mrs Mary Smith

Replacement at 34 Moneybane Road

Approval 26.5.2005

Farm map page 5 of 5 DARD map



Field 35

Q/2011/0177/RM Miss B Smith
Replacement at 183 Dundrum Road
Granted 24.8.2011
Q/2009/0491/O Barbara Smith
Replacement at 183 Dundrum Road
Approval 17.11.2010

Fields 58/59

Q/2007/0010/F Mr Gerry Smith
Re-instatement of former dwelling with extension and improvement works
Approval 23.10.2008

Field 75

Q/1994/0375
Dwelling on Drumboy Road
Refusal 13.12.1994 (Countryside Policy Area)

Planning Policies & Material Considerations:

The application will be assessed in relation to the Banbridge, Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement for Northern Ireland, PPS21 Sustainable Development in the Countryside, Building on Tradition, PPS2 Natural Heritage.

Consultations:

P1C details - applicant is P Smith of 33 Crossgar Road, Dromara, farm business owner is M Smith of same address. The farm business was established approx 50 years ago with DARD farm business ID 613009 allocated in 1992 (approx) detailed. Single farm Payment return is made to DARD, herd number provided and applicant states no dwellings or developments have been sold.

Transport NI - no objection subject to condition relating to site splays of X2.0m by Y60m

Environmental Health - no objections subject to septic tank being located 15m from dwelling and advising of nearby floodlighting system.

NI Water Ltd - standard response

DARD - The Farm Business Id 613099 has been established for more than 6 years, made a claim to DARD in last 6 years.

Objections & Representations

Total of 4 neighbours notified 21st January 2016. A letter of representation supporting the application received from Cllr P Clarke received via email on 24th January 2016.

Application advertised in local press (Mourne Observer and Down Recorder) on 18th January 2016.

Consideration and Assessment:

The Strategic Planning Policy Statement (SPPS) and PPS21 Sustainable Development in the Countryside will be considered for the dwelling on the farm identified.

Policy CTY10 of PPS21 and SPPS do not conflict with each other. The farm has been confirmed as active and established for the required amount of time, the site identified clusters with agricultural buildings on the shed, a small rendered building and a large metal clad building. Adjacent to the site is also an approved replacement dwelling for which foundations appear to be in place. The proposal would therefore have a clear visual linkage due to its physical cluster with the farm buildings. The access lane is established and the site is visible from the Castlwellan Road when travelling south from the junction shared with Park Road.

Policy CTY10 criteria (b) states that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within the last 10 years provision applying from 25th November 2008. The Council has completed a detailed history search of the farm lands as detailed by the applicant. This has raised a concern in relation to several approvals on the farm lands in recent years.

- Q/2009/0491/O and Q/2011/0177/RM approved as replacement dwelling at 183 Dundrum Road for B Smith

- Q/2007/0010/F re-instatement of dwelling at 197 Dundrum Road Approved for G Smith

- Adjacent Replacement dwelling under construction and approved under Q/2001/0309/O (D Darby), Q/2004/0866/O and Q/2007/0851/F approved for B Smith at 84 Castlwellan Road

- Q/2004/0863/O for replacement and subsequent change of house type replacement Q/2015/0080/F PENDING for M Smith at 34 Moneybane Road.

The farm history identified that the farm has had recent approvals. The Council sought clarification from the applicant in letter sent to agent 12th April 2016. The applicants agent responded to advise of the approvals Q/2007/0851/RM and Q/2011/0177/RM are family members and no land has been sold off or disposed of from the holding.

The Council required further clarification due to policy. In letter dated 18th April 2016, Council requested the applicant to detail if the approvals Q/2007/0851/RM and Q/2011/0177/RM had been transferred to other members of the family. Policy justification and amplification within CTY10 states that for the purposes of the policy 'sold-off' will mean any development opportunity from the farm holding transferred to any other person including a member of the family. Response received 22nd of April 2016 to advise that the approvals remain within the farm holding and have not been transferred to other members of the family.

The Council completed a land and property search with land registry against the properties identified. Copy of the checks were placed on file. Site and land approved as replacement at 84 Castlewellan Road Q/2001/0309/O, Q/2004/0866/O, Q/2007/0851/RM is registered to Brendan Francis Smith and Paul Joesph Smith as full owners 5th November 2011, with a portion within the folio having a 25 year leasehold to Mary Smith. They are not members of the farm business but appear to be family members as the listed address reflects that of the farm business owner and registered farm business address. This would mean the proposal is contrary to policy in that a development opportunity has been disposed of/transferred from the holding since 25th November 2008 and is therefore not in keeping with CTY10(b) or the SPPS.

Integration would not be a concern and the ancillary works and landscaping can be conditioned to ensure additional landscaping is provided with any access/visibility splay improvements and to define the boundaries of the proposed dwelling. The proposal will integrate with the farm buildings in keeping with the SPPS and CTY10 (c). The drumlin topography of the area ensures the site has a suitable back-cloth. The proposal would not result in the creation or extension of a ribbon and will not have a detrimental impact on the rural character of the area.

The sewage disposal method proposed is detailed within the P1 form as septic tank with surface water disposed via new soakaways and a mains water supply.

The site is also located within the designated Area of Outstanding Natural Beauty and Policy NH6 of PPS2 (Natural Heritage) states that 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. A dwelling on the farm can be accommodated without detriment to the AONB in which it has the benefit of being situated and the Council can condition the design to ensure the sensitive location is accommodated in any reserved matter submission.

Recommendation:

Refusal – the site and associated lands which include an application approved as a replacement dwelling are not within the holding but were transferred to the farm business owners sons, which include the applicant. The farm business details do not identify Brendan and Paul Smith as members of the farm business. Therefore the development opportunity approved as a replacement dwelling at 84 Castlewellan Road has been transferred/sold off/disposed of from the holding.

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that the policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other development opportunities have not been disposed of from the farm holding.

Case Officer DATE

Appointed Officer DATE



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0039/O

Date Received: 4th January 2016

Proposal: New farm dwelling and garage

Location: Adjacent to and north of 84 Castlewellan Road, Dromara. The site is approx. 10miles north of Castlewellan, 1.5m south and east of Dromara and 7miles west of Ballynahinch.

RECONSIDERATION

Application recommended refusal in May 2016 and awaiting consideration of planning committee. The proposal is currently considered to be contrary to The Strategic Planning Policy Statement for Northern Ireland 2015 and policies CTY1 and CTY10 of PPS21 Sustainable Development in the Countryside in that the proposal does not merit being considered an exceptional case as it has not been demonstrated that other development opportunities have not been disposed of from the farm holding.

Additional information received 17th June 2016

Information received from agent that included a letter from the applicants Solicitor as well as supporting details referring to ownership. The information has been placed on file.

The details submitted clarify that the applicant, Mr Paul J Smith and Mr Brendan F Smith of 33 Crossgar Road, Dromara have owned a portion of the lands farmed within Ms Mary Smith's farm business (Id 613099) which is registered to 33 Crossgar

Road, Dromara. The applicant has a formal lease agreement with Ms Mary Smith, the farm business owner and as a result the lands are included within the farm business. The supporting information also indicates that Mr Paul J Smith and Mr Brendan F Smith are NOT part of the farm business.

The Council must seek further clarification on the details of the lands and farm as to identify if the replacement and buildings adjacent to the application site, are part of the farm business.

Letter sent to agent on 18th August 2016 seeking clarification on the buildings and replacement adjacent to the site.

Additional Clarification received 22nd August 2016

The applicants agent has responded to Council's query relating to the adjacent farm buildings and replacement. The agent has confirmed that the buildings and replacement dwelling adjacent to the site at 84 Castlewellan Road are part of the farm business.

Consideration

The farm business is in the name of Mary Smith and is active and established. The applicant and Mr B F Smith own the land and lease it to Mary Smith's farm business. The land is farmed by Mary Smith. The applicant and Mr Brendan F Smith are not part of the farm business.

There is an adjacent approval for a replacement dwelling adjacent to the application site. The applicant was Brendan Smith with approval for outline Q/2004/0866/O, in 24th April 2005 with reserved matters application, Q/2007/0851/RM granted 19th February 2008.

The applicants agent has confirmed that the replacement and farm buildings adjacent to the site at 84 Castlewellan Road are part of the farm business.

The Council must also consider a replacement dwelling granted on field 35 of the farm lands detailed within page 5 of 5 farm maps supporting the farm business details of 613099 and owned by Mary Smith. Replacement granted Q/2011/0177/RM Miss B Smith for Replacement at 183 Dundrum Road, Granted 24.8.2011 and subsequent Reserved Matters Q/2009/0491/O Barbara Smith,

Replacement at 183 Dundrum Road, Approval 17.11.2010, site opposite junction with Hillhead Road.

Recent appeal decision 2015/A0246 (Council reference P/2014/0296/O) in the district for a dwelling on a farm 285m east of 127 Kilbroney Road, Roastrevor, must be considered. The Planning Appeals Commission (PAC) considered the lands detailed on the farm and while the proposal failed to demonstrate the farm business had been active and established for 6 years, it was also concluded that development opportunities had been disposed of from the farm holding contrary to policy. In this case, which is similar to the circumstances of this application the PAC noted a replacement dwelling had been granted in March 2014 in the name of the appellants brother. The replacement dwelling site (P/2013/0651/F) is located within the appellants farm holding. The PAC commented that irrespective of the arrangement between the appellant and his brother, the approved replacement belongs to the appellants brother, not the appellant and therefore this replacement ie development opportunity, has been disposed of from the holding in the last 10 years (paragraph 12).

In light of this decision the Council must be mindful that the adjacent replacement dwelling approved in the name of Brendan Smith, not a member of the farm business, and located on the farm lands associated with the farm business of Mary Smith (613099), has been disposed of from the farm holding. This is contrary to the Strategic Planning Policy Statement and PPS21 Policy CTY10 in that no dwellings or development opportunities shall have been sold-of or transferred from the farm holding in the last 10 years applying this policy from 25th November 2008. In this case the owner of the replacement is not part of the farm business and therefore the opportunity has been disposed of from the farm holding.

The replacement dwelling site at 183 Dundrum Road and approved in the name of Barbara Smith may also have been disposed of from the farm holding if the applicant is not a member of the farm business (613099) to which the field relates.

Recommendation:

Considering the application, the supporting information and clarification the Council recommends refusal of the application which is contrary to the Strategic Planning Policy Statement and PPS21 Policy CTY10 for the following reason:

ROBERT M. MARTIN

*Architectural Design
"Rathmourne"*

*17, Tullyhenan Road, Banbridge,
County Down, BT32 4EY,*

Phone -028 406 27392 Mobile -0771 251 40 28

17 September 2016

Democratic Services,
Newry, Mourne and Down District Council,
Monaghan Row,
Newry,
County Down,
BT35 8DJ

For the attention of Ms Louise Dillon & Ms Collette McAteer.

Dear Sirs,

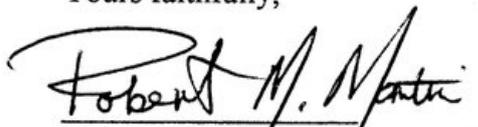
PLANNING REFERENCE LAO7/2016/0039/O

NEW FARM DWELLING AND GARAGE ADJACENT AND NORTH OF 84, CASTLEWELLAN ROAD, DROMARA, DROMORE, COUNTY DOWN, FOR MR. PAUL SMITH

With reference to a telephone conversation yesterday with Ms Louise Dillon, I enclose a Statement in relation to the Planning Officers Report, being presented to the Planning Committee on 28th September, 2016.

I also confirm that Mr. Paul Smith, (Applicant), Councillor Patrick Clarke LL.B. and myself would like to speak at the above Planning Committee meeting.

Yours faithfully,


ROBERT M.MARTIN (Agent)

ROBERT M. MARTIN

*Architectural Design
"Rathmourne"*

*17, Tullyhenan Road, Banbridge,
County Down, BT32 4EY,*

Phone -028 406 27392 Mobile -0771 251 40 28

STATEMENT
IN RELATION TO
PLANNING OFFICERS REPORT
BEING PRESENTED
TO THE PLANNING COMMITTEE
ON 28 SEPTEMBER, 2016.

Application Reference : LA07/2016/0039/O

Proposal : New Farm Dwelling and Garage

Location : Adjacent to and North of 84, Castlewellan Road, Dromara, Dromore, County Down.

Applicant : Mr. Paul Smith

Agent : Mr. Robert M. Martin

The Planning Officers Report, on the Planning Portal website, has indicated a "Refusal" decision for this Planning Application, due to a technicality in relation to land ownership.

I disagree with this decision and list herewith the points which should be considered:

(1) On page "6" of the Planning Officers Report, it states that the Council's Planning Office has "completed a land and property search with land registry against the properties identified".

This land and site were never part of Mrs. Mary Smith's Farm Holding.

(2) Mr. Brendan Smith and Mr. Paul Smith, (sons of Mrs. Mary Smith), purchased the land and site, at 84, Castlewellan Road, Dromara, from a neighbour's Farm Holding in July, 2002 and they have actively farmed this land ever since date of purchase.

A letter from Mr. Paul McMullan LL.B., (The Applicant's Solicitor), stating that no land was sold off or transferred, was submitted to the Planning Office, which they received on 17/06/2016.

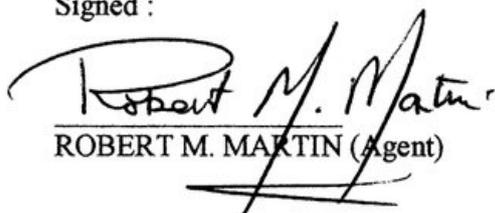
(3) The land and site at 84 Castlewellan Road, Dromara were then leased to Mrs. Mary Smith on a 25 year lease Agreement in November, 2002.

- (4) In November, 2015, Mrs. Mary Smith cancelled the 25 Year Lease Agreement, purchased the active land and site from her two sons and added this new farmland to her existing extensive Farm Holding.
- (5) It should also be noted that Land Registry received the reclassification of the Land Title in November, 2015.
- (6) Legally, the land and site are now owned by Mrs. Mary Smith, but is pending Registration. (One of the Applicant's Solicitors has informed me that it normally takes up to a year for Registration of Land from the date of application.)
- (7) I have all Land Transactions and Maps from Land Registry and from two different Solicitors placed on file relating to the property at 84, Castlewellan Road, Dromara.

In conclusion, although I have provided the Planning Office with evidence that no land or site has been sold off or disposed of relating to 84, Castlewellan Road, Dromara, the Planning Officers Report states that development opportunities have been transferred/sold off/disposed off, from the Holding.

The Planning Officer should provide this Committee and myself with written evidence to support this statement, failure to do so should result in the Notice of Refusal being withdrawn.

Signed :



ROBERT M. MARTIN (Agent)

Date: 16th. September, 2016.

copies to:

Mr. Paul Smith (Applicant)
Councillor Patrick Clarke LL.B.

ITEM NO	25			
APPLIC NO	LA07/2016/0101/O	Outline	DATE VALID	1/19/16
COUNCIL OPINION	REFUSAL			
APPLICANT	W J Jamison 36 Killyleagh Road Crossgar Downpatrick BT30 9LA		AGENT	
LOCATION	36 Killyleagh Road Crossgar Downpatrick Co Down BT30 9LA			NA
PROPOSAL	Single Dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

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



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0101/O

Date Received: 19.01.2016

Proposal: Single dwelling

Location: 36 Killyleagh Road, Crossgar

Site Characteristics & Area Characteristics:

The site accommodates a single storey stone building with Bangor blue slates to the roof. There is a double door opening, with one window opening to the front elevation (eastern) elevation and one opening which is closed up and larger in scale. The building measure approx. 10m x 5m and forms part of the curtilage of No 36's garden. It is accessed via an existing tarmac drive with a turning head towards the building and the driveway continues towards the existing dwelling. The associated dwelling is a single storey bungalow. The eastern boundary consists of a post and wire fence with semi mature deciduous trees, the northern boundary is undefined. The western boundary consists of mature trees and hedging as does the roadside boundary and southern elevation. At present this forms part of the well maintained garden of No 36. The area is rural in character and has a dispersed settlement of single dwellings in the countryside.

Site History:

No relevant history on the site.

Planning Policies & Material Considerations:

The application site lies outside the development limits in the open countryside as designated within the Ards & Down Area 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21 which are also applicable.

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

Objections & Representations

Eleven neighbours have been notified 03.02.2016 and no letters of objection or support have been received.

Consideration and Assessment:

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

Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS

PPS3 - Access, Movement & Parking

DCAN15 -Vehicular Access Standards

It is proposed to access directly onto Killyleagh Road.

PPS 21 - Sustainable Development in the Countryside

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

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

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

a replacement dwelling in accordance with Policy CTY 3;

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

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

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

a dwelling on a farm in accordance with Policy CTY 10.

The applicant has not put forward case for a single dwelling on the site. It does not meet policy CTY 2a as the site is not within a cluster. There is no dwelling to be replaced therefore it would not comply with CTY 3. The application has not been submitted under special personal or domestic circumstances in line with CTY 6. Nor would it meet Policies CTY 10 or CTY 7 on the basis of a farm dwelling or a non-agricultural business. The application does not meet CTY 8 as it is not an infill site.

Since there is a building on the site it would appear that CTY 4 is the more likely policy to assess it under.

CTY 4 The Conversion and reuse of Existing Buildings.

Policy CTY4 of PPS21 states that permission will be granted for the sympathetic conversion of a suitable building where it would secure its upkeep and retention. The conversion must be of a high design quality and meet all the following criteria:

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

The SPPS gives further clarification where it states that provision should be made for the sympathetic conversion and re-use, with adaption if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings) as a single dwelling where this would secure its upkeep and retention.

The building at present is a roadside location and forms part of the curtilage of No 36's garden. The use of the land to the front and side are currently residential in use as they form part of the garden of No 36 which is located approx 50m away. The same access has been outlined to serve both the existing dwelling and the proposed single dwelling.

The policy is clear that the building in question should be a locally important building, so that the conversion and reuse would secure its upkeep and retention. While the building is a roadside location of stone construction and slate roof, it reads as part of the garden and curtilage of the existing property and would not be considered a locally important building for the purposes of the policy. The building is well maintained and currently serves a shed for storage etc and this use could continue as such. By converting this building to a dwelling (no further details have been

provided) it would most certainly change the character of this area and there would be no planning merits in doing so. The proposal does not meet the policy tests.

Recommendation:

Refusal

Refusal Reasons:

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO 27
APPLIC NO LA07/2016/0197/O Outline **DATE VALID** 2/12/16
COUNCIL OPINION REFUSAL
APPLICANT Mr David Chambers 105 **AGENT** Studio FMG 71
 Killough Road Ballyhossett Road
 Downpatrick Downpatrick
 BT30 8BQ BT30 7ET

NA

LOCATION Adjacent to 1 Holly Lane
 Ballyhossett Road
 Downpatrick

PROPOSAL Dwelling and garage

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

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that there is no existing cluster the development would visually intrude into the open countryside.

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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development and would visually intrude into the open countryside.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that there is no existing cluster and the development would visually intrude into the open countryside.

4. The proposal is contrary to Policy CTY14 PPS21 Sustainable Development in the Countryside in that the proposal adds to ribbon development and would therefore result in a detrimental change to the rural character of the countryside.

5. The proposal is contrary to Policy CTY8 PPS21 Sustainable Development in the Countryside in that the proposal would add to a ribbon of development.

2 The proposal is contrary to Policy CTY14 PPS21 Sustainable Development in the Countryside in that the proposal adds to ribbon development.

3 The proposal is contrary to Policy CTY8 PPS21 Sustainable Development in the Countryside in that the proposal would add to a ribbon of development.



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**Newry, Mourne
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District Council

Application Reference: LA07/2016/0197/O

Date Received: 12th February 2016

Proposal: Dwelling and garage

Location: Adjacent to 1 Holly Lane, Ballyhossett Road, Downpatrick. The site is approx. 5 miles south east of Downpatrick



Site Characteristics & Area Characteristics:

The site is the north triangular portion of a larger agricultural field and is accessed from the Ballyhossett Road through Holly Lane and an agricultural field. The site has

mature tree lined west boundary and a mature hedge lined boundary to the north and east. The southern boundary undefined due to the nature of the site, as it is shared with the larger agricultural field. The site is situated on a lower ground level than the Ballyhosset Road and the dwellings on Holly Lane.

The site is within an area of influence of the Archaeological Site and Monument of DOW038:066, an oval cropmark.

The area has a drumlin topography with an agricultural land use base.



Site



View of Holly Lane from Ballyhosset Road, site situated on lower ground level within the trees to east of yellow 2 storey dwelling (No. 1 Holly Lane)

Site History:

Specific site history –

R/2004/1618/O, Mr Allan Chambers, Rural style dwelling and garage at Lands 250 metres south east of 69 Ballyhosset Road, Ballybrannagh Lower, Downpatrick, Refused 08.03.2006 (Contrary to Joint Ministerial Statement of 31st January 2005 prematurity to the Draft Ards and Down Area Plan 2015, Contrary to DES 6 of the Rural Planning Strategy due to cumulative impact)

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015, Regional Development Strategy (RDS), Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS21 Sustainable Development in the Countryside, Building on Tradition – A Design Guide for Rural Northern Ireland, PPS3 Access, Movement and Parking and PPS6 Planning Archaeology and The Built Heritage.

Consultations:

Transport NI – No objection with RS1 form detailing visibility splays of 2m by 60m required to facilitate the proposal.

NI Water – standard response

DARD Rivers Agency – site is adjacent to an undesignated watercourse (eastern boundary) the site does not lie within the 1 in 100year fluvial flood plain, advise of a working strip of appropriate width retained to enable riparian landowners to fulfil their statutory obligations in keeping with PPS 15 Policy FLD2. Policy FLD3 of PPS3 is referred to and the advice is that the applicant must satisfy themselves that they have assessed the flood risk and can mitigate the risk to their development and others. The applicant was made aware of DARD Rivers comments in letter dated 11 the March 2016 sent to agent.

NIEA – Drainage and Water offered no objections

NIEA – Archaeology and Built Heritage considered the details and responded with no concerns.

Shared Environmental Services – considered the proposal would not have an adverse impact on site integrity of any European Site, conditions detailed for consideration.

Objections & Representations

Application advertised in Mourne Observer and Down Recorder on the 22nd of February 2016. A total of 4 neighbour notifications sent on 23rd February 2016 and no letters of representation received.

Consideration and Assessment:

The proposal is for a dwelling and a garage within the countryside. The SPPS aims to strike a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

The Design and Access Statement submitted with the application refers to the dwelling and garage proposed as a possible development within an existing cluster. The site is beyond Holly Lane. The site is only accessed through an existing agricultural field as the site is not accessed by the existing lane.

The SPPS refers to dwellings in existing clusters and identifies the following criteria;

- Site lies outside a farm
- Appears as a visual entity in the landscape
- Is associated with a focal point
- Development can be absorbed into the existing cluster through rounding off and consolidation without significantly altering the existing character or visually intrude into the open countryside

The SPPS criteria reflects the criteria of PPS21 Policy CTY2a but does not list impact on residential amenity or the site requiring a suitable degree of enclosure. These elements must also be considered in relation to rural character and integration.

The site location map and site inspection illustrate that the site proposed intrudes into the open countryside. While the Council acknowledge the details provided by

the agent's policy interpretation within the Design and Access Statement, the site would not result in rounding off an established cluster. The Council is not of the opinion that the site is located at or adjacent to an established cluster as defined within policy. The proposal would fail to satisfy policy and would visually intrude into the countryside. This will add to and extend the ribbon of development. The proposal would be detrimental to the rural character of the area.

Policy CTY8 also provides an avenue for consideration as it provides an exception for development of a small gap site within an otherwise substantial and continuously built up frontage. The site does not represent a small gap site. The concern in relation to integration refers to the internal access lane which will require a significant extension within an agricultural field and there are no established boundaries which would facilitate integration without additional planting.

NIEA offered no objections to the proposal in relation to the archaeological site and monument of which the site is within the buffer zone of. The proposal does not conflict with PPS6.

Transport NI offered no concerns regarding the access and it is noted that the visibility splays required could be conditioned if the proposal was considered an exception to policy. Ballyhosset Road and Holly Lane are not protected routes.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning Policy for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development and would visually intrude into the open countryside.
3. The proposal is contrary to Policy CTY14 PPS21 Sustainable Development in the Countryside in that the proposal adds to ribbon development and would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to Policy CTY8 PPS21 Sustainable Development in the Countryside in that the proposal would add to a ribbon of development.

- 4 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.
- 5 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development and would visually intrude into the open countryside.

ITEM NO	32			
APPLIC NO	LA07/2016/0559/F	Full	DATE VALID	4/27/16
COUNCIL OPINION	REFUSAL			
APPLICANT	J.W & S Watson 135 Ballylough Road Castlewellan BT31 9JQ		AGENT	Ewart Davis 14 Killynure Avenue Carryduff Belfast BT8 8ED 07969919145

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

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

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



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0559/F

Date Received: 27th April 2016

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

Location: 90m N of 121 Ballylough Road, Castlewellan



Site Characteristics & Area Characteristics:

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

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

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

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

Site History:

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

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

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

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

Planning Policies & Material Considerations:

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

Consultations:

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

Objections & Representations

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

Consideration and Assessment:

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

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

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

In relation to consideration against policy CTY 13 of PPS 21

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

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

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

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

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

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

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

Recommendation:

For the reasons stated above a refusal is recommended.

Refusal Reasons:

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

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

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

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

Case officer:

Authorised by:

Date:

Re: LA07/2016/0559/F – Re-siting of Dwelling approved 225m North East of 113, Ballylough Road Castlewella for Mr & Mrs Walter Watson

A. BACKGROUND

1. This dwelling is for Graham Watson who is returning from the U.S.A. with his wife and four children, initially to manage one of his 72 year old father's factories. In the longer term he will take over the business which employs 270 people from the locality.

2. THE PROPOSAL

The planners have accepted that permission R/2007/0115/RM has commenced with the construction of foundations. The proposal is set back 110m from Ballylough Road using an access off the approved access lane which leads to No.121. The house is designed in a simple rural style with a traditional simple pitch to the front, render finish, vertical emphasis windows and dark slate roof.

To reduce visual impact the front façade is only 13.8m wide and the 7.1m high ridge is fully 1.3m less than the 2007 approval. (See Plans in Appendix 1)

3. THE SITE

The site lies 2km north of Annsborough. Along the Ballylough Road frontage there is a 1.5m high thorn hedge supplemented by 4m-5m high native species trees. (See Photo 1)



Photo 1



Photo 2

Set back 110m the dwelling will have a backcloth of mature trees. (See Photo 2)

The site's southern boundary is formed by a 140m long access lane to No.121, a hipped roof 1 ½ storey bungalow. This lane is some 6-7m wide, unplanted and marked by post and wire fencing. As photo 3 shows it is prominent in the landscape and does not integrate with its surroundings.



Photo 3

B. REBUTTAL OF COUNCIL PLANNERS' CASE

1. Contrary to CTY1

Planners have accepted that foundations were erected and Building Control documentation confirms that permission R/2007/0115/RM has been kept alive. This is an application to re-site this approval with a change of house type. This comes within the scope of PPS 21.

2. Contrary to CTY 13 Integration and Design

2. 1 In designing the house its chartered architect took full account of the Department's "Building on Tradition" (2012). The building will have a rural style with a single pitch roof to the front, a render finish, vertical emphasis windows, wooden doors and a dark slate roof. In the interests of integration it is set 110m back and sited where it will have a backcloth of mature trees. In the applicant's view these design factors make the dwelling appropriate for the site and locality.

2. 2 Its southern boundary is the access lane to No.121 which was implemented some 12 years ago. The existing access point will be used but 10m back from the road a new parallel lane is proposed. In the interests of rural character the new lane will be planted on both sides by native species hedges. This will automatically improve the integration of the existing lane.

2. 3 Adjoining the site to the north is a 225m frontage ribbon of houses. This comprises 4 suburban style bungalows with multiple finishes and horizontal windows set behind a mix of ranch style fencing and rendered walls. (See Photos 4 & 5)



Photo 4



Photo 5

Immediately beyond is the Murphy's Close development of 8 semi-detached, again with a range of finishes and fenestration. (See Photo 6)



Photo 6

To the south of the site are 2 recently approved clusters of large detached houses at 119 & 110 Ballylough Road. As photos 7 & 8 show these are set at the roadside and are prominent in the landscape.



Photo 7



Photo 8

2. 3 Survey has shown that apart from the immediate road frontage there are no critical views to the site. Travelling south from Clonvaraghan village, roadside housing prevents long distances views and at the Ballylough Road junction any views are precluded by a some 100m wide belt of vegetation including 8-9m tall trees. (See photos 9 & 10)



Photo 9



Photo 10

Travelling south from Aughlisnafin Road an upslope precludes long distance views and opposite Watson's factory there are 2m high hedges. From Murphy's Close onwards the roadside housing blocks any views.

As there are no pavements along Ballylough Road any views would be restricted to car passengers. Travelling southwards there is a long sweeping bend so any views would be at 90 degrees or backwards. Travelling northwards topography restricts long views. The site would not be visible until after passing No.119 and even then it would be in the background of No.121.

2. 4 Given these factors the applicant is happy that the proposal is well designed and would not be a prominent feature in the landscape. Being set well back from the road (in contrast to some recent approvals in the locality) it is acceptably integrated and appropriate for the site.

3. Contrary to CTY 14 Rural Character

Although the site lies within Green Belt the locality certainly does not exhibit a traditional dispersed rural pattern of isolated farmsteads.

As already described immediately to the north there is a 225m long ribbon of roadside housing along the east side of Ballylough Road. (Photos 4 & 5) Along the west side of the road there is the 200m long frontage of the main Walter Watson factory. This is secured by 4m high metal fencing which allows views of lorry and car parking, industrial buildings and office units. (See photos 11 & 12)



Photo 11



Photo 12

Further north the Watson Re-bar factory has a 100m frontage along Aughlisnafin Road. This is secured by 3 ½ m high metal fencing which affords views of large factory and office buildings and associated lorry and car parking. (See photo 13)



Photo 13

Along the east side of Clonvaraghan Road there is a ribbon of residential. (See Photo 14)



Photo 14

Along the west side frontage is a large agricultural vehicle storage yard (Photo 15) and further north a concrete batching factory.



Photo 15

To the south of the site there are 2 recently approved clusters of large houses set prominently at the roadside. (Photos 7 & 8)

It is the applicant's contention that the rural character of the locality is far from traditional. The proposed planted parallel lane would automatically improve the integration of No.121's existing lane. The impact of the proposed ancillary works would not damage rural character, rather it would be a positive change.

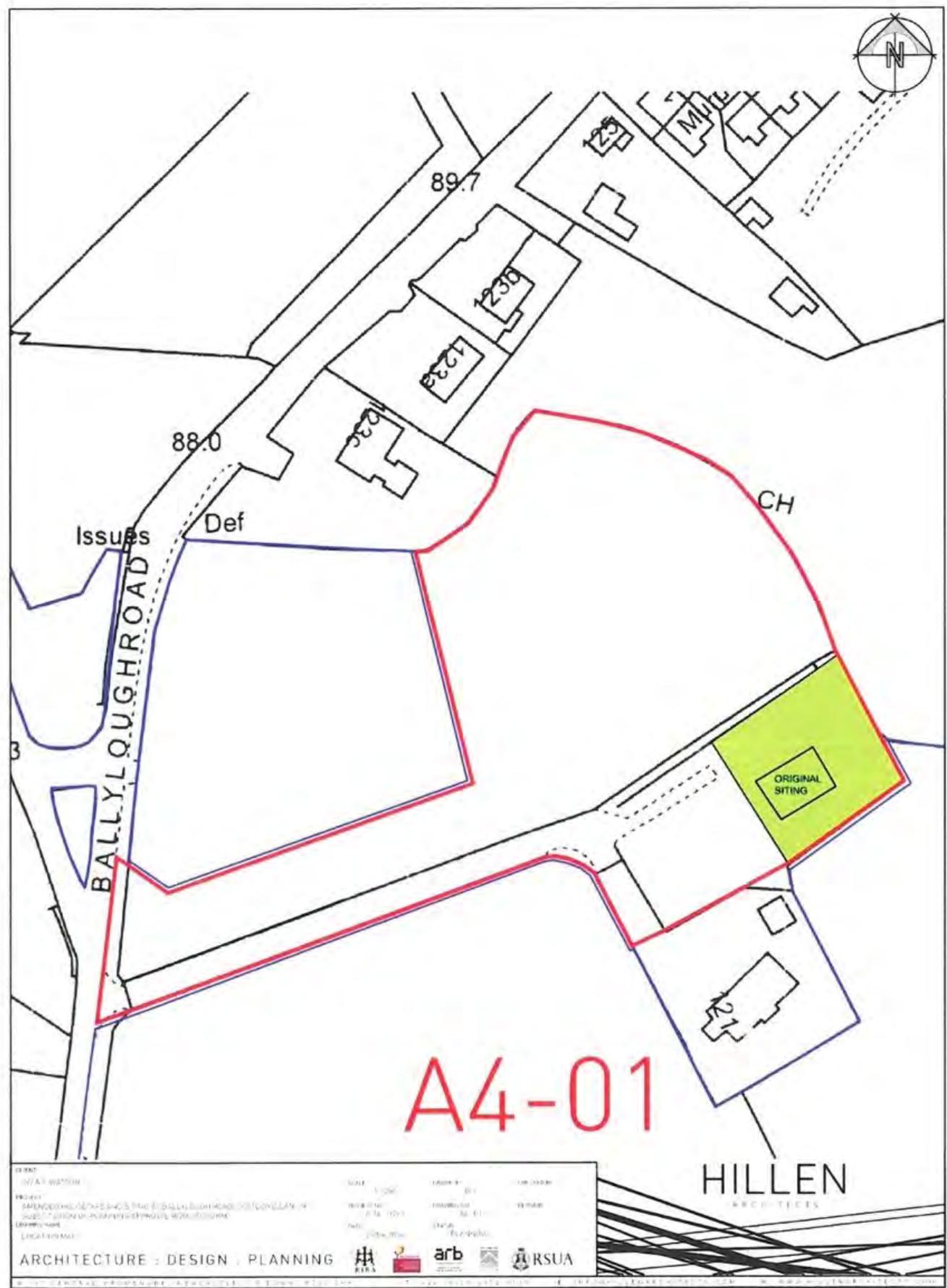
Taking account of the Councils list of concerns, the applicant would be happy to amend the access as shown in the revised drawings. This would entail reuse of the existing lane which was approved in the initial planning approval, reference R/2007/0115/RM. This is entirely within the red line of this current application. See revised access plan in appendix

Ewart Davis

19th September 2016

APPENDIX 1 – Drawings

LOCATION MAP



Item 23 – LA07/2016/0559/F – (Councillor D Curran support)

**Dermot Curran/Down
District Council@DOWN
DISTRICT COUNCIL**

20/09/2016 14:50

To anthony mckay/Newry&Mourne/NI@newry&mourne,
cc
Subj Ref: LA07/2016/0559/F
ect

Anthony,

Ref: LA07/2016/0559/F – Ballylough Road for Walter Watson

I am writing in support of this proposal to re-site his dwelling originally approved 20007. I understand the access has been amended back to the original access approved in 2002. This 2002 access is 6m wide, unhedged and has been used by No.121 since 2004. The new proposal is to use this access and hedge it on both sides. This would ensure it will integrate into the rural landscape.

The house is architect designed and set back 110m from Ballylough Road. Due to a combination of topography, screening roadside housing and vegetation it would not be prominent in the landscape.

Regards
Dermot

ITEM NO	33				
APPLIC NO	LA07/2016/0572/O	Outline	DATE VALID	4/29/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Kathleen Lyons 41 Saintfield Road Lisburn BT24 8UZ	AGENT	John Kirkpatrick Architect 20 Ballyknockan Road Saintfield BT24 7HJ NA		
LOCATION	Adjacent to 41 Saintfield Road Ballynahinch BT24 8UZ				
PROPOSAL	Proposed farm dwelling and garage				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0
			0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and 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 farm business is currently active and has been established for at least six years.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along the existing access lane to no 41-47 Saintfield Road, Ballynahinch.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted, add to a ribbon of development; and would therefore result in a detrimental change to the rural character of the countryside.



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an Iúir, Mhúrn
agus an Dúin

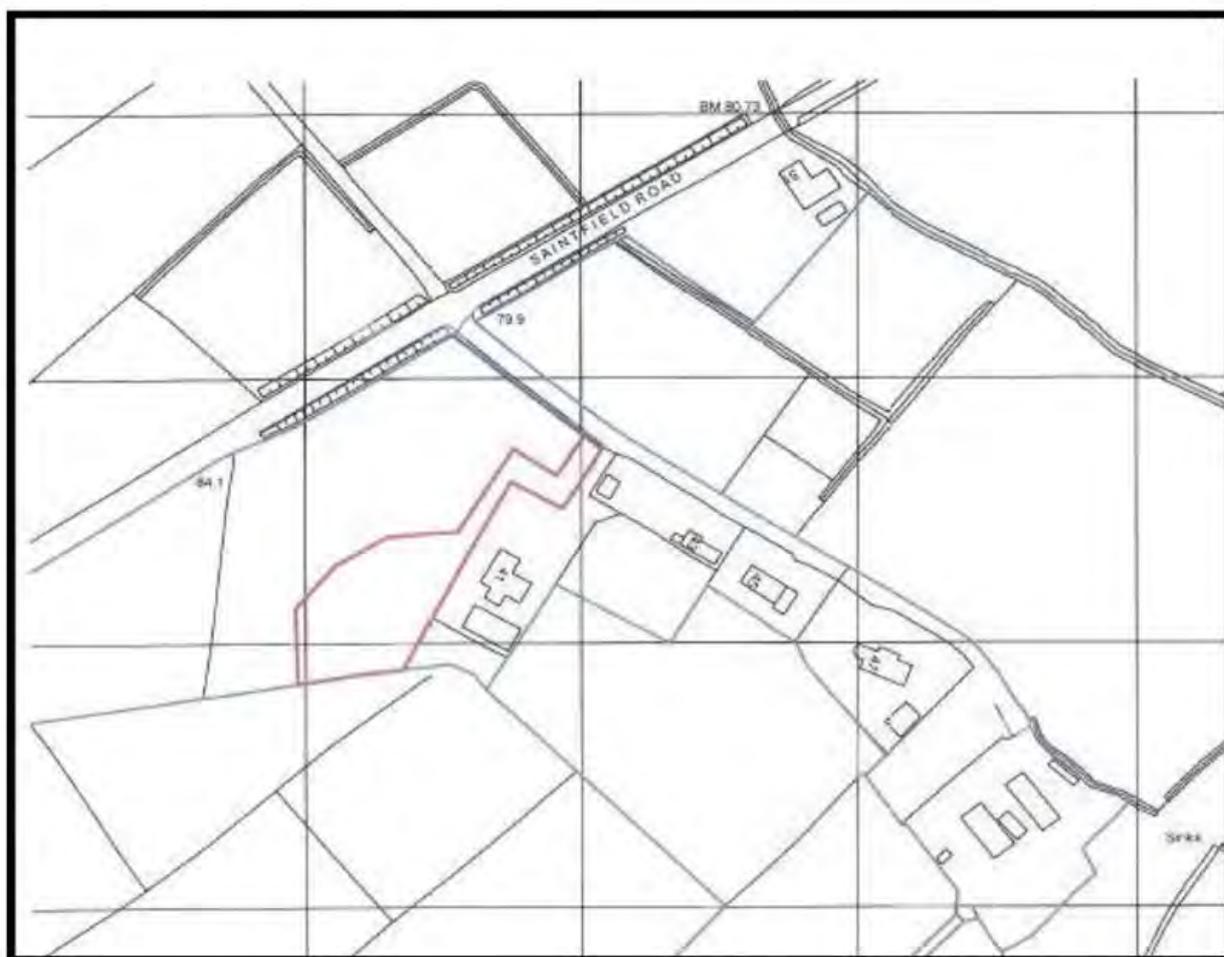
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0572/O

Date Received: 29th April 2016

Proposal: Proposed farm dwelling and garage

Location: The site is located approximately 15km to the northwest of Downpatrick, and 2.3km northeast of Ballynahinch. The site is located adjacent to and directly to the west of 41 Saintfield Road, Ballynahinch.



Site Characteristics & Area Characteristics:

The site is located in the open countryside outside any defined settlement limit. The site is an area cut out of an agricultural field directly west of no41 Saintfield Road. The site slopes upward from northeast to southwest and is elevated above the existing access lane and Saintfield Road.

The southern boundary of the site is defined by mature trees and hedgerow. The western boundary is undefined whilst the eastern boundary is defined by a 1m high timber and wire fence. The northern boundary of the site is undefined. The site adjoins the existing access lane leading to no41, 43, 45, and 47 Saintfield Road and the existing farm buildings located to the southeast of the site. There is an agricultural access gate into the site at the southeast corner of the site and onto the existing driveway of no41 to the north of the site.

The area is defined by undulating open countryside outside any defined settlement. The Saintfield Road is to the north of the site. The land rises to the south of the site. The land is flat to the north of the site but then rises upward to hills further north. To the east of the site is the main farm dwelling at no41 Saintfield Road. The existing farm dwelling is a single storey bungalow with a rear shed. There are several farm buildings located to the east of the site at the end of the lane.

Site History:

R/1976/0287 – Saintfield Road, Glasdrumman – Extension to dwelling – Granted (Historic)

R/1988/0312 – 41 Saintfield Road Ballynahinch – Extension to bungalow – Granted (Historic)

R/2000/0460/O - Adjacent to 47 Saintfield Road, Ballynahinch – Single Dwelling – Withdrawn - 27.04.2002

Planning Policies & Material Considerations:

- Regional Development Strategy
- Strategic Planning Policy Statement (SPPS)
- Local Development Plan (Ards and Down Area Plan 2015)
- Planning Policy Statement 3
- Planning Policy Statement 21
- DCAN 15
- Building on Tradition

Ards and Down Area Plan 2015 – The site is located in the open countryside outside any defined settlement limit. The Saintfield Road is a protected route. There are no other designations on this site. There is a fluvial flood plain located to the north of the site. It is not considered that this would not affect the site which is located on higher ground.

Consultations:

Statutory – Infrastructure	Amended site plan required
Statutory – DARDNI	Confirmed BI in existence for over 6 years and payments claimed within 6 years.
Non-Statutory –NI Water	Generic response
Advice and Guidance	Environmental Health – No objections in principle

Objections & Representations

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

- 41 Saintfield Road, Ballynahinch
- 43 Saintfield Road, Ballynahinch
- 45 Saintfield Road, Ballynahinch
- 47 Saintfield Road, Ballynahinch

The application was advertised on 18th May 2016 with statutory expiry on 1st June 2016.

Consideration and Assessment:

This application is for a dwelling on a farm located adjacent to no41 Saintfield Road, Ballynahinch.

The site is located in the open countryside outside any defined settlement limit. Therefore the key policies in establishing the principle of the proposal are the SPPS and PPS21.

Under CTY1 of Policy PPS21 a dwelling on a farm will be permitted where it meets the criteria of CTY10, CTY 13, CTY14, CTY15 and CTY16.

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

The applicant has submitted a P1C form with farm business ID. DARD have responded that the farm business ID has been in existence for more than 6 years and the farm business has claimed SFP's or other allowances within the last 6 years.

Information has been submitted with the application showing payments made to the applicant for land rent for 27.5ha. The DARDNI farm maps show the area of the farm lands are 11.04ha. This equates to an area of approximately 27.3ha. From the information submitted it appears the land has been let in con acre since 2012. Receipts have been submitted for purchases from a farm supplies business to show that the land was maintained before 2012; a metered water bill has been submitted for 1st February to 2014-31st January 2015. DARDNI have advised that the last SFP claim for the business was in 2015. From the information provided it has not been demonstrated that the applicant actively farms the land and that the land is let in con acre - therefore criteria (a) of CTY10 is not met.

The applicant has stated in the P1C form that no dwellings or development opportunities have been sold off from the farm holding since Nov 2008. An epic and online search does not show any opportunities or dwellings sold from the farm. I am satisfied that criteria (b) has been met.

The site would be accessed partly from an existing laneway. A new access from this shared laneway is proposed to the north of the site. The site is located directly beside the main farm dwelling. It is considered that the site clusters with and would visually link with the farm dwelling and its associated outbuildings. The main farm buildings and shed are located at the end of the lane approximately 200m to the east of the site. I am satisfied that criteria (c) has been met.

The proposal shall be assessed against policy CTY 13 & 14.

The site is located in an elevated position above the Saintfield Road. The land rises behind the site to the south and the site has a southern boundary of mature trees and hedging which would provide a backdrop to the proposed dwelling. There are open views of the site when approaching from the northeast along Saintfield Road, however the main farm dwelling at no41 is also elevated above the road, albeit with mature gardens and a degree of natural screening. Whilst the proposed site is elevated above the road and lacks a natural boundary to the north, the mature hedge and rising land to the south of the site would provide a suitable backdrop. It cannot be argued that a suitably designed single storey dwelling would appear prominent given its position alongside the existing farm dwelling and outbuildings and the sites natural backdrop.

No detailed design has been submitted as this is an outline application.

It is not considered that dwelling would result in a suburban style build-up of development when viewed from existing and approved buildings; the plot size would respect the existing settlement pattern.

There is a ribbon of development along the access lane off Saintfield Road. This ribbon consists of no 41, 43, 45, and 47 Saintfield Road along with the group of existing farm buildings at the end of the lane. PPS21 CTY 8 states that a ribbon does not necessarily have to be served by individual accesses or have a continuous or uniform building line. Buildings sited back, staggered, or at angles and with gaps

between them can still represent ribbon development, if they have a common frontage or they are visually linked.

The ribbon of development can be viewed when approaching along the Saintfield Road from the northeast. No41 is set back from the access lane however it is considered to read as part of the ribbon along the access lane. The view of the ribbon is disrupted momentarily by no51 Saintfield Road, but continues once this property is passed. The proposed dwelling would be sited at the end of this existing ribbon of development adding to the ribbon. The proposal is therefore contrary to CTY8.

The proposal is also considered contrary to CTY14 for the same reason.

The proposed site would be accessed from the existing lane and would intensify the access onto a protected route. Transport NI has requested an amended plan to enable them to provide comment on the proposed access. However, as the principle of the development has not been established, an amended plan has not been requested.

The proposal is not considered contrary to CTY16 subject to the necessary consent being obtained from NIEA Water Management Unit and NI Water. #

Summary

It has not been demonstrated that the applicant actively farms the land and as such the principle has not been established and is therefore contrary to CTY10. Despite the elevated position the site has a backdrop of mature trees and the rising land to the south of the site would allow the dwelling to integrate alongside the existing buildings on the farm, that being, no41 and outbuilding, however, the site would add to a ribbon of development and is therefore also contrary to CTY 8 & CTY14.

NB. Transport NI have requested an amended plan in order to provide comment on the application. The Council wrote to the agent on 3rd June to advise of the issues set out in this report and to advise that Transport NI had requested an amended plan. The agent was given until 10th June to respond however no further information has been received by the Council. Therefore Transport NI comments are outstanding.

It is recommended to refuse this application.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along the existing access lane to no 41-47 Saintfield Road, Ballynahinch.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and 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 farm business is currently active and has been established for at least six years.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted, add to a ribbon of development; and would therefore result in a detrimental change to the rural character of the countryside.

ITEM NO	37				
APPLIC NO	LA07/2016/0671/F	Full	DATE VALID	5/20/16	
COUNCIL OPINION	APPROVAL				
APPLICANT	Newry Mourne and Down District Council Downshire Civic Centre Downshire Estate Ardglass Road Downpatrick BT30 6GQ	AGENT	McAdam Design Ltd Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ NA		
LOCATION	Lands at the front of council offices at 24 Strangford Road Downpatrick BT30 6SR				
PROPOSAL	The dismantling and reconstruction of an existing stone wall and gate posts to upgrade the existing entrance to the council depot and provide the required site lines				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0671/F

Date Received: 20 May 2016

Proposal: The dismantling and reconstruction of an existing stone wall and gate posts to upgrade the existing entrance to council Depot and provide the required sight line requirements.

Location: Lands to the front of council offices at 24 Strangford Road, Downpatrick.



Site Characteristics & Area Characteristics:

The site in question is located along the Strangford Road and is part of the boundary of the former Council offices in Downpatrick. The site has palisade fencing to the rear of the boundary and a low stone wall with entrance gates. The site is adjacent to a foot path and there is also planting and the occasional mature tree along part of the boundary.

The area is within the settlement development limits as defined in the Ards and Down Area Plan 2015. The majority of surrounding lands are residential and there is also a residential home. The site is opposite the entrance to The Meadows housing development. The site is located within the Strangford and Lecale AONB and is also located within the curtilage of a listed building.

Site History:

R/2014/0637/LBC – 24 Strangford Road, Downpatrick – demolition of buildings adjoining listed building – granted – 28-06-2016.

R/2012/0425/F – 24 Strangford Road Down District Council Headquarters – installation of approx. 160m by 2.4m high security fencing (temporary security fencing) – granted – 10-10-2012.

Older history not relevant to application available.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 3 Access, Movement and Parking, PPS6 Planning Archaeology and built heritage and SPPS.

Consultations:

As the site is within the curtilage of a listed building NIEA was consulted and Archaeology and Built heritage has responded with no objections.

Transport NI was also consulted and has responded with no objections.

Objections & Representations

12 neighbour notifications have been sent which expired 16/06/2016 with no objections received, the application was advertised which expired 22/06/2016. An additional neighbour notification was sent to an adjacent property as it became apparent they had not been properly notified, this notification expired 19th August 2016 with no objections received.

Consideration and Assessment:

The application is to reconstruct an existing access to upgrade the provisions of the access. The new wall is sited back from the existing wall by 2.3m and the new wall will be constructed from stone from the old wall. One tree is to be removed. The proposal is considered satisfactory with both NIEA and Transport NI and does not appear to offer any issues in relation to PPS 3 AMP 1 and 2 or PPS 6 BH11 development affecting the setting of a listed building.

There does not appear to be any negative visual impact as a result of the application. Nor with the proposal impact negatively against surrounding properties or any residential dwellings.

The application is in accordance with the area plan and policy provision. The removal of one tree will not impact negatively on the setting of the listed building or landscaping in general.

Given that Transport NI consider the application acceptable and this is the use of the same area of access it is not considered there will be any negative impact likely in terms of road safety.

Recommendation:

Approval

Conditions:

1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamped 20-05-16 prior to the commencement of any other 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.
3. The access gradient(s) to the dwelling(s) 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.

Condition 2 and 3 recommended by Transport NI

As this application has been made by Newry, Mourne and Down Council the application must go before the Planning Committee.

Case officer:

Authorised by:

Date

ITEM NO	40			
APPLIC NO	LA07/2016/0739/F	Full	DATE VALID	6/6/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr H Edemen 3 Lislane Court Saintfield BT24 7HT		AGENT	
				NA
LOCATION	3 Lislane Court Saintfield BT24 7HT			
PROPOSAL	Proposed dormer to the rear to allow for roof space conversion			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 in that the scale, massing, and design of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the character, appearance and quality of this residential area.
- 2 The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 – in that if approved it will unduly affect the privacy and amenity of neighbouring residents.

Application Reference: LA07/2016/0739/F

Date Received: 06.06.16

Date of site visit: 13.06.16



Proposal:

The Council has received an application seeking planning approval for proposed dormer extension to the rear to allow a roof space conversion to existing dwelling.



Location: 3 Lislane Court, Saintfield

Characteristics of site:

This site is comprised of a two storey domestic dwelling and associate domestic curtilage. This dwelling has the characteristics and appearance of part of a semi-detached block and is part of a group of four terraced dwellings with the attached property to the R.H.S being single storey and at a lower level. The building fronts directly onto the road and is set back approximately 12.0m from the road kerb and sits slightly above the level of the road. This dwelling has a small garden to the front with off street parking and a rectangular shaped rear amenity space.

The treatment to front boundary separating this site from the footpath adjacent to public road and both neighbouring properties (No's 1 and 5) is comprised of a 1.2m high vertical boarded timber fence. The front of this property is quite open and visible when viewed from the road. The rear amenity space of this property is screened to all three sides by a 1.8m high vertical boarded timber fence. The rear amenity space of this property is of a private nature and has limited views in and out.

Characteristics of area:

The site is located on the edge but within the settlement limit of Saintfield as stated in the Ards and Down Area Plan 2015 and shown on Map No. 3/015a. It is located within a large, medium density mature residential area with a mixture of two storey terrace houses and single storey terrace bungalows.

Site History:

R/2010/0162/F 1 Lislane Drive, Saintfield, BT24 7HU.
New boundary fence (retrospective).
Permission granted - 16.04.2010

R/2009/0889/F 1 Lislane Drive, Saintfield, BT24 7HU.
Extension to dwelling and increase in height to allow addition of first floor,
and new vehicular access on side boundary of the site.
Permission granted - 24.02.2010

R/2009/0738/Q 1 Lislane Drive, Saintfield, Co. Down
Convert property from bungalow into a two storey dwelling
Pre-Application Enquiry - 02.09.2009

R/1981/0609 Listooder Road, Saintfield.
Proposed Public Authority Housing Development.
Permission granted.

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland
This policy provides overall context under which the Council will determine planning applications.

Addendum to PPS7 Residential Extensions and Alterations
The Addendum to Planning Policy Statement 7; Residential Extensions and Alterations
Policy EXT 1 sets out the main considerations that the Council will take into account in assessing
proposals for residential extensions and/or alterations. The provisions of this policy will prevail
unless there are any other overriding policies or material considerations that outweigh it and justify
a contrary decision.

Consultations:

No consultations were sought in relation to this application.

Objections & Representations:

6 No. neighbouring properties within proximity to this site (No's. 1 & 5 Lislane Court, No's. 19 & 20
Lislane Park and No's. 1 & 3 Lislane Drive) were notified on 13.06.16. This application was advertised
in the local press on 22.06.16 and to date no objections or representations have been received.

Consideration of the proposal:

The originally submitted application as shown on superseded plans date stamped 06.06.16 was in
two parts. Firstly it was initially proposed to construct a single storey extension to the front
elevation. The proposed extension to the front projected 2.3m from the front elevation and was to
be 4.3m in width. This single storey front extension was to have a mono-pitch roof and had a quite
large window measuring 1.5m high by 3.1m wide to proposed front elevation. Secondly it was
proposed under this application construct a large box style dormer to enable the conversion of the
existing attic roof-space to a new bedroom and en-suite accommodation.

With reference to the above it was felt that the original proposal did not comply with the Addendum to Planning Policy Statement 7 – Residential Extensions & Alterations. The Planning Department considered this proposal contrary to policy EXT 1 – Residential Extensions and Alterations in that the scale, massing, and design of the proposal were not sympathetic with the built form and appearance of the existing property and would detract from the character, appearance and quality of this residential area and that if approved it would unduly affect the privacy and amenity of neighbouring residents.

It was considered that the proposed extension to the highly prominent front elevation of this terrace row was not sympathetic with the built form and appearance of the existing property. The proposed dormer window to the rear elevation roof was considered to be not in keeping with the scale and style of the existing dwelling and adjoining properties and due to its location, height and width it could afford a possible over-looking opportunity to rear amenity space of neighbouring properties to each side and to the rear.

A letter was sent to the applicant on 07.07.16 highlighting the concerns of the Planning Departments with regard to this application and outlining the reasons why it was being refused. The applicant subsequently revised the proposal and amended drawings and application form with amended proposal description were received on 11.08.16 and it is this amended proposal that will henceforth be discussed.

The previously submitted plans to also construct a single storey extension to the front has now been omitted from this amended proposal. The amended design now considered under this application proposes to construct a large box dormer extension to the rear elevation roof of existing dwelling. This roof-space conversion involves the construction of a large box style dormer roof extension to the rear elevation roof. This extension is to have a flat roof connecting to the existing roof at the same height as existing ridge line.

The proposed vertical sides and rear elevation of this dormer extension are to be covered with vertical hanging tiles to match those of existing pitched roof. The roof of this dormer extension is to be finished in bitumen roofing felt. This box style dormer roof extension as amended has now been reduced in width. It was originally to be 5.2m wide (almost full width of existing roof), now it is to be 4.8m wide (stepped in 0.5m from the parting line of roof to neighbouring property No. 5 Lislane Court and stepped in 0.6m from the parting line of roof to neighbouring property No. 1 Lislane Court).

The side walls are to be 1.8m high (reduced in height from previously proposed 2.1m) with a 0.2m thick roof covering projecting 0.2m beyond proposed side and rear elevations. The vertical rear elevation of proposed dormer will begin 0.6m above the existing eaves height (1.2m measured along the plane of the roof). This flat roof will now project 3.9m (originally it was to project 4.6m) from the existing main roof ridge line towards the rear of this property.

Both of the vertical side elevations of this dormer roof extension are to be completely solid. The proposed rear elevation is to have two windows. One transparent bedroom (escape) window measuring 1.4m wide by 1.2m high and a frosted glass window to en-suite measuring 0.8m wide by 1.0m high. As part of this roof space conversion and extension it is also proposed to install a small skylight to the L.H.S of front elevation roof.

The existing dwelling has a red/brown coloured concrete profiled tile covered roof with dash rendered walls painted cream sitting on a recessed facing brick plinth. The dwelling has black uPVC rainwater goods and is finished with white uPVC windows and doors to both front and rear elevations. The finishes of proposed dormer window to roof extension to the rear are all to match existing main dwelling.

With regard to policy EXT 1 set out in the PPS 7 addendum for achieving quality in relation to proposals for residential extensions and alterations (March 2008) the Council is satisfied that this proposal will not over develop the site and an acceptable proportion of amenity space will remain to the rear. However the proposed dormer window to the rear elevation roof is considered to be not in keeping with the scale and style of the existing dwelling and adjoining properties and due to its location, height and width it could afford a possible over-looking opportunity to rear amenity space of neighbouring properties to each side and to the rear. It is also considered that the proposed dormer window will detract from the appearance and significantly erode the character of this terrace.

The case officer is satisfied that this proposal is not visually harmonious and if approved will detract from the character, appearance and quality of this residential area. This proposed development is not considered to be in harmony with, or complementary to, its neighbours or having regard to the existing and adjoining architectural style. Furthermore this proposed development is not considered to respect the character of this existing property and surrounding residential area. The proposed large dormer extension to the rear roof is considered to create a negative visual impact and has a top-heavy, unbalanced appearance. In conclusion it is considered that this proposal does not respect the existing architectural style and it will have a visually disruptive impact on the existing townscape.

Note:

With regard to The Planning (General Permitted Development) Order (Northern Ireland) 2015 Part 1, Development within the curtilage of a dwelling house, Class B: The enlargement, improvement or other alteration of a dwelling house consisting of an addition or alteration to its roof this proposal could not be classed as permitted development because B.1 (c) any part of the alteration or addition would, as a result of the works, be closer than 0.5 metres to the ridge of the existing roof and B.2(b) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse, which is within 15 metres of any boundary of the curtilage of a neighbouring dwellinghouse, shall be (i) obscure glazed; and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Recommendation:

After consideration of all relevant planning policy and other material considerations this proposal is not deemed to satisfy the requirements of the policy and I therefore recommend it is refused.

Refusal Reasons:

1. The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 – in that the scale, massing, and design of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the character, appearance and quality of this residential area.
2. The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 – in that if approved it will unduly affect the privacy and amenity of neighbouring residents.

Signed: _____ Date:

Signed: _____ Date:

ITEM NO 52
APPLIC NO R/2013/0217/F Full **DATE VALID** 5/9/13
COUNCIL OPINION REFUSAL
APPLICANT Mr Tony Steel **AGENT** Marcus Bingham 9
 Tullyquilly Road
 Rathfriland
 BT34 5LR
 02840638842

LOCATION 120m East Of No 18 Moneylane Road
 Dundrum
 BT33 0NR.

PROPOSAL Erection of agricultural shed (Amended Address).

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.
- 2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that
 - there are no suitable existing buildings on the holding or enterprise that can be used and
 - the proposal is sited beside existing farm or forestry buildings.
- 4 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary works ie the proposed access fails to integrate into the surrounding landscape.
- 5 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary works ie the proposed access would impact negatively on rural character.



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an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	R/2013/0217/F
Date Received:	09.05.2013
Proposal:	Erection of agricultural shed.
Location:	120m East of No 18 Moneyslane Road Castlewellan.

Site Characteristics & Area Characteristics:

The site is located off the Moneylane Road outside of Dundrum. The site is accessed from a gated entrance on the Moneylane Road. There appears to be an undefined access running up the boundary of the site upwards to the rear of the site. There are agricultural lands and forestry areas on the land in question, the location of the shed is on an area that there appears to have been some excavation into rock and whilst the site is on elevated lands in part the lay of the land screens the site.

The site is located outside the settlement development limits of Dundrum as defined in the Ards and Down Area Plan 2015. The site is located in rural lands which are agricultural. The site is in an Area of Outstanding Natural Beauty and is located within a site of local nature conservation importance. (Shague Hill (SLNCI)).

Site History:

A history search has been carried out for the site and surrounds

R/2004/0096/O – lands 160 – 380m East of no 16 and opposite no 11 Moneylane Road Dundrum – rural style dwelling and garage – 6-01-2005 – granted

R/2005/0724/F – lands 160-380m E of no 16 and opposite no 11 Moneylane Road – proposed new dwelling (bungalow) 14-04-2006 – granted

R/1990/0827 – near 16 Moneylane Road – Dundrum – new entrance and new laneway across farm – granted – 20-12-1990

Planning Policies & Material Considerations:

SPPS 2015

Ards and Down Area Plan 2015.

PPS 21 Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

Consultations:

TransportNI No objections in principle.

NIEA NH No objections in principle.

DARD The farm business has not been in existence for 6 years and that a single farm payment is not claimed for.

Objections & Representations

Two letters of representation was submitted from the owner/occupier of 5 Kilmegan Road, Dundrum – the concern was that the shed would impact on the beauty of the area and also on the wildlife located in the area. The main concern is that the woodland area would not be able to remain.

It is noted that the wooded area is not to be altered as part of this application and consideration will be given to the overall visual impact of the shed on the local landscape noting the importance of the area.

Reps received from Sean Rogers MLA and Cllr Laura Devlin.

Consideration and Assessment:

There is no policy conflict between the SPPS and CTY 12.

Application was presented to Council in February 2014 with a recommendation to refuse.

A meeting was held with Principal Planning officer, applicant, agent and MLA in March 2014.

The application has been reviewed against Planning Policy Statement 21 CTY12 and the recently published Strategic Planning Policy Statement (SPPS).

The SPPS states in relation to Agriculture and forestry development: provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.

New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise.

An alternative site away from existing buildings will only being acceptable in exceptional circumstances.

In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

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. For example, where the SPPS

introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, 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.

DARD have confirmed that the Farm business ID 655683 has not been established for a period of 6 years. Date of allocation stated in P1c as 2011. 6 years would therefore be reached in 2017. The applicant does not claim SFP and has been unable to demonstrate active farming of the farm business for a period of 6 years. Holding size 9.99ha comprised in 2 no fields. Flock no 791337

It is unclear, from correspondence with DARD or from the evidence supplied by the applicant whether there is stock associated with the business. It does not appear that copies of any DARD flock returns have been supplied on the application to support the assertion that Mr Steel is engaged in sheep farming activity on the subject lands under the supplied business number.

Invoices from Livestock market/meat plant (ABP) /movement permit and feedstuffs show some farming activity into and out of the flock but these cover a snapshot in time covering 2012-2013.

On the basis that it has not been demonstrated that the farm business has been active and established for a period of 6 years and it cannot therefore be demonstrated that there is a need for the proposal, the proposal offends Policy CTY12 of PPS21.

Council have been advised that there are no other buildings on the holding, the holding being registered to 63 Newcastle Road Castlewellan, which is within the settlement limits of Castlewellan.

The proposal is assessed against CTY13 and CTY14 of PPS21. The proposed access to the shed, whilst it runs alongside an existing boundary, this access given that it rises steeply up Shaque Hill, is incongruous in the landscape and can be viewed from various vantage points along the Dromara Road, Hollybush Road and Castlewellan Roads. This access is widely visible and considered to be detrimental to the visual amenity of Shague Hill which is a locally important Hillside and rural character in general.

No further information has been submitted by applicant or agent on the application since Nov 2013. Notification of intention to refuse was relayed to MLA as agreed at meeting of 20/03/2014. No further correspondence has been received.

Recommendation:

Refusal

Refusal Reason

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.

3. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that
 - there are no suitable existing buildings on the holding or enterprise that can be used and
 - the proposal is sited beside existing farm or forestry buildings.
4. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary works ie the proposed access fails to integrate into the surrounding landscape.
5. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary works ie the proposed access would impact negatively on rural character.

Signed

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Planning Committee Schedule of 28th September 2016

Planning reference: **R/2013/0217/F**

Proposal: Erection of agricultural shed

Date Valid **5 September 2013**

Applicant: **Tony Steel**

Location **120m east of No18 Moneylane Road Dundrum**

Recommendation: **Refusal**

Reasons

1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.

2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.

3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that

- **there are no suitable existing buildings on the holding or enterprise that can be used and**
- **the proposal is sited beside existing farm or forestry buildings.**

4 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary works ie the proposed access fails to integrate into the surrounding landscape.

5 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary works ie the proposed access would impact negatively on rural character.

Site Description

The site is located off the Moneylane Road outside of Dundrum a village as defined in the Ards and Down Area Plan 2015. The site is accessed via an existing agricultural lane that runs along the boundary of the fields to the rear of the site. There are agricultural fields defined by fencing and a forestry area on the holding, the proposed location of the shed is on a gravel area which is used for open storage and on which temporary sheep pens are erected during lambing season. The proposed shed is to be located in this area which affords protection from the elements for the landowners flock and is screened from view from surrounding viewpoints.

An Assessment of reasons for Refusal

1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.

The applicant has been farming the land for over many years, keeping sheep as records already supplied to the Planning Department will show, he has also kept the land in good agricultural condition by maintaining the land in good condition providing separation paddocks and fencing the land with stock proof fencing (a considerable financial investment).

He currently keeps sheep on the holding and records can show that he has been involved in this activity for several years and he chose not to register his holding with the Department of Agriculture DOA.

Mr Steel lambs his sheep in the area where he proposes to erect his agricultural shed and currently has storage containers for the keeping of foodstuff and machinery with other farm machinery (tractors etc) having to be stored in open air areas.

Mr Steel upon advice from Ulster Farmers Union registered his holding with DOA and has received Single Farm Payment (SFP) from 2014.

The applicant has also maintained the forest area on his holding and maintained tracks which run through the forested area.

It should be noted that Mr Steel has also used his land for motorcycle scrambling for many years and this operates under Permitted Development as defined in The Planning General Development Order

2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.

Mr Steel made the planning application for an agricultural shed to help him with the storage of his farm machinery which is currently store in an open air area and more importantly for the health and wellbeing of his flock especially at lambing time which is between late December – March usually the harsher months of the year weather ways.

Mr Steel as a farmer has a responsibility to his animals to keep them in a manner which takes every opportunity provide good animal husbandry and keep them in a healthy manner and for this reason he wishes to construct a building capable of meeting his needs and that of his animals.

This building is definitely necessary for the efficient running of the farm and if it is not provided Mr Steel may be responsible for the loss of some of his sheep as he will not have the necessary building to allow him to carry out the necessary animal husbandry.

3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that

- **there are no suitable existing buildings on the holding or enterprise that can be used and**
- **the proposal is sited beside existing farm or forestry buildings.**

There are no suitable buildings on the holding that can be used and it is for this reason that the applicant submitted this application to the then Department and now Council. Mr Steel has had to use metal storage containers to house his tools over the past 6 years while his livestock have to suffer the elements which is found to be unacceptable in terms of good husbandry.

There are no buildings on the holding beside which he can locate this proposal thus the need for this building, and if there were this application may not have been necessary.

4 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary works ie the proposed access fails to integrate into the surrounding landscape.

The access which services the site has been in existence for many years and together with the farm track are used to allow movement of machinery across the land without damage to the farmland, these laneways have been constructed under the permitted development rights and are also immune by virtue of the passage of time. Aerial photography would confirm their existence as far back as 2005. The access point and laneways are and have been used in association with the motor cycling activity which operates on the site.

5 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary works ie the proposed access would impact negatively on rural character.

The proposed access has existed on site since 2005 and the laneways associated with the farm were provided as tracks to allow access to the farmland and have existed for more than 5 years and are immune from enforcement action by virtue of the passage of time

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant a planning approval for the proposed development and allow the applicant to develop his farming enterprise to the maximum.

ITEM NO	53			
APPLIC NO	R/2013/0427/F		Full	DATE VALID 10/1/13
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Kenneth Martin 58 Drumaghlin Road Crossgar BT30 9JR			AGENT Ewart Davies 14 Killynure Avenue Carryduff BT8 8ED 07969919145

LOCATION 45m South East of 53 Drumaghlin Road Crossgar

PROPOSAL Dwelling and Garage on a farm

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business is not currently active and established for a period of 6 years.
- 2 The proposal is contrary to the Strategic Planning Policy Statement 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.
- 3 The proposal is contrary to the Strategic Planning Policy Statement and 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.



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**Newry, Mourne
and Down**
District Council

Application Reference: R/2013/0427/F

Date Received: 02.10.2013

Proposal: Dwelling and Garage

Location: 45m South East of No 53 Drumaghlis Road Crossgar

Site Characteristics & Area Characteristics:

The site sits to the west of Drumaghlis Road on a triangular shaped plot, which has road frontage of approximately 104m. The site has a maximum depth of 40m at the northern section. To the front of the site there is a hedge row of trees and planting which provides screening of the site. There is also a lean-to shed that would appear to be of recent construction and an existing access lane into the site. There is a building not associated with the farm adjacent to the site and additional agricultural lands to rear of the site.

Site History:

R/2002/1100/O – lands adjacent to 53 Drumaghlis Road – proposed dwelling – withdrawn

R/2004/0830/O – approx. 46m North of 57 Drumaghlis Road – proposed dwelling and garage – 17.01.05

R/1991/0135 – adjacent to 53 Drumaghlis Road – permission refused – 20.08.91

R/1986/0311 – adj to 53 Drumaghlis Road – bungalow – approval – 25.06.86

R/2008/0670/LDP – 25m NE of farm dwelling at 58 Drumaghlis Rd – the work comprises of erection of a farm building for the holding of livestock and storage of farm plant and machinery.

R/2011/0175/CA - Lands Between 53 And 57 Drumaghlis Road

Drumaghlis - Unauthorised use of land and building for steelworks and associated unauthorised building and access - pending

Planning Policies & Material Considerations:

In assessment of this proposal regard will be given to the Regional Development Strategy 2035, Strategic Planning Policy Statement (SPPS), Planning Policy Statement 3 and 21, DCAN 15.

Consultations:

NIEA Water Management Unit – No objections

DARD – Farm Business Not active and No made Claim in last 6 years

NIEA Protecting Historic Monuments – No objections

Transport NI – No objections

NI WATER – No objections

Objections & Representations

The proposal was advertised in the local press on 16.10.2013

The following neighbours were notified of the proposal on 09.10.2013, Nos. 53, 75 and 58 Drumaghlis Road and no objections have been received.

Consideration and Assessment:

The proposal seeks full planning permission for the erection of a dwelling and garage on a farm. The dwelling proposed is one-and-a-half storey, with a maximum ridge height of 7.4m, a main frontage (not including the sunroom) of 12.2m and a gable depth 8m. The dwelling displays a good solid to void ratio, the fenestration has vertical emphasis and symmetry which is aesthetically pleasing. The dwelling will be finished with natural slate roof, or non-profile concrete roof tiles with clay ridge tiles, ppc rainwater goods on uPVC or timber coated fascia boards, uPVC or timber sliding sash effect double glazed windows on concrete sills, painted timber doors and smooth plaster painted walls with a smooth plaster base. It is proposed to site the dwelling so that it fronts onto the public road to the east, with a detached two-storey double garage positioned to the rear northern corner of the site. The existing vegetation is to be retained within the site, with additional planting proposed to the front of the site along the eastern boundary. The proposed dwelling would be sufficiently separated from the neighbouring dwelling at no 53 and ample space is proposed within the site for parking, turning and private amenity.

As the site is located within the rural area, the policy context is found within Policy CTY1 of PPS 21 which lists a range of development types, which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A dwelling on a farm is one such example and is dealt with specifically in Policy CTY10 which states that planning permission will be granted for a dwelling house on a farm where criteria (A) – (C) are met.

The farm holding is comprised of 4.91ha, of which 4.89ha is clustered at No.58 Drumaghlis Road (the house and yard of the applicant) to the eastern side of Drumaghlis Road. The application site, however, relates to 0.2ha of land to the western side of Drumaghlis Road, this land is separate from the main holding and contains within it two structures.

In assessment of the proposal, DARD has been consulted regarding the status of the farm business. They have confirmed that, while the business was set up in 2005 with Business ID 643584, it has not been demonstrated that the business is active and established. The applicant has submitted additional information in support of his case, which revealed that the land appears to have been let to neighbouring farmers who claimed payment on the lands until 2008, while from 2009 onwards it is stated that the applicant has farmed the lands himself. A number of receipts were enclosed covering the years 2009 to 2013 detailing orders for ground improvement works, hay cutting, baling, fencing, drainage works, gates, broiler finisher pellets, and maize meal. Orders for barbed wire, deer posts, fertilisers, lamb finisher feed, silage tape, sow meal, infra-red assembly and lamps, lamb milk and feeding bottles are also included.

Despite the information suggesting a level of land maintenance, DARD has stated that the business has never been active. Consequently, it cannot be confirmed that the farm business has been active and established for at least 6 years and therefore the proposal fails the first test of the policy.

A history search reveals that there do not appear to have been any development opportunities sold off the farm and therefore the proposal complies with criteria B of the Policy.

The site is detached from the main buildings on the farm and contains two structures, however, the shed is unauthorised (enforcement proceedings have commenced) and the small calf shed is not considered to be a permanent structure, an established group of buildings is not therefore present. Consequently, the proposal does not comply with Criteria C of the policy in that the proposed dwelling would not visually link or site to cluster with an established group of buildings on the farm

Policy CTY13 of PPS 21 is also applicable, and requires proposals to be visually integrated into the surrounding landscape, be of an appropriate design and comply satisfactorily with criteria (A) – (G). In assessment of this, it is considered that the proposal is of acceptable design for the locality and would integrate into the landscape satisfactorily. However, the site does not visually link or cluster with an established groups of buildings on the farm and therefore fails Policy CTY13.

The applicant was advised of this assessment and submitted additional information on 26th March 2014, which aimed to justify the alternative siting away from the main farm buildings. The information focused on how the farm operated at the time of submission, but did not provide information or new material which would justify a departure from current policy.

Recommendation:

Based on the above assessment the proposal is recommended for refusal on the grounds that it is contrary to the Strategic Planning Policy Statement (SPPS), and Policies CTY1, 10 and 13 of Planning Policy Statement 21, because the farm within which the dwelling and garage is proposed, is not active and established and the proposed dwelling would not be visually linked or sited cluster with an established group of buildings on the farm.

Refusal Reasons

The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business is not currently active and established for a period of 6 years.

The proposal is contrary to the Strategic Planning Policy Statement 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 and 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

Date

Signed

Date

ITEM NO	55			
APPLIC NO	R/2014/0288/F	Full	DATE VALID	5/27/14
COUNCIL OPINION	REFUSAL			
APPLICANT	Oliver Curran 58c Drumcullan Road Downpatrick BT30 8JA		AGENT	Paul O'Kane Architect 14 Peggs Wood Lane Crossgar BT30 9GR 07968613122
LOCATION	104 Saul Street Downpatrick BT30 6NQ (amended address)			
PROPOSAL	New detached dwelling and garage.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	2	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development if permitted would adversely affect the setting of a listed building in that the detailed design and ancillary works do not respect the listed building in terms of its location, scale, height, massing and alignment.



Application Reference: R/2014/0288/F

Date Received: 27th May 2014

Proposal: Erection of dwelling and garage

Location:

The site is located at 104 Saul Street Downpatrick which is located within the settlement limits of Downpatrick but outside the town centre. It is also a site of archaeological potential as designated in the Ards and Down Area Plan 2015 and sits immediately adjacent to a category B1 Listed dwelling at No.106 Saul Street.

Site Characteristics & Area Characteristics:

The site is located to the north-western side of the Saul Road and is occupied by a detached dwelling and large domestic curtilage to the rear. The dwelling is positioned to the front of the site and is set back from the footway by approximately 5m. The dwelling on site is single storey in nature and is of a traditional design with minimal openings, white washed walls and a pitched roof which has been finished with Bangor Blue roof slates. The topography of the site falls away sharply from the rear elevation of the dwelling towards the rear boundary. The garden is largely overgrown with semi-mature shrubs and trees comprising the low half of the garden. The ground level drops by approximately 10m from the front boundary to the rear.

Saul Street is characterised predominantly of road frontage dwellings of a variety of styles and designs. While to the rear of the site lies the housing development known as Meadowlands, which is positioned considerably lower than the level of the site

Site History:

R/2014/0520/F

106 Saul Street, Downpatrick BT30 6NQ

Alterations and renovation to B1 grade listed building dwelling house

Consultations Issued

R/2001/1364/F

104 Saul Street, Downpatrick

Proposed Apartments

Permission Granted

Planning Policies & Material Considerations:

In assessment of the application regard shall be given to the Ards and Down Area Plan 2015, Strategic Planning Policy Statement (SPPS), Planning Policy Statement 6 Archaeology and the Built Heritage and PPS 7 Quality Residential Environments, along with the council guidance document Creating places.

Consultations:

Transport NI – No objections to the proposal subject to conditions relating to visibility splays, sight distance and access gradient.

NIW – No objections to the proposal, informatives apply

NIEA Water Management Unit – No objections to the proposal in principal providing all the relevant statutory permissions for the development are obtained

DoE Historic Environment Division – refusal recommended, proposal is contrary to Policy BH11 of PPS 6.

Objections & Representations

The proposal was advertised in local press on 12.06.2014. The following neighbours were notified on 05.06.14 and subsequently on 12.06.14 & 05.02.15 regarding amended plans – Nos. 96, 98, 104, 106, 106a Saul Street and Nos. 13, 14, 15, 16, 17, 18, 19 Meadowlands.

2 objections have been received.

Ms A King (16 Meadowlands) objected to the proposal on 11.05.15 on the grounds that she considers the proposal to be “ostentatious” and is “out of character with the existing dwellings”.

Mr & Mrs Breen (19 Meadowlands) objected to the proposal on 06.05.15 on the grounds that they consider it would block light and intrude on their privacy to the first floor of their dwelling and would block the signal for their television.

Consideration and Assessment:

The proposal seeks full planning permission for the erection of a detached two-and-a-half storey dwelling. It is proposed that the existing dwelling at No. 104 Saul Street, will be demolished to allow access to the site. The proposal dwelling shall be sited approximately 46m from the public road. The dwelling will be accessed via a sweeping driveway along which a detached garage will be positioned. The dwelling has been designed to appear as a single storey dwelling when viewed from Saul Street, however, a three storey elevation is displayed to the rear. The overall height of the dwelling shall be 8.2m. The main frontage of the dwelling will be 11m in length, not including the side projection. It is proposed to finish the dwelling with dark grey, smooth concrete roof tiles, red brick walls and chimneys and stone facing

on the front porch. The site layout plan indicates that the levels within the site will change throughout, with levels being reduced to provide the driveway, levels increased at areas designated for parking and the garage, while the remainder of the site to the rear, where the dwelling is proposed, will be increased considerably. Such levels will require the installation of a number of retaining walls, the details of which have not been provided.

In assessment of the proposal, consideration has been given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Planning Policy Statements 3, 6 & 7 along with guidance document Creating Places. In addition, the consultations have been carried out with Transport NI regarding the access arrangement, Northern Ireland Eater and NIEA Water Management Unit regarding the water and sewerage aspects of the proposal and DoE Historic Environment Division regarding the sites proximity to a listed building (No. 106 Saul Street).

In respect of the above, it is considered that, while the principle of a dwelling is acceptable, and there are no objections from Transport NI, NIW and NIEA Water Management Unit, there is concern regarding the scale, design, materials, siting, ancillary works etc. and their impact on the adjacent listed building at No 106 Saul Street

The SPPS, states that housing in settlements should respect local character and environmental quality as well as safeguarding the amenity of existing residents. In addition, it states in paragraph 6.12 that listed buildings of special architecture or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements. It is important therefore that development proposal impacting upon such buildings and their setting are assessed paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of the proposal should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. All proposals for residential development will be expected to conform to all criteria (a) – (i) listed.

Policy BH11 of PPS 6 states that development proposals will normally only be considered appropriate where all of the listed criteria (a) – (c) are met.

In assessment of all the above, and following a lengthy consultation with DoE:HED, it is considered that the proposal is unacceptable in its submitted form. It is the opinion of DoE:HED that the “proposed development overrides the urban grain, it both cuts and fills the current sweep to the ‘backs’ at Saul Street, and in order to accommodate the design, an uncomfortable arrangement of platform and ancillary building (garage) ensues, which has a detrimental effect on the setting of 106 Saul Street, by reason of its massing and alignment, which are disharmonious with the setting”.

It has been concluded, therefore, that the proposal is contrary to Policy BH11 by reason of its scale, height, massing and alignment in that the footprint of the dwelling is too large in relation to the listed building and would be an incongruous element on the site. The design in part appears to seek to replicate some of the architectural characteristics of the front elevation of the main listed building. A different stylistics approach is recommended and one that reflects the proportions of traditional outbuilding/stable type structures i.e. long and thin with a simple rectangular plan form. Red brick is not considered appropriate.

The amount of remodelling / cut and fill required to achieve the levels described in the drawings is considered excessive. This is particularly conspicuous at the garden boundary between the existing listed house and the new property.

On the basis of all the above, the proposal is recommended for refusal.

Recommendation:

Refusal

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a listed building in that the detailed design and ancillary works do not respect the listed building in terms of its location, scale, height, massing and alignment.

Signed

Date

Signed

Date

ITEM NO	56			
APPLIC NO	R/2014/0541/F	Full	DATE VALID	10/15/14
COUNCIL OPINION	APPROVAL			
APPLICANT	Down District Council Downshire Civic Centre Downshire Estate Ardglass Road Downpatrick BT30 6GQ		AGENT	
LOCATION	Lislea Drive Recreation Area Crossgar		NA	
PROPOSAL	Refurbishment of existing playground facility			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	8	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2014/0541/F
Date Received: 15.10.2014
Proposal: Refurbishment of existing playground facility
Location: Lislea Drive Recreation Area Crossgar

Site Characteristics & Area Characteristics:

The site is comprised by an existing play park, which is positioned to the northerly side of an existing area of open space . The site is situated between Rademon Court and Lislea Drive.

The site is occupied by steel framed play park equipment while the surface is covered in spongy floor tiles. The play park is separated from the green by low 1.2m high bow top fence. The far northern boundary to the grass area to the rear of the site is defined by hedging approximately 2m in height.

The site is within a Fluvial flood zone. The site is also zoned as Existing Open Space and Recreation and is also within the Settlement Development Limit of Crossgar as stated in the Ards and Down Area Plan 2015.

At the time of submission of the application in October 2014, the works to the play park had already been carried out. Following an arson attack on the play park during the processing of the application, the application was subsequently revised to reflect the now refurbished play park.

Site History:

R/1974/0400

Killyleagh Street, Crossgar.

Children's Playground.

**Planning Policies & Material Considerations:**

SPPS – Strategic Planning Policy Statement for Northern Ireland 2015

Ards and Down Area Plan 2015

PPS 8 Open Space, Sport and Outdoor Recreation

Consultations:

No consultations necessary

Objections & Representations

20 neighbours notified and 8 letters of objection received on the original scheme..

The 8 representations received were received to the original application as submitted in October 2014.

Amended scheme submitted June 2016. Neighbour notification was carried out on 08/08/2016. No representations have been received to date.

Areas of concern stated by objections:

No notice before works were carried out,

The link between planning service and the Council will mean that the matter is not further investigated and concern about transparency of the process.

More equipment has been squeezed into a small area therefore increasing the impact on the residents of the closest neighbouring properties

Suggestion that the play park could be located further away from dwellings

No parking provision has been made for the increased use of the park resulting in increased likelihood of an accident

Towerslide is out of character with the surrounding area

Has reduced the use and enjoyment of properties along 1-9 Lislea Drive and Rademon Avenue

Concern regarding the increased levels of noise resulting from the programme. Banging also resulting from the drum equipment.

Disappointment at the actions of Down District Council

Concern that the planning regulations will not be fully enforced

Neighbour notifications hadn't been received

No landscaping has been proposed

The application is not in accordance with Policy

The proposal may result in unacceptable overshadowing and loss of light and will be overbearingly dominant

Reduced privacy as a result of the proposal

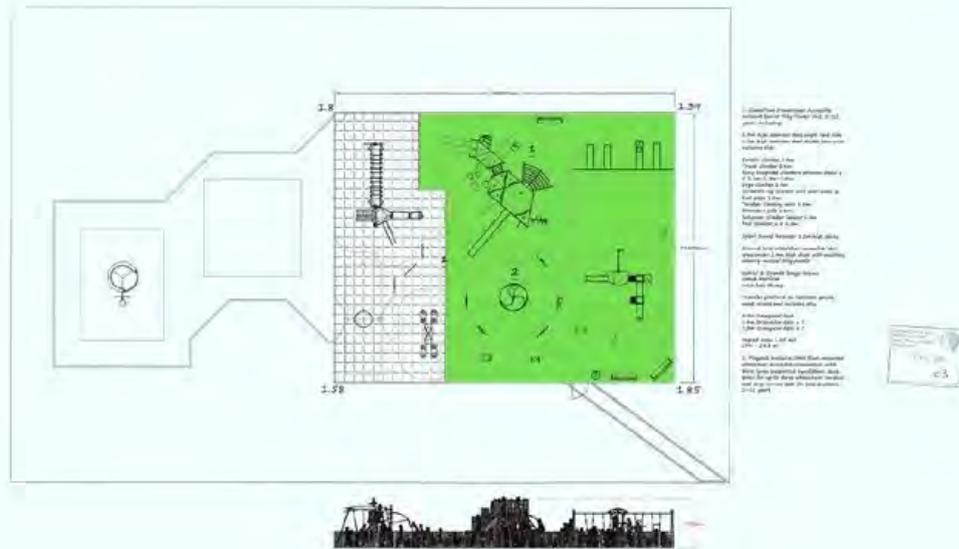
Re-positioning of the playground further away from the play park would result in amenity benefits.

Bongo drums feature in playground generate unacceptable noise

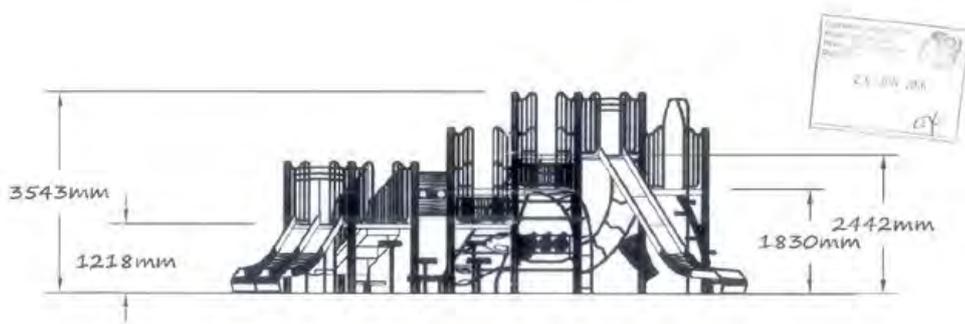
Some anti-social behaviour as a result of the play park.

Consideration and Assessment:

The application is for refurbishment of an existing play facility. It is noted the works have already been carried.



Scale 1:100 @ A1 Size



SCALE 1:50 AT A3 SIZE

SPPS – Strategic Planning Policy Statement for Northern Ireland 2015

There is no policy conflict between the SPPS and the provisions of PPS 8

PPS 8 -Open Space, Sport and Outdoor Recreation

Policy OS5 of PPS8 states that the Department will only permit the development of sport or outdoor recreational activities that generate high levels of noise where there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses.

The play park benefits from approval dating back to 1974. The lands are zoned as an Area of Existing Open Space and Recreation. Consequently the use of a playpark has already been established on the site and the principle of development has therefore already been established.

The majority of the objections to the original application referred to the impact of the tower with 2 upper levels on residential amenity. This tower structure was burnt and has been replaced by a 3.54m high play frame. Objections were received from occupants on Rademon Avenue and Rademon Court and Lislea Drive.

An important material consideration which must be included in any assessment is the fall back position, Councils Permitted Development rights can be exercised in order to carry out works which fulfil any of its functions. Subject to Article 3 of the Planning General Development Order 2015 and as expressly stated in Schedule 1 Part 13 of that Order, the following works are permitted:

the erection or construction and the maintenance, improvement or other alteration by a district council of any small ancillary building, works or equipment on land belonging to or maintained by the Council required for the purposes of any function exercised by it on that land.

The scope of this provision is broad and it is also clear that the Council has responsibility for parks, open spaces and playgrounds. However there is a 4m restriction on the height of any structure which can be erected or altered within council permitted development.

Consequently the Council can lawfully erect a structure not more than 4m in height without requiring the submission of a planning application. No element of this proposed development exceeds the 4m limit. Therefore Council could have lawfully carried out the works to the playground under its PD rights.

Given that the proposal is for the refurbishment of an existing play facility and that the play equipment involved does not by its nature have any adverse impact on the residential amenity enjoyed by surrounding residences and the fact that this proposal could have been carried out as PD by the Council I am recommending an opinion to approve.

Recommendation: Approval

Signed

Date

Signed

Date

ITEM NO	58				
APPLIC NO	R/2015/0078/O	Outline	DATE VALID	2/12/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mrs M Dodds 8 Lurgan Road Banbridge BT33 4LU	AGENT	Lavery Foster Chartered Architects Ltd 36 Rathfriland Street Banbridge BT32 3LA 02840626834		
LOCATION	Lands 20m North East of 65 Tollymore Road Newcastle				
PROPOSAL	Proposed infill site for 1no dwelling and garage within gap site along an existing continuously built up frontage. (Amended proposal)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0

- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside and the Strategic Planning Policy Statement for NI, in that the proposal would, if permitted, result in the addition of ribbon development along Tollymore Road, and does not represent a gap site within a substantial and continuously built up frontage.



Newry, Mourne and Down District
Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Delegated Application

Development Management Officer Report		
Case Officer:		
Mark Keane		
Application ID: R/2015/0078/O	Target Date:	
Proposal: Proposed infill site for 1 no dwelling and garage within gap site along an existing continuously built up frontage. (Amended proposal)	Location: Lands 20m North East of 65 Tollymore Road Newcastle	
Applicant Name and Address: Mrs M Dodds 8 Lurgan Road Banbridge BT33 4LU	Agent Name and Address: Lavery Foster Chartered Architects Ltd 36 Rathfriland Street Banbridge BT32 3LA	
Date of last Neighbour Notification:	1st December 2015	
Date of Press Advertisement:	25th February 2015	
ES Requested: Yes/No		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		

Site Visit Report
Site Location Plan:
Date of Site Visit: 25th March 2015
Characteristics of the Site and Area
<p>The site comprises a roughly triangular shaped roadside plot of land along the Tollymore Road. This site located towards the northern end of this road adjacent to the bridge and Burren River, which continues along the rear of the site. The site comprises a field at present which is below road level and is enclosed by planting.</p> <p>It is noted this stretch of road includes a number of dwellings and buildings on both sides of the road.</p> <p>See photos attached to file.</p> <p>The site is located in the countryside approx half a mile north of the edge of the settlement development limit of Newcastle as identified in the Ards and Down Area Plan 2015. It is also noted the Burren River runs along the rear boundary of the site which is identified as a SLNCI and LLPA (1).</p> <p>While it is noted the site is located outside the development limits, it is noted there are a number of buildings along this stretch of road.</p>
Planning Assessment of Policy and Other Material Considerations
<p>History</p> <p>A history search has been carried out for the site and surrounds whereby it is noted there have been a number of previous applications in the immediate vicinity of the site, however no relevant history was observed regarding the application site.</p> <p>Consultees</p> <p>Due to the location and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI (Roads Service), NI Water, NIEA WMU. Rivers Agency, Environmental Health, and Shared Environmental Services (SES) whereby no objections have been offered in principle.</p> <p>It is acknowledged the consultation with SES was carried out at a late stage, however having account the proximity of the site to the watercourse along the rear of the site, it was considered comments must be obtained, even at this late stage. SES concluded that the development is not have a likely significant effect on the selection features, conservation objectives or status of any European site.</p> <p>Representations</p> <p>None received to date (11-02-16).</p> <p>Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS15, PPS21.</p> <p>As the site is located in the countryside PPS21 applies, while the content of the recently published SPPS also applies.</p>

PPS 21

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

Policy CTY 1

Development in the Countryside. 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. Details of these are set out below. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

There are a range of developments that may be permitted in the countryside in certain cases.

Housing Development

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

- A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10;

Based on the info submitted on the P1 form, this proposal falls within the 5th criteria- a gap site, thus CTY8 applies.

Policy CTY8- Ribbon Development and associated policies CTY13-16.

Planning permission will be refused for a building which creates or adds to a ribbon of development.

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 and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In certain circumstances it may also be acceptable to consider the infilling of such a small gap site with an appropriate economic development proposal including light industry where this is of a scale in keeping with adjoining development, is of a high standard of design, would not impact adversely on the amenities of neighbouring residents and meets other planning and environmental requirements.

Assessment

A P1 form and site location plan combined with existing site survey have been submitted for this Outline application.

As stated above the site comprises a triangular shaped roadside field along the Tollymore Road, adjacent to no.65. This stretch of Tollymore Road narrows and slopes downhill towards the corner and bridge at the northern end of the site and adjacent to no.70, whereby no.70 is located to the far side of the road.

It is noted this stretch of Tollymore Road includes a number of dwellings and buildings, whereby the site location plan indicates the site is broadly located between the dwellings of no.65 and 70. However it is also noted no.70 is located to the opposite side of the road, and while it is noted the dwelling at no.70 fronts and opens onto the same road as the application site (Tollymore Road), as it is located to the opposite side of the road it is not considered to share a common frontage to this road, thus does not represent an infill opportunity.

As stated above the site is located close to a sharp bend, where the road and bridge turn a corner at the northern end of the application site, thus it is considered the application site marks the end of development/land on this side of road.

It is also noted there is a recently constructed shed on the same side of road as the application site but beyond the corner and further along the Tollymore Road, whereby permission has also been granted for a new dwelling.

Having account this corner and sharp turn in the road at the northern side of the application site, it is considered the existing and approved development further along this road does not also share a common frontage to this road as the application site, as it fronts a different stretch of this road and does not readily read together with the existing buildings south of the application site.

As a result it is considered the approved dwelling (development has not commenced) and existing shed do not form part of a ribbon of development along this road, whereby it is also considered the sharp bend, corner and existing planting provide a visual gap

It is noted there are several dwellings and buildings to the south side of the application site, namely no.61, 63, and 65, however as outlined above, the field comprising the application site is considered to mark the end of lands along this side and stretch of road, with no development beyond the application site, thus no infill opportunity exists.

Accordingly, it is considered this proposal fails policy CTY8 of PPS21.

Notwithstanding the above, it is noted the site is triangular in shape which is initially narrow to the northern end of the site although which widens at the southern boundary adjacent to no.65.

It is noted this application seeks Outline permission for 2 dwellings, and in the event the principle of an infill is accepted, it is considered the site is only large enough to accommodate 1 dwelling with satisfactory spacing and separation distances to the road and rear boundaries for the provision of parking, turning and amenity space (private) within the site.

It is noted from the information submitted the dwelling(s) will be served by a septic tank whereby it is considered there are sufficient lands available to accommodate this tank and associated soak-aways, and it is also noted none of the respective consultees have raised any concerns in this respect.

It is also considered a dwelling can be sited on this site with sufficient spacing to any existing/approved dwelling to prevent any unacceptable impacts.

the site is low lying whereby it is considered a dwelling can be satisfactorily accommodated and integrated thus no concerns are expressed regarding compliance with policies CTY13 and 14.

However as outlined above, it is considered the site does not represent an infill opportunity, thus is contrary to policy CTY8 of PPS21.

Additional Information

Following preliminary internal discussions a letter was issued to the agent on 8th Oct advising the proposal does not comply with the applicable policy context, thus is likely to be refused, and afforded an opportunity to the agent to submit further information.

Following further correspondence from the agent, supporting information including a number of emails were submitted from Matrix Planning Consultancy, including reference to a number of previous appeal decisions including 2011/A0277, 2011/A0189, 2014/A0207, 2013/A0248, 2013/A0119, 2011/A0292, and 2010/A0202, which related to a number of different locations, which in the view of Matrix Planning support claims for this application.

It is also noted the applicants also reduced the scheme to 1 dwelling, which was duly re-advertised and neighbour notified. It is noted no representations have been received to date (11-02-16).

It appears the scheme was reduced to 1 dwelling after the consultants had viewed a copy of the initial Development Management Officers Report.

(There was no encouragement or request from the Planning Dept to reduce the scheme).

The various pieces of supporting information including referred to PAC decisions are noted however having account the applicable policy context, and specific circumstances of the site, it is considered the proposal is not identical to any of those appeals referred to, and remains to be contrary to policy CTY8 of PPS21 for the reasons outlined above.

As such Refusal is recommended, as the site is not considered to constitute a small gap site within an otherwise substantial and continuously built up frontage, rather it will result in a ribbon of development.

The proposal has also been considered against the remaining policy tests of PPS21, whereby it is concluded the proposal does not comply with any of these policies.

(Note: An updated Development Management Officers Report was produced to take account of and consider the supporting information received)

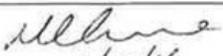
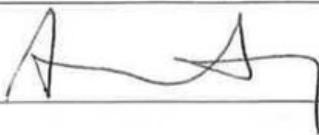
Neighbour Notification Checked	Yes
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Summary of Recommendation

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside and the Strategic Planning Policy Statement for NI, in that the proposal would, if permitted, result in the creation/addition of ribbon development along Tollymore Road, and does not represent a gap site within a substantial and continuously built up frontage.

Case Officer Signature:	
Date:	11/02/16
Appointed Officer Signature:	
Date:	11-02-16

Policy CTY8 defines a substantial and built up frontage as a line of 3 or more buildings along a road frontage. On this basis the dwellings and associated garage/outbuildings of No.63 and 65 could be accepted as a substantial and built up frontage, and as such be regarded as a ribbon of development.

It should also be noted that the mature wooded river banks of the River Burren corridor provides a physical and visual break along this road corridor that separates the mature vegetated landscape on the south side of the river from the more openness of the countryside with the field on the immediate north side of the river.

The gap site between No.65 and the agricultural shed is approx. 125m. It is split in two by the river. The proposed infill site on the south side of the river has a frontage of 64.8m. The frontage of the field on the north side of the river is approx. 54m.

The following properties fronting either side of Tollymore Rd are as follows:

No.58 22m*

No.60 15m*

No.62 23.2m

No.64 30.3m

No.68. 27.2m

No.70 22m

No.63 53.1m

No.65 31.7m

Agricultural Shed/Approved New Dwelling # 20m*

[#: LA07/2015/0049/F approved 16/10/15 - change of house type from that approved under R/2013/0320/F for dwelling on a farm]

(Note: All measurements as annotated on the plans except as indicated * which are my own measurements as taken off the submitted plans)

The agent has indicated on the plans that the average plot frontage is 33.2m. From the above, the average plot frontage of those residential properties fronting Tollymore Rd is calculated to be 28.1m

It should be noted that if you exclude No.63 (53.1m), which is an exception to the plot size norm at this locale, the plot frontages range from 15m to 31.7m, and give an average of 24.5m.

The proposed infill site has a plot frontage of 64.8m. This is more than twice the size of the average plot frontage. It is noted that this application originally proposed two dwellings on this site. The applicant clearly considered the site capable of accommodating two dwellings, indeed the plans advised that the new dwellings will respect the existing development pattern along Tollymore Rd along with the size, scale, siting and plot size to be in keeping with the adjacent dwellings. The plans further advised that the site was suitable for infill with two dwellings of approx. 34.8m and 30m frontage width. During the course of the application, the proposal was amended to one dwelling. It

is acknowledged that while the plot frontage is long, given the constrained shape of the site, the site is physically more realistically capable of accommodating only one detached dwelling.

The remainder of the gap site between No.65 and the agricultural shed is 60m. Even excluding the river, the frontage of the field, which primarily takes up the rest of this gap, is 54m. Taking account of the approved dwelling to be located in the north east corner of this field which will share the existing agricultural shed site frontage, this dwelling when developed will not take up any more of the field frontage. With reference to the average plot frontage of dwellings fronting this stretch of Tollymore Rd, the remaining field frontage of 54m, in terms of dimensions (width and depth), equates to two large plots each with a plot frontage of 27m.

In addressing ribbon development, which is considered detrimental to the character, appearance and amenity of the countryside, Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The policy further states 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 and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

In respect of the above assessment, the gap site between No.65 and the agricultural shed/approved dwelling is 124.8m. Based on the average plot frontage of those properties fronting Tollymore Rd at this locale being 28.1, this gap site in terms of its frontage dimensions equates to at least 4 house plots in width. Dependant on owners intentions, development constraints and how these may or may not be overcome, and other planning and environmental requirements, whether the gap site could or would be developed is irrelevant. The test is the size of the gap site that exists and whether it is considered to be a small gap site. Based on the average plot size frontage of Tollymore Rd at this locale, the width of the gap site that exists between No.65 and the agricultural shed goes beyond that which can reasonably be accepted as a small gap site. Even setting aside the application site, which originally proposed two dwelling plots, the adjacent field, which principally represents the remainder of the gap site, in dimensional terms, equates to two house plots width. This demonstrates that, when taken together with the application site, the overall size of the gap site, that exists between No.65 and the agricultural shed, is too large to be considered as an exception. The proposed infill site does not constitute part of a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise and continuously built up frontage. The proposed infill site is not compliant with the gap site exception test of Policy CTY8.

Furthermore, in the consideration of the gap site, it is worth noting that when viewed and experienced on site when travelling in either direction along Tollymore Road, the gap site in straddling the mature wooded river banks of the River Burren corridor and together with the small adjacent fields either side, provides a welcomed relief and visual break along this road corridor that helps maintain its rural character.

The proposed development will add to a ribbon of development along the eastern side of Tollymore Road. This ribbon of development consists of the buildings of Nos.63 and 65. As such the proposed application is contrary to Policy CTY8 of PPS21.

Recommendation: Refusal

Report Addendum

R/2015/0078/O: Proposed infill site for 1 no. dwelling and garage within gap site along an existing continuously built up frontage: at lands 20m NE of 65 Tollymore Rd, Newcastle

Consideration Review:

Site Inspection: 13/5/16

In consideration of submitted plans and further information, and following site inspection, I have reviewed the consideration and assessment of this application as follows:

Taking account of the mature vegetation, curvature of the road, and topography of the road corridor as it leads down to and crosses the River Burren, there is a clear ribbon of development consisting of dwellings and associated outbuildings on the western side of the road running from No.58 down to No.70 at the bridge, with Nos.58 and 70 respectively serving as the 'book ends'. All of this ribbon of development is on the south side of the river. As one travels up and down this stretch of Tollymore Rd, there are visual linkages between buildings and an appreciation of a substantial and continuously built up frontage constituting a ribbon of development along the western side of the road.

The application site is located on the eastern side of the road, which is quite distinguishable from the western side. The development on this side of the road consists of the dwellings and associated garage/outbuildings of Nos. 63 and 65 on the south side of the river and a small agricultural shed on the north side of the river. No.63 is a large bungalow with large road frontage; the roadside boundary is a well maintained and trimmed hedge. Beyond this plot the vegetation becomes very mature and natural. The small adjacent plot of No.65 which contains a single storey cottage is enclosed behind a mature tree and hedge frontage, with only the gable of the dwelling visible from the driveway entrance. Located between No.65 and the river is the proposed infill site. The infill site consists of a small overgrown triangular field bounded by mature hedge and tree vegetation. There are no views into the site other than at a break in the vegetation at the existing access point. The gap site within which this proposed site is located extends to the next building on the eastern side of the road, which is an agricultural shed. The remainder of the gap site between the proposed site and the agricultural shed consists of the River Burren, the mature wooded river bank on the north side of the river, and a small roadside field. The agricultural shed sits within a small rectangular plot created in the northern roadside corner of this field, the plot fronts onto and is accessed from the road; along with the shed there is an associated gravel yard area.

Transient views along Tollymore Rd, when travelling in both directions along the road, contribute to the sequential awareness of development on the western side of the road only. On the eastern side of the road, taking account of the mature vegetation, curvature of the road, topography of the road corridor as it leads down to and crosses the River Burren, and the dispersed and integrated development of a limited number of buildings; as one travels up and down this stretch of Tollymore Rd, there are no visual linkages between buildings and no appreciation of any substantial and continuously built up frontage on the eastern side of the road. When standing roadside in front of the application site, and indeed in front of each of the aforementioned properties/sites on the eastern side of the road, static views provide no visual linkage to any other buildings on this side of the road further undermining any awareness of any substantial and continuous build up.

Policy CTY8 defines a substantial and built up frontage as a line of 3 or more buildings along a road frontage. On this basis the dwellings and associated garage/outbuildings of No.63 and 65 could be accepted as a substantial and built up frontage, and as such be regarded as a ribbon of development.

It should also be noted that the mature wooded river banks of the River Burren corridor provides a physical and visual break along this road corridor that separates the mature vegetated landscape on the south side of the river from the more openness of the countryside with the field on the immediate north side of the river.

The gap site between No.65 and the agricultural shed is approx. 125m. It is split in two by the river. The proposed infill site on the south side of the river has a frontage of 64.8m. The frontage of the field on the north side of the river is approx. 54m.

The following properties fronting either side of Tollymore Rd are as follows:

No.58 22m*

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No.68. 27.2m

No.70 22m

No.63 53.1m

No.65 31.7m

Agricultural Shed/Approved New Dwelling # 20m*

[#: LA07/2015/0049/F approved 16/10/15 - change of house type from that approved under R/2013/0320/F for dwelling on a farm]

(Note: All measurements as annotated on the plans except as indicated * which are my own measurements as taken off the submitted plans)

The agent has indicated on the plans that the average plot frontage is 33.2m. From the above, the average plot frontage of those residential properties fronting Tollymore Rd is calculated to be 28.1m

It should be noted that if you exclude No.63 (53.1m), which is an exception to the plot size norm at this locale, the plot frontages range from 15m to 31.7m, and give an average of 24.5m.

The proposed infill site has a plot frontage of 64.8m. This is more than twice the size of the average plot frontage. It is noted that this application originally proposed two dwellings on this site. The applicant clearly considered the site capable of accommodating two dwellings, indeed the plans advised that the new dwellings will respect the existing development pattern along Tollymore Rd along with the size, scale, siting and plot size to be in keeping with the adjacent dwellings. The plans further advised that the site was suitable for infill with two dwellings of approx. 34.8m and 30m frontage width. During the course of the application, the proposal was amended to one dwelling. It

is acknowledged that while the plot frontage is long, given the constrained shape of the site, the site is physically more realistically capable of accommodating only one detached dwelling.

The remainder of the gap site between No.65 and the agricultural shed is 60m. Even excluding the river, the frontage of the field, which primarily takes up the rest of this gap, is 54m. Taking account of the approved dwelling to be located in the north east corner of this field which will share the existing agricultural shed site frontage, this dwelling when developed will not take up any more of the field frontage. With reference to the average plot frontage of dwellings fronting this stretch of Tollymore Rd, the remaining field frontage of 54m, in terms of dimensions (width and depth), equates to two large plots each with a plot frontage of 27m.

In addressing ribbon development, which is considered detrimental to the character, appearance and amenity of the countryside, Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The policy further states 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 and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

In respect of the above assessment, the gap site between No.65 and the agricultural shed/approved dwelling is 124.8m. Based on the average plot frontage of those properties fronting Tollymore Rd at this locale being 28.1, this gap site in terms of its frontage dimensions equates to at least 4 house plots in width. Dependant on owners intentions, development constraints and how these may or may not be overcome, and other planning and environmental requirements, whether the gap site could or would be developed is irrelevant. The test is the size of the gap site that exists and whether it is considered to be a small gap site. Based on the average plot size frontage of Tollymore Rd at this locale, the width of the gap site that exists between No.65 and the agricultural shed goes beyond that which can reasonably be accepted as a small gap site. Even setting aside the application site, which originally proposed two dwelling plots, the adjacent field, which principally represents the remainder of the gap site, in dimensional terms, equates to two house plots width. This demonstrates that, when taken together with the application site, the overall size of the gap site, that exists between No.65 and the agricultural shed, is too large to be considered as an exception. The proposed infill site does not constitute part of a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise and continuously built up frontage. The proposed infill site is not compliant with the gap site exception test of Policy CTY8.

Furthermore, in the consideration of the gap site, it is worth noting that when viewed and experienced on site when travelling in either direction along Tollymore Road, the gap site in straddling the mature wooded river banks of the River Burren corridor and together with the small adjacent fields either side, provides a welcomed relief and visual break along this road corridor that helps maintain its rural character.

The proposed development will add to a ribbon of development along the eastern side of Tollymore Road. This ribbon of development consists of the buildings of Nos.63 and 65. As such the proposed application is contrary to Policy CTY8 of PPS21.

Recommendation: Refusal

**Democratic Services**

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

21st September 2016

Dear Democratic Services

Speaking Request for Item 58 - Planning Application Reference – R/2015/0078/O**Location – Lands 20m North East of 65 Tollymore Road, Newcastle**

This submission seeks to rebut the policy interpretation as per the Addendum Report being presented to the Committee.

Policy CTY 8 – Ribbon Development

States that; "*Planning permission will be refused for a building which creates or adds to a ribbon of development*".

The first line of the policy head note is a disjunctive test and very clearly indicates that any proposal that does not create or add to a ribbon of development will be acceptable, subject to it constituting a small gap site only within an otherwise substantial and continuously built up frontage.

A substantial and built up frontage includes a line of three or more buildings along a road frontage (Tollymore Road in this instance) without accompanying development to the rear.

Policy CTY8 provides no definition of a building or amplification as to the characteristics a structure must have to qualify as a building under the policy.

However the meaning of a "building" is defined in the Planning (General Permitted Development) Order (NI) 2015.

The policy clearly refers to buildings and not dwellings and this is reinforced in a number of appeal decisions such as 2011/A0292 para 9, 2014/A0152 para 4, 2015/A0037 para 4, a letter from Planning HQ to Paul Frew MLA and the Department's Training Document dated October 2011.

These appeal decisions are taken as read and have not been enclosed as the Council does not dispute there are 3 or more buildings.

It has therefore been accepted that ancillary buildings such as garages and outbuildings can be included within the definition of buildings in the context of Policy CTY8.

The policy makes no reference to the size or use of the buildings, their position/relationship, or that they must have individual curtilages or accesses.



The test is simply the number of buildings along a road frontage not the number of planning units.

It is clearly accepted in the amended report that buildings are located at Nos 65, Nos 63 and the agricultural shed, which all front and open onto the Tollymore Road.

The new dwelling granted under LA07/2015/0049/F is not constructed and as such cannot be counted as a building or included in the assessment.

The amended report accepts that a line of 3 or more buildings is present along the frontage at Tollymore Road at this location and that it is a substantial and built up frontage and an existing ribbon of development.

The application site (my emphasis) is clearly located within this frontage of development along the Tollymore Road and is contained by Nos 65 and Nos 63 to the south and the agricultural shed to the north.

The application site therefore cannot create or add to a ribbon of development as it is contained on either side by existing development in the ribbon.

The determining issue is how the planning officers have considered the land on the northern side of the Burren River adjacent to the agricultural shed.

This land does not form part of the application site and there is nothing within Policy CTY8 that requires its consideration as part of a gap site. The policy simply does not suggest such.

The development of a small gap site in the policy headnote is in direct reference to the land that forms the basis of the application site. Or in other words the land to which the application for development relates.

The test is not the size of the gap site that exists within the frontage and whether it is considered to be a small gap site, as applied by the planning officer in this instance. The entire frontage is only considered when calculating the average road frontages.

The test is if the application site (my emphasis) constitutes a small gap site within a substantial and built up frontage and the Planning Officer's over the preceding months have failed to understand that proposition.

References to a "visual linkages" and "visual perceptions" of the application site are littered throughout the report and are unhelpful and incorrect.

The correct policy test to be applied has been clarified at appeal and in the High Court in the following decisions;

"The Commission" as a collective in appeal 2013/A0248, make the position resounding clear on the covering page of this decision where they state;

*"The Departments assessment that there is no visual linkage and no sequential awareness of 3 dwellings along the frontage of Manse Road **Attempts To Introduce A Visual Test Which Does Not Appear In Policy**".*



This view is reinforced at 5.5 of the same judgement where it states "*The words "visual linkage", which are found in paragraph 5.33 of the Justification and Amplification text, are used in reference to what can constitute a ribbon of development and not what constitutes an exception for infill development*".

I would direct the planning officer's to an earlier PAC judgement in 2013/A0119, which was reconsidered following Judicial Review and specifically paragraph 8, which considers the infamous paragraph 5.33 of CTY 8.

Notwithstanding that it is a disjunctive test as the word or is used. This decision clearly states that there is no policy requirement for buildings to be both intervisible and to have common frontage.

On that basis unless the planning officers in NM&D can direct the Planning Committee or myself to a subsequent judgement, they are required to attach significant weight to the collective decisions of the PAC. Otherwise they are misapplying Policy CTY 8, as per the documented assessment in this case.

The final and critical issue in this case relates to the frontages at this location on the Tollymore Road.

The planning officer discounts Nos 63 on the basis that it is an exception. I can see nowhere in policy or in appeals where that approach would be endorsed.

Especially given it was earlier concluded that it formed part of the substantial and built up frontage.

The approach of the PAC in a number of appeals is that where frontages vary they should be considered in the round and be broadly in line with the average (See para 8 of 2011/A0147).

On that basis the consideration of the frontages is based on the following;

Nos63 – 53.1m frontage

Nos 65 – 31.7m frontage

Application Site – 64.8m frontage

Agriculture Building lawful curtilage – 70m frontage (as depicted in the enclosed site location plan)

Total frontage of ribbon (nos63,nos65 and shed curilage) – 154.8m

Average plot frontage – 154.8m divided by 3 = 51.6m

Application site frontages – 64.8m

Alternatively if the total frontage including the application site is taken the figures are as follows;

Total frontage of ribbon (nos63,nos65, shed curilage including the application site) – m

Average plot frontage – 219.6m divided by 4 (three existing buildings plus 1 infill site) = 54.9m

Application site frontages – 64.8m

It is therefore clear that no matter which approach is adopted to calculating the average road frontage, the application site does not have a significant variance nor is it greater than the average plot frontage witnessed at this ribbon of development at Tollymore Road.

It is also relevant to consider the accepted constrained shape and nature of the application site and that although slightly bigger it tapers and is "physically capable of accommodating only one detached dwelling" as accepted in the amended report.



It can therefore only reasonably be concluded that it respects the existing development pattern along the frontage and constitutes a small gap site within a substantial and built up frontage.

The consideration of land outside of the application site and the approach of the planning officers is not supported by policy and it would fall to the officers to show is not supported by policy. It would fall to the officers to show reasoned analysis of the policies implications for the proposal before them.

Likewise the practised principle is that if there is any ambiguity in policy, any tension or any conflict the applicant is afforded the benefit of such on the basis of the presumption in favour of development. The assessment in this case has been anything but.

The planning officer's have raised no additional concerns and on the basis of our rebuttal we would respectfully request the application is granted as it is apparent that the prevailing planning policies have been misunderstood and misapplied.

Yours sincerely

A handwritten signature in black ink, appearing to read "AS", is positioned above the printed name of the consultant.

Andy Stephens
BA Hons, MSc
Planning Consultant



Appeal Decision

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Appeal Reference:	2007/LDC005
Appeal by:	Mr Jim Woods against the refusal to issue a certificate of lawfulness of proposed development.
Development:	Construction of garage.
Location:	7 Mill Road, Ballygowan.
Application Reference:	Y/2007/0486/LDP
Procedure:	Written Representations with Commissioner's Site Visit on 28 July 2009
Decision by:	Commissioner T A Rue, dated 3 August 2009

Decision

1. The appeal is dismissed.

Reasons

2. Planning permission is granted by Article 3 and Schedule 1, Part 1, Class D of the Planning (General Development) Order 1993 (the GDO) for the provision within the curtilage of a dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse. This grant is subject to various qualifications such as position relative to the road and the dwelling, height and ground area. It is a fundamental requirement, however, that the land must be lawfully within the curtilage of the dwelling with which it will be associated. The effect of Article 2(2) of the GDO is that the use of land without planning permission or in contravention of previous planning control does not give rise to permitted development rights. The main issue in this appeal is whether the land on which it is proposed to construct a garage is lawfully within the curtilage of the dwelling at 7 Mill Road.
3. The court decisions relied on by the appellant set out important principles to aid identification of the actual existing curtilage of a building. The *Calderdale* and *Skerrits of Nottingham* cases both concern buildings erected in the 19th Century before planning permission was required. For planning purposes, the lawful curtilage of a dwelling built since the introduction of planning control is defined by the planning permission which sanctioned its erection. If nothing is said in the permission about the extent of the curtilage, the reasonable inference is that the red line on the location map approved as part of the application defines the curtilage of the approved dwelling. This definition may be amended by subsequent planning decisions, but it cannot be assumed that the lawful curtilage of a dwelling will always correspond to its actual existing curtilage.
4. The appellant drew attention to a page on the Planning Service's website headed "Planning Application Fees". This advises that where an applicant wishes to

develop only part of his property, there is no reason why he should not restrict his application to the part of his property where the development will be located. However, it also contains the statement that applications should clearly show the area which it is proposed to develop. This advice is consistent with Article 7(1) of the GDO, which sets out what a planning application must comprise.

5. Mr Woods made a planning application to erect a dwelling house at 7 Mill Road in June 2004. While he did not state expressly on the application form that his proposal included a change of use for residential purposes, that is implicit in his application. The site to be developed was outlined in red on the location map that accompanied the application. The site did not include the area where it is now proposed to construct a garage. That area was outlined in blue on the location map, signifying that it was adjoining land which Mr Woods owned or controlled.
6. Planning permission was granted in accordance with this application in November 2004. This permission sanctioned not only the erection of a dwelling house but also the use of the area outlined in red for residential purposes incidental to the enjoyment of the approved dwelling. It did not confer any right to develop or use the land outlined in blue, as that land was not the subject of the application.
7. A dwelling has been built on the site that was the subject of the 2004 application. The dwelling is occupied. Its actual existing curtilage appears to extend beyond the area outlined in red on the approved location map. There is no evidence to suggest that this extension to the curtilage was authorised by any subsequent planning decision. In the absence of such authorisation, the lawful curtilage of the dwelling is confined to the area outlined in red. In consequence, there are no residentially related permitted development rights in respect of the land outlined in blue. The Department's decision to refuse the application for a certificate of lawfulness of proposed development was well founded.

This decision relates to a location map, a site layout plan and two drawings showing ground plans and elevations for the proposed garage, all of which were submitted between 16 August 2007 and 4 September 2007.

COMMISSIONER TREVOR RUE



Appeal Decision

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Appeal Reference:	2013/A0248
Appeal by:	Mr T McVeigh against the refusal of outline planning permission
Development:	Dwelling, garage and access improvements
Location:	Adjacent to 15a Manse Road, Castlereagh, Belfast
Application Reference:	Y/2013/0282/O
Procedure:	Written Representations and Accompanied Site Visit on 11 th July, 2014
Decision by:	The Commission, dated 21 st November 2014

The Commission has considered the report by Commissioner McShane and accepts her analysis and recommendation that the appeal be allowed.

The Commission has previously expressed its view that it finds the wording of policy CTY 8 to be both confusing and contradictory in that its provisions expressly allow for the creation of ribbon development despite its clear opposition to such a form of development.

The policy exception set out in the head note of CTY 8 defines a substantial and built up frontage as a line of three or more buildings along a road frontage without accompanying development to the rear. The Commission, in agreement with the appointed member, agrees that such a situation exists in the context of the present appeal. The Department's assessment that there is no visual linkage and no sequential awareness of the 3 dwellings along the frontage of Manse Road attempts to introduce a visual test which does not appear in the policy. Whilst acknowledging that the appeal proposal will result in the creation of ribbon development, the Commission, in agreement with Commissioner McShane, agrees that it meets the exception set out in policy. To that extent the Commission disagrees with the Commissioner's approach in paragraph 7 of appeal 2013/A0061 which led to the conclusion that there was no substantial and continuously built up frontage.

Decision

The appeal is allowed and outline planning permission is granted subject to the following conditions:-

- (1) Except as expressly provided for by Conditions 2, 3, 4 and 5, the following reserved matters shall be as approved by the Planning Authority - the siting, design, external appearance of the dwelling and garage and the means of access thereto.

- (2) The dwelling and garage shall be sited within the area hatched on the attached map numbered PAC 1.
- (3) Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, which shall not exceed 0.5m above existing ground level at the lowest point within the building's footprint, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.
- (4) The access shall be shared with the existing access to No.15a.
- (5) Prior to commencement of development, visibility splays of 2.4 metres by 70 metres to the RHS emerging and 2.4 metres by 67 metres to the LHS emerging shall be laid out and shall be permanently retained.
- (6) Notwithstanding the provisions of Article 3 and Schedule 1, Part 2 of the Planning (General Development) Order (Northern Ireland) 1993 (or any legislation revoking that Order and re-enacting those provisions) no gates, walls, fences or any other means of enclosure shall be erected or constructed adjacent to the public road, without the prior approval of the Planning Authority.
- (7) No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme providing for the retention of trees and hedgerows, including the hedgerow between the appeal site and No.15a, with the exception of what is required to be removed to provide the access. The scheme shall provide for the setting back and regrading of the roadside bank and replanting of trees along the top. It shall indicate the location, number and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or 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.
- (8) 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.
- (9) 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 reserved matters to be approved, whichever is the later.

This decision relates to DOE DWG No.01 date stamped received 30 October 2013, which has been renumbered PAC1.

ELAINE KINGHAN
Chief Commissioner

Appeal Decision

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Appeal Reference:	2011/A0147
Appeal by:	Mr. John Lovell against the refusal of outline planning permission.
Development:	Two dwellings and garages.
Location:	15 metres west of No. 9 Knockbracken Road South, Carryduff.
Application Reference:	Y/2010/0303/O
Procedure:	Written Representations with Accompanied Site Visit on 29 May 2012.
Decision by:	Commissioner Alistair Beggs, dated 11 June 2012.

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 proposal would result in ribbon development, and impact upon rural character.
3. The appeal site is a field that slopes generally southwards away from the road. With about a 58 metre road frontage it is at a localised crest of the curving road which runs generally east-west at this point. Down the slope to the west is No. 7, a single storey dwelling with a mature garden. To the east are substantial outbuildings set back from the road and beyond this is the disused roadside No. 9.
4. Policy CTY 1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) 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 a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 'Ribbon Development'. This policy forms the basis of the Department's second reason for refusal.
5. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it continues that an exception will be permitted for the development of a small gap site sufficient only

to accommodate a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot sizes and meets other planning and environmental requirements. It goes on to note that for the purposes of this policy a substantial and continuously built up frontage “includes a line of three or more buildings along a road frontage without accompanying development to the rear”. Paragraph 5.33 of Policy CTY 8’s justification and amplification states that a ‘ribbon’ does not necessarily have to be served by individual accesses or have a continuous building line. It notes that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

6. The appellant believed that No. 7, the outbuildings and No. 9 comprised a substantial and continuously built up frontage. The Department disagreed, and believed that the proposal could not comply with CTY 8 as there was accompanying development to the rear of No. 9: namely the foundations of an approved farm dwelling. However, in addition to not being persuaded that the presence of foundations could be seen to be so significant in the context of CTY8, I also note CTY8’s use of the word “includes” when talking about a line of three or more buildings along a road frontage without accompanying development to the rear. It seems to me that this wording sets out a baseline for acceptable forms of infill development, and does not exclude situations where there is accompanying development to the rear.
7. In making my visual assessment I note that road users are not always confined to cars travelling at speed. When travelling eastwards, vegetation and topography mean that there is no significant visual linkage between No. 7, the outbuildings and No. 9. However, when moving westwards uphill along Knockbracken Road South the buildings at No. 9 are seen first. Then at the western edge of No 9’s roadside boundary the visually significant outbuildings and the gable of No. 7 come into view. On this approach I judge that despite No. 7’s set back, its position down the slope and the road’s curvature, it has a significant visual linkage with No. 9 and the outbuilding.
8. The Department argued that the site could not be a small gap site as the proposed dwellings would each have frontages of about 30 metres, well over the road frontages of No. 7 and the outbuildings (22 and 11 metres respectively), and well under the road frontage of No. 9 (45 metres). However, where road frontages vary they should be considered more in the round. In that respect the proposed frontages are not far off the average plot size of 26 metres created by No. 7, No. 9 and the outbuildings. In this context the proposed plot sizes are acceptable. I conclude that the appeal site is a small gap site as set out by Policy CTY8, as such it cannot be seen as an important visual break in the developed appearance of the area. In this context the appeal site having about a 60 metre frontage out of a total substantially built up frontage of about 136 metres is not a determining statistic. It is also noted that while the proposed plot sizes are well under that of No. 9, they are broadly reflective of No. 7
9. I conclude that the appeal site is a small gap site within an otherwise substantial and continuously built up frontage as defined by Policy CTY8. The Department’s second reason for refusal is not sustained.

10. In relation to the Department's third reason for refusal, Policy CTY 14 of PPS 21 notes that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode rural character. The policy specifies a number of situations where a new building will be unacceptable, one of these being where a building creates or adds to a ribbon of development, and specific reference is made to Policy CTY8. As this appeal proposal is acceptable under policy CTY8 it is hard to see how it could be refused as contrary to Policy CTY 14 in respect of the impact on build-up and rural character. The existing roadside hedgerow, on an earth bank, could be moved back behind the required visibility splays to assist in mitigating visual impacts. I judge that it is likely to survive if appropriate care is taken, and its replacement can be sought if it does die off. I am satisfied that dwellings of an appropriate design, scale and size could be achieved, and that an acceptable cut and fill of the existing slope can be achieved to reduce the need for retaining walls. Removal of permitted development rights would prevent suburbanised road boundary treatments. I conclude the proposal is not contrary to Policy CTY14 and the Department's third reason for refusal is not sustained.
11. I conclude that as the proposal meets the provisions of Policies CTY 8 and CTY 14 it also meets the terms of Policy CTY1, the Department's first reason for refusal is therefore not sustained.
12. The objector's concerns seem largely to relate to lands to the east of the appeal site, at No. 9. This proposal does not seek replacement buildings, but new build dwellings. Roads Service has no objections to the appeal proposal. Evidence of the potential impact on bats was anecdotal and I judge that the appeal proposal is unlikely to have a negative impact upon bats or other wildlife in the area. The Northern Ireland Environment Agency raised no objections in principle to sewage disposal.
13. The appellant submitted plans for information only including possible designs and site sections. The Department had some concerns over the accuracy of the shown site sections, but in assessing these and given the nature of the area and ground slope, buildings with a ridge height of no more than 5.8 metres above floor level would be acceptable on the site. Given the sloping site, levels and sections will be necessary with any reserved matters plan submissions. I make no further comment on detailed size, layout or design matters as these are for the reserved matters stage. The planting of new boundaries will enhance integration. The proposed access and visibility splays are necessary for road safety, though parking and turning details can be considered at the reserved matters stage.
14. Having concluded that the reasons for refusal are not sustained, the appeal succeeds

Conditions

- (1) Except as expressly provided for by Conditions 2, 3 and 4, the following reserved matters shall be approved by the Department - the siting, design and external appearance of the dwellings and means of access thereto, and parking and turning areas.

- (2) The ridge height of the dwellings shall not exceed 5.8 meters above finished floor level and under-building shall not exceed 0.35 metres at any point above existing ground level within the footprint of the buildings. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.
- (3) The vehicle accesses, visibility splays and forward sight distances shall be provided in accordance with drawing No.01B Amended, stamped received by the Planning Service on 22 December 2010, prior to the commencement of any development and they shall thereafter be permanently retained.
- (4) The access gradients shall not exceed (1 in 25) over the first 10 metres outside the road boundary.
- (5) Notwithstanding the provisions of Article 3 and Schedule 1 Part 2 (A) of the Planning (General Development) Order (Northern Ireland) 1993 (or any legislation revoking that Order and re-enacting those provisions) no gates, fences, walls or other means of enclosure shall be erected or constructed at the access point onto the public road or alongside the road frontage without the prior agreement of the Department.
- (6) No development shall take place until there has been submitted to and approved by the Department a landscaping scheme providing for:
 - a. The relocation of the existing natural road banking and native species hedgerow behind the required sight visibility splays.
 - b. The erection of a timber post and wire fence along all new boundaries and the planting of a native species hedgerow/trees and shrubs of mixed woodland species on the inside of this boundary.The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Hedgerows, 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 Department gives written consent to any variation.
- (7) Application for approval of the reserved matters shall be made to the Department before the expiration of three years from the date of this decision.
- (8) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to the 1/500 and 1/2500 Planning Amend - Proposed Site Layout Plan, Site Location Plan and Entrance Details, Drwg. No. 10-55-01 Revision No. A, stamped received by the Department on 22 December 2010.

COMMISSIONER ALISTAIR BEGGS

PLANNING APPEALS COMMISSION
THE PLANNING (NORTHERN IRELAND) ORDER 1991
ARTICLE 32

Appeal by Mr T McVeigh against the refusal of outline planning permission for a dwelling, garage and access improvements adjacent to No.15a Manse Road, Castlereagh, Belfast.

Report

by

Commissioner D McShane

Grid Reference: 337858 370874

Planning Service Reference: Y/2013/0282/O

**Procedure: Written Representations
And Accompanied
Site Visit on 11 July 2014**

Report Date: 7 November 2014

1.0 **BACKGROUND**

1.1 The Department received the application on 30 October 2013. Castlereagh Borough Council was consulted and agreed that permission should be refused. By notice, dated 27 January 2014, the Department refused planning permission for the following reasons:-

1. **The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
2. **The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal would, if permitted, add to the ribbon of development along Manse Road.**
3. **The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the buildings would, if permitted, result in a suburban style build-up of development when viewed with existing buildings, the impact of ancillary works would damage rural character and add to the ribbon of development along Manse Road.**

1.2 The Commission received the appeal on 11 March 2014 and advertised it in the local press on 29 March 2014.

2.0 **SITE AND SURROUNDINGS**

2.1 The appeal site (0.186 ha), is located in the rural area a short distance south of the Metropolitan Castlereagh development limit. Situated on the northern side of Manse Road, it comprises the southern part of a large agricultural field, which in line with general topography in the area, slopes down from north to south and markedly from west to east. The site's boundaries consist of: 2-3 metre high mature vegetation atop a 1.5 metre high earthen bank to the roadside; a dense band of mature evergreen trees to the east; and a mature evergreen tree to the roadside, post and rail fence and shrubbery that is approximately 2 metres deep to the west. The northern boundary is undefined.

2.2 Manse Road, which slopes downhill to a junction connecting it with the A23 and Upper Braniel Road, is a heavily trafficked, narrow rural road. It has no footpath or verges and is enclosed by 8-10 metre high dense vegetation, some of which is evergreen. Four vehicular access points punctuate the vegetation on the northern side of the road over a distance of approximately 200 metres. Two dwellings west of the appeal site are set back 30 to 40 metres to the rear of 10m deep road side vegetation (Nos. 15 and 15a). At the time of my first site visit, these dwellings were joined by a wooden structure but this has since been removed. To the east of the appeal site, there is a dwelling that is setback 30 metres to the rear of 25 metre deep, dense wooded vegetation (No.11). There is

a further dwelling to the east (No.9), on the other side of the southern portion of an agricultural field, which is also set back to the rear of substantial vegetation.

3.0 DEPARTMENT'S CASE

- 3.1 The appeal site is located in the rural area, therefore Planning Policy Statement 1: Sustainable Development in the Countryside (PPS 21) provides the appropriate policy context, particularly Policies CTY 1, 8 and Criteria (b), (d) and (e) of CTY 14.
- 3.2 Policy CTY 1 of PPS 21 identifies 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. There are a number of cases when planning permission will be granted for an individual dwelling house. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.
- 3.3 Policy CTY 8 explains that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 of the amplification text states that a ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps can still represent ribbon development, if they have a common frontage or they are visually linked. CTY 8 states 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 and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements". For the purposes of this policy, the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.
- 3.4 In plan form there is a line of 3 buildings that would appear as sharing a common frontage to Manse Road; Nos.15, 15a and 11. As the appeal site is located between Nos.15a and 11, it is appropriate to consider whether the proposal constitutes an exception under Policy CTY 8. Ribbon development has been consistently opposed because it is detrimental to the character and appearance of the countryside. Therefore, it is fundamental that the evaluation of the appeal proposal must be based upon a visual assessment of the characteristics of the site and its context. An assessment of the merits of the proposed development in plan form alone is not acceptable.
- 3.5 Approaching the site in either direction along Manse Road, the existing buildings, which are set back 30-40 metres, are screened from view by heavily wooded roadside vegetation and change in ground levels. The three dwellings sitting behind the trees are not apparent in views from the road. Nos. 15 and 15a,

- physically joined by a wooden panelled element, read together only when viewed from their respective access points, which are located 60m apart. However, there is no visual relationship between these dwellings and No.11, given vegetation and ground levels. The change in levels across the appeal site from west to east is 3.6m. The total distance between the access points of Nos. 15 and 11 is approximately 145m.
- 3.6 As a consequence of the mature roadside vegetation, setback and ground level, there is no visual linkage between the three dwellings and there is no awareness of a sequence of development along this stretch of Manse Road. A substantial and continuously built up frontage does not exist. As such, there is no infill opportunity and the proposed development finds no support within CTY 8.
- 3.7 The site is an important visual break in the built up appearance of this sensitive rural location. The erection of the appeal dwelling and the provision of improved visibility splays would not only expose the appeal dwelling but also the existing development. As accepted at the site visit, approximately 30 metres of the roadside bank and vegetation to the left hand side emerging would be required to be removed. As a result, a ribbon of development comprising four dwellings: No.15, No.15a, the appeal dwelling and No.11 would be apparent in views from Manse Road. The proposal is contrary to Policy CTY 8 and as such it also automatically fails to meet Criterion (d) of Policy CTY 14 which states that a new building will be unacceptable where it creates or adds to a ribbon of development.
- 3.8 The Appellant has not argued that the appeal development falls into any other category of acceptable development as identified in Policy CTY 1. No evidence was submitted to indicate that the proposed development could not be located in a settlement. The development is unacceptable in principle in the countryside and is contrary to PPS 21. While the Appellant argued that the vegetation could be removed without planning permission, the site must be assessed as it currently appears.
- 3.9 With reference to the interpretation of Policy CTY 8, attention is drawn to PAC decision 2013/A0061, wherein the Commissioner stated that 'in considering any proposal for infill development, if there is no perception, whether by sequential awareness or by direct visual linkage, of the existence of a substantial and continuously built up frontage, then there cannot be an infill opportunity. Each proposal must be assessed on its particular merits, in its own unique visual context'
- 3.10 In an attempt to counter this policy interpretation, the Appellant submitted copies of correspondence relating to PAC decision 2013/A0119, wherein the Commission appear to accept that the appointed Commissioner did not explicitly address the test of whether there was a substantial and (continuously) built up frontage. That is not the case with respect to this appeal; CTY 8 has been correctly interpreted and applied.

- 3.11 The appeal development would have a negative impact on the linear copse along the northern side of Manse Road, which defines the rural character of this area. The proposed dwelling when viewed with existing buildings would result in a suburban style build-up of development. A line of four dwelling units at this location would introduce a suburban appearance that would cause a detrimental change to the rural character of the area, which would be contrary to Criterion (b) of Policy CTY 14.
- 3.12 Notwithstanding that the elevation and floor plan drawings submitted with the application are illustrative, it is relevant to point out that the use of large and extensive retaining walls and significant under-build / backfill would be unacceptable in this rural area. Such ancillary works would damage the rural character of the area and as such would be contrary to Criterion (e) of Policy CTY 8.

Conditions

- 3.13 The following non-standard conditions are recommended without prejudice:-
- (1) Submission of a scale plan and site survey showing the access to be constructed and visibility splays of 2.4m by 67.25m to the left hand side (LHS) and 2.4m by 70m to the right hand side (RHS) emerging.
 - (2) Notwithstanding the provisions of Article 3 and Schedule 1 part 2(A) of the Planning (General Development) Order (NI) 1993 (or any legislation revoking that Order and re-enacting those provisions) no gates, fences, walls or other means of enclosure shall be erected or constructed at the access point onto the public road without prior approval from the Department.
 - (3) The dwelling shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/ trees and shrubs of mixed woodland species planted on the inside.

4.0 APPELLANT'S CASE

- 4.1 The proposal is for the erection of a single dwelling and garage. This is an outline application and only the principle of development is sought at the present time. Detailed drawings submitted with the application were clearly marked for illustration purposes only. While the Department has indicated that it is content for siting, design and scale to be addressed at reserved matters stage, it is proposed to site the dwelling at least 25m back from the road.
- 4.2 The starting point for the assessment of this appeal is the PPS 1 presumption that permission should be granted unless demonstrable harm will be caused. PPS 21 provides the appropriate policy context for this rural site; specifically Policies CTY 8 and 14.
- 4.3 The first step is to establish whether a substantial and continuously built up frontage exists at this location. It is clear that Nos. 15, 15a, 11 and 9, which are

set back from the road and are well screened by mature roadside vegetation, all have a frontage to Manse Road over a 200m stretch. The appeal site accounts for a gap of only 35m within the centre of this frontage, which is illustrated by the submitted aerial photograph. The Department's acceptance that a ribbon of development exists at this location is evidenced by the wording of its second refusal reason, "the proposal if permitted would add to the ribbon of development". Its acceptance that there is a substantial and continuously built up frontage is evidenced by its statement "in plan form a line of three or more buildings exist along the northern bank of Manse Road. The buildings would appear as sharing a common frontage along this stretch of the public road."

- 4.4 For the purpose of Policy CTY 8, it is clear that there is already a ribbon of development, which shares a common frontage. The appeal site is firmly within this ribbon. The Department's main concern is that there is little or no visual linkage between the three existing dwellings. While PAC decisions 2013/A0061 and 2013/A0119 both refer to sequential awareness and direct visual linkage, the latter was quashed by agreement - the PAC accepting that this decision did not properly address the relevant policy tests. The correct test is whether there is a common frontage **or** the existing dwellings are visually linked. It is a disjunctive test whereby only one element needs to be satisfied. Visual linkage is not a policy requirement. Infill opportunities can exist where there is a common frontage. The existing dwellings on Manse Road clearly have a common frontage and the proposed development will occupy a well defined infill position within this frontage.
- 4.5 It is difficult to understand how the development will result in a suburban style of build-up, when views of the existing houses are only very limited. As a consequence of being well screened and set back from the road, the development will be well integrated and will have minimal impact upon rural character. Policy states that permission will be refused if the building creates or adds to a ribbon of development. In this case, the proposal will not create a ribbon. As indicated by the second refusal reason, a ribbon is acknowledged by the Department to already exist. Furthermore, it does not add to the ribbon as it is contained within the frontage where infilling is acceptable under policy. While the existing roadside bank will have to be re-graded and set back, there will be only minimal views of the new and existing houses. The road level will still be some 1.5m below the level of the site frontage; views from passing cars will be minimal, especially as a new hedge would be positioned on top of the bank. This is precisely the type of development the Minister was trying to promote when PPS 21 was introduced in 2010.
- 4.6 The access would be paired with that to No.15a. The proposed access improvements will result in the facing of the 1.5m wide hedge to the RHS emerging. To the LHS emerging the existing vegetation would be removed and the existing bank set back and regraded in order to achieve the visibility splay required. Much is made of how the removal of this vegetation will open up the area, however, the Appellant could remove the vegetation along the frontage of No. 15a as well as the bank and vegetation along the frontage of the appeal site if he chose to do so; there is no TPO in place. In any event, Criterion (e) of

Policy CTY 14 states that a new building will be unacceptable where the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

5.0 CONSIDERATION

- 5.1 The application submitted described the proposed development as a 2.5 storey dwelling and illustrative drawings showing elevations and floor plans were submitted. Illustrative drawings do not constitute part of an application and in any event, the Appellant made clear in his statement of case that approval is being sought in principle for a “dwelling and garage”. The description of development has been amended accordingly.
- 5.2 The appeal site is located in the open countryside and the main issue is whether the proposal is acceptable in principle in terms of Policies CTY 1 and 8 of PPS 21. The appeal proposal’s effect on the character of the area also falls to be considered against Policy CTY 14.
- 5.3 Policy CTY 8 entitled ‘Ribbon Development’ states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. While it is not defined in policy, Paragraph 5.33 sets out what ribbon development can consist of. Notwithstanding that this form of development has been consistently opposed, policy goes on to state that an exception will be permitted for the development of a gap site. 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, providing four specific elements are met. Namely, 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.
- 5.4 The first step in determining whether an “infill” opportunity exists is to identify whether there is a substantial and continuously built up frontage present. The parties dispute the meaning of the phrase, which for the purpose of this policy “includes a line of three or more buildings along a road frontage without accompanying development to the rear”.
- 5.5 A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road. The plots on which the buildings comprising Nos. 15, 15a and 11 stand abut Manse Road; therefore they constitute three buildings along a road frontage. The buildings are each set back between 30 and 40 metres from the road, although Nos. 15 and 15a are angled to the road, they are in a line. As there is a line of three buildings with a common frontage onto Manse Road, there is, as required by the language in the headnote of Policy CTY 8, a substantial and continuously built up frontage. In this respect, I take a different view than that expressed in appeal decision 2013/A0061. The words

“visual linkage”, which are found in paragraph 5.33 of the Justification and Amplification text, are used in reference to what can constitute a ribbon of development and not what constitutes an exception for infill development. As such, I attach little weight to the fact that there is no visual linkage between the two buildings comprising Nos.15 and 15a and that comprising No.11. Furthermore, I note that when appeal 2013/A0119 was reheard, planning permission was granted. The appeal proposal meets the first element that is required in order to qualify as an infill site.

- 5.6 The gap between No. 15a and No. 11, which comprises the appeal site, is, as accepted by the Department, of a size sufficient to accommodate only one dwelling, which would respect the existing development pattern. Consequently, the appeal proposal also satisfies the second and third elements required to satisfy the exception for infill development.
- 5.7 The fourth element of the infill policy in CTY 8 that must be considered is whether the appeal proposal meets other planning and environmental requirements. In the context of this appeal, the specific concern is with Policy CTY 14 and the impact on rural character. It is not argued that a dwelling on the appeal site would be unduly prominent. The Department’s concern is that the provision of visibility splays and erection of a dwelling and garage would lead to a continuous row of buildings that would result in a suburban style build up and a ribbon of development along Manse Road that would be detrimental to the rural character of the area.
- 5.8 The access, as proposed, would be shared with No.15a and this can be conditioned. The access improvements would require the removal of the existing roadside bank and associated vegetation along the site’s roadside boundary. However, it is proposed that the existing bank would be set back, regraded and replanted; this can be conditioned. These works would not impact on views of No.11 from the road, given the dense band of mature vegetation along that property’s western boundary and the variation in ground levels. Similarly, with the exception of what is required to be removed to provide the access to the appeal dwelling, the hedging between it and No. 15a can also be conditioned to be retained. This would limit the extent to which Nos.15 and 15a would be opened up to view by the proposed development. The provision of the visibility splay to the RHS emerging can be achieved by the facing of the hedging to the roadside boundary of No. 15a, which is within the control of the Appellant. On this basis, I conclude that the appeal dwelling would not have an unacceptable detrimental impact upon the rural character and appearance of the area. As such I find it complies with the fourth element required to satisfy the exception for infill development as well as with Policy CTY 14. As the proposal qualifies as an exception under Policy CTY 8, it is in accordance with Policy CTY 1. Accordingly the Department has failed to sustain its three reasons for refusal.
- 5.9 To ensure that the dwelling reflects the existing development pattern along the frontage, it should be sited as proposed and this can be secured by condition. As topography within the site varies considerably I consider it necessary for levels to be submitted. Visibility splays at the improved shared access are

required to be put in place and permanently maintained. To control the impact of the access, it is necessary to remove permitted development for entrance features adjacent to the public road. To preserve rural character a landscaping scheme is required to be submitted and approved by the Department.

6.0 RECOMMENDATION

6.1 I recommend to the Commission that the appeal be allowed and that outline planning permission be granted subject to the following conditions:

- (1) Except as expressly provided for by Conditions 2, 3, 4 and 5, the following reserved matters shall be as approved by the Planning Authority - the siting, design, external appearance of the dwelling and garage and the means of access thereto.
- (2) The dwelling and garage shall be sited within the area hatched on the attached map numbered PAC 1.
- (3) Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, which shall not exceed 0.5m above existing ground level at the lowest point within the building's footprint, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.
- (4) The access shall be shared with the existing access to No.15a.
- (5) Prior to commencement of development visibility splays of 2.4 metres by 70 metres to the RHS emerging and 2.4 metres by 67 metres to the LHS emerging shall be laid out and shall be permanently retained.
- (6) Notwithstanding the provisions of Article 3 and Schedule 1, Part 2 of the Planning (General Development) Order (Northern Ireland) 1993 (or any legislation revoking that Order and re-enacting those provisions) no gates, walls, fences or any other means of enclosure shall be erected or constructed adjacent to the public road, without the prior approval of the Planning Authority.
- (7) No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme providing for the retention of trees and hedgerows, including the hedgerow between the appeal site and No.15a, with the exception of what is required to be removed to provide the access. The scheme shall provide for the setting back and regrading of the roadside bank and replanting of trees along the top. It shall indicate the location, number and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or 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.

- (8) 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.
- (9) 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 reserved matters to be approved, whichever is the later.

6.2 This recommendation relates to DOE DWG No.01 date stamped received 30 October 2013, which has been renumbered PAC1.



Appeal Decision

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Appeal Reference: 2013/A0119
Appeal by: Mr John Lovell
Development: 2 infill dwellings and 1 garage
Location: West of No.7 Knockbracken Road South, Carryduff
Application Reference: Y/2012/0173/F
Procedure: Hearing on 4th September 2014
Decision by: Commissioner Andy Speirs, dated 29th September 2014

Decision

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

Background

2. Commissioner McGlinchey issued a decision on this appeal on 22nd January 2014. Following an application for judicial review, the Commission agreed to that decision being quashed and remitted. I have considered the appeal afresh, taking account of the written evidence previously submitted, together with evidence put before me at the hearing on 4th September 2014.

Reasoning

3. The issues in this appeal are: (i) whether the proposal is acceptable in principle in the countryside, (ii) whether it would have an unacceptable impact on the amenity and character of the rural area, and, (iii) whether there would be a conflict between residential development on the appeal site and the operation of the adjacent engineering business.
4. The appeal site abuts the southern side of Knockbracken Road South. It falls markedly from east to west. A modern bungalow lies at No. 7 to the east. A business known as Steelman Engineering Ltd lies to the west at No.3. The business premises sit close to the shared boundary, which is defined by a row of tall conifers. The road frontage boundary comprises a grassed bank, upon which is a mature hedge which is around 2m above road level. The boundary between No.7 and the subject site is partly open and partly defined by a wall and fencing. The remaining boundaries are defined by mature hedges and trees.

5. The main policy context for the proposal is contained in CTY policies 1, 8, and 1 of Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) and policy PED8 of Planning Policy Statement 4 – Planning and Economic Development (PPS4). Policy CTY 1 of PPS21 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". The policy goes on to list those types of development, one of which is 'the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 of PPS 21'. The appellant's argument is that the proposal represents such a proposal. Policy PED 8 of PPS4, entitled 'Development incompatible with Economic Development Uses' states that "a proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused".
6. Policy CTY 8 is entitled 'Ribbon Development' and states that planning permission will be refused for a building which creates or adds to a ribbon of development. The policy, however, also states that permission will be granted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing gap, is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial and built up frontage "includes a line of 3 or more buildings along a road frontage without accompanying development to the rear".
7. The Department argued that the development proposed on the appeal site was unacceptable as it would not read with a line of three or more buildings along the road frontage. It was posited that there was no sense that a substantial and continuously built up frontage exists due to the size of the appeal site, taken together with topography and road alignment. Notwithstanding this, the Department accepted that Nos. 1, 3, and 7 were all visible from the road and lay on sites that had a common frontage to same. I noted that none of these roadside plots has accompanying development to the rear. For the appellant it was submitted that buildings merely required to be visible, rather than intervisible with others, in order to form part of a substantial and continuously built up frontage.
8. I do not discern any support in policy CTY8 for the Department's submission that, in order for it to be accepted that a substantial and continuously built up frontage exists, there is a requirement for buildings to be both intervisible and to have a common frontage. The reference to visual linkage in paragraph 5.33 of PPS21 is in the context of identifying ribbon development and I do not discern an intention that it is a 'test' to be applied in the identification of an infill opportunity. In any event, the term 'visually linked' cannot be directly interpreted as meaning all buildings in the frontage should be visible at once. Travelling along Knockbracken Road South in both directions, one is clearly aware of the

- presence of buildings on the road frontage plots at Nos.1, 3, and 7, with a break or gap between the latter two. The awareness of a sequence or line of buildings with a common frontage to the road pertains, irrespective of the vertical and horizontal alignment of the carriageway, and vegetation on or close to the road edge. This line of buildings represents a substantial and continuously built up frontage as described in the headnote of CTY8. I must now judge whether the gap between Nos. 3 and 7 is 'small' within the context of the policy.
9. The frontage of the plot at No.7 is around 20m and the rear boundary is around 28m in width. The road frontage at No.1 extends to around 40m and at No.3, to over 30m. I note that the site to the east of No. 7, which has a frontage of just under 60m, was originally granted approval for 2 infill dwellings and was subsequently the subject of a successful application for a single residential unit. The appeal site frontage is around 60m in extent and the gap between buildings at Nos. 3 and 7 is not significantly in excess of this. The Department argued that the site could be subdivided into three 20m-wide plots, accommodating dwellings of around 150m², similar to that at No.7. This would result in four modest dwellings on narrow, restricted plots along a total frontage of around 80m. The plot width and size at No.7 is not typical along the frontage extending between Nos. 1 and 7 and repetition of the development thereon, with 3 albeit modest dwellings on narrow plots, would be at odds with the wider pattern of development in the frontage. This would clearly conflict with policy CTY 8. To my mind, 2 dwellings on larger plots, with frontages of around 30m, would be significantly more in keeping with the character of the frontage. I judge that the appeal site could not accommodate more than 2 dwellings whilst still respecting the existing development pattern. Given this, it represents a small gap in the context of policy CTY8.
 10. The Department, referring to paragraph 5.34 of PPS21, argued that the appeal site is an important visual gap in the frontage along the southern side of Knockbracken Road South. I note that this paragraph states that infilling of such gaps will not be permitted "*except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage*" (my emphasis). Given my conclusion that the proposal represents such an exception I cannot concur with the Department's submission.
 11. The Department submitted that the proposed development would be inadequately integrated, contrary to policy CTY8; critical views were from Knockbracken Road South. A major concern was the removal of road frontage vegetation, opening up the site. It was also posited that the dwelling on the lower part of the appeal site was of an unacceptable design for this rural location. The final sentence of PPS21 paragraph 5.34 was cited in support of the latter argument.
 12. No issues were raised by the Department with regard to the design of the dwelling on the eastern portion of the appeal site. With regard to the other dwelling, the Department's concerns related to the split level form, the fenestration and the roof overhang on the southwest facing elevation. Whilst no particular part of the design guidance document was drawn to my attention, I recognise that split level design is not generally acknowledged as a traditional feature in the countryside; neither is a balcony with an overhanging roof. In

mitigation, however, these features of the proposed dwelling are angled away from the public road, being screened by existing vegetation, and will be largely unseen by passing traffic. Those elevations facing the public viewpoints are of an acceptable, relatively simple form and exhibit fenestration with a general vertical emphasis, which is acceptable. The context of the proposal, in a row of development already comprising two modern bungalows and an engineering works, must also be taken into account. I judge that, in the circumstances, the design of the dwelling on site 1 (drawing 02A) is acceptable and the Department's objections in that respect are not sustained.

13. I agree with the appellant that it would often be difficult to provide access to a site for two infill dwellings without some impact on roadside vegetation. In this case, a shared access is proposed, which would result in a gap in the frontage of around 12m. The appellant has submitted that the roadside hedge and verge can be moved back behind the visibility splay and, given the depth and height of the latter, I am prepared to accept that this would be a viable proposition. Should the hedge fail, its replanting can be secured by means of an appropriate condition. There is a row of tall, mature conifers along the western site boundary and a mature hedge and trees along the southern side, with rising land further still to the south. The development proposed would be seen in this landscape context, with existing development to the west and east. Drawing 02A shows subdivision of the field by erection of a fence and planting of new hedges. In the circumstances of an infill proposal for two dwellings, I am satisfied that an acceptable level of integration would be achieved and I do not accept the Department's objections in this regard. Since the site is a small gap in an otherwise substantial and continuously built up frontage, its development for two dwellings would accord with policy CTY 8 of PPS 21. The requirements of policy CTY1 in respect of residential development in the countryside are satisfied. The Department's first reason for refusal is not sustained.
14. Policy CTY 14 is entitled 'Rural Character' and states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It goes on to list 5 instances where a new building will be unacceptable. In its second reason for refusal the Department has stated that the proposal would detrimentally affect rural character by reason of a suburban style build up of development when viewed with existing and approved buildings, and through creation of ribbon development. In evidence, it was also argued that the dwelling on the lower part of the site would be suburban in design, unduly prominent, and that the impacts of ancillary works would damage rural character; these elements would 'trigger' categories (b), (a) and (e) of CTY14, respectively.
15. The existence of a substantial and continuously built up frontage is a prerequisite for an infill opportunity to exist. Where a valid infill opportunity exists within the context of policy CTY8, an argument against a proposal based on category (d) of policy CTY 14 could not be sustained. The Department explained that its argument in terms of suburban development was based on the likely creation of a row of dwellings to include those on the appeal site, and also the unacceptable design of the dwelling on site 1. This former point is, essentially, an objection to ribbon development, which is not sustained in this appeal. With regard to the latter issue, I have already concluded that the design of the dwelling is

- acceptable in its context. In respect of the issue of prominence, the dwelling on the lower part of the site is split level, to deal with the contours, and finished floor level is indicated as being below road level. The site falls away from the road and the two-storey elevation of the building would face away from the public viewpoints. The elevations seen from the road would have a largely 1.5 storey appearance. As I have already stated, there is a backdrop of rising land and mature vegetation along the rear and western side of the site would be retained. In my opinion, the dwelling would not be unduly prominent. I note that the appellant is content to accept a condition restricting suburban-type roadside features in order to assist in protecting rural character. Reinstatement of the roadside hedge behind visibility splays would also help in this respect. Taking all of the foregoing into account, I am not persuaded that excavations or remodelling of the sites to permit development would be injurious to rural character such as to warrant rejection. I am not convinced that the proposal conflicts with PPS21 policy CTY14. The Department's second reason for refusal is not, therefore, sustained.
16. The Department's decision notice did not include a reason for refusal relating to policy PED 8 of PPS4; however, the issue was raised by the objector in the context of both the planning application and the appeal and is a material consideration in the case before me. The objector's concern was that there could be a conflict between the residential uses on the appeal site and the noise-generating engineering business. I was advised that the business operated mainly during normal office hours but that this could extend into evenings and weekends during busy periods.
 17. I note that the Environmental Health Office of Castlereagh Borough Council (EHO) was consulted on the application, was aware of the objections, and had no objection to the proposal. I acknowledge that the buildings at No.3, which lie close to the appeal site boundary, would afford a good degree of noise amelioration in themselves. Erection of an acoustic barrier along the remainder of the western site boundary was suggested by the EHO and the appellant raised no objection to this, which can be secured by condition. The objector did not dispute the conclusions of the noise assessment provided by the appellant and was broadly satisfied that conditions suggested in the assessment, which are acceptable to the appellant, would ameliorate most of the noise impacts from the engineering business. I note that the ambient noise from the Saintfield Road is the dominant noise feature of the locality. It is also noteworthy that neighbours facing the engineering works, which would be more susceptible to noise impacts, have not to date raised any complaints with the EHO regarding same. The objector cited a reservation regarding use of the external balcony at the dwelling closest to No.3; however, it was recognised that any future residents would be aware of the existence of the engineering business. Taking all of the information into account, I am not persuaded that the proposal conflicts with policy PED8 of PPS4 and the objections in that respect are not sustained.
 18. I consider that provision of the access and visibility splays is necessary before building works commence on the sites. Vehicle parking areas should be provided before either of the dwellings is occupied, in the interests of road safety. The gradient of the access should be controlled to facilitate safe vehicular use. All of these should be secured by appropriate conditions.

Conditions

1. Both dwellings shall be constructed to provide minimum sound attenuation of 24dB RA, tr for all habitable rooms on the west and northwest facing elevations. Where windows need to be closed to achieve the required attenuation, an alternative means of room ventilation shall be provided to achieve a minimum attenuation of 24 dB RA, tr. No development shall take place until details of all attenuation measures have been submitted to the Planning Authority for its written approval. The attenuation measures, as agreed, shall be implemented and thereafter permanently retained.
2. Prior to the occupation of either dwelling, an acoustic barrier shall be provided in the northwestern corner of the site between the road frontage and the building line of the adjacent portakabin structure at No.3 Knockbracken Road South. Details of the exact position, dimensions, structure, density, and sound attenuation characteristics of the barrier shall be submitted to the Planning Authority for its approval, in writing.
3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with drawing No.02A prior to the commencement of any other development on the site. Visibility splays shall be permanently retained thereafter.
4. Neither dwelling shall be occupied until the hard surfaced parking and turning area within its curtilage has been provided in accordance with drawing No. 02A. The hard surfaced areas shall be permanently retained in their entirety unless otherwise agreed, in writing, with the Planning Authority.
5. The access gradient shall not exceed 8% over the first 5m from the public road edge. Where the access crosses the verge, the gradient shall be between 2.5% and 4%.
6. The landscaping of each site shall be undertaken in accordance with the details indicated on drawing No.02A within the first planting season following the occupation of the dwellings. Any trees, hedges or shrubs dying, diseased, removed or seriously damaged within a period of 5 years from the date of first occupation of the dwelling shall be replaced the next planting season with specimens of the same type, unless the Planning Authority agrees otherwise, in writing.
7. No construction works shall take place within the site until:-
 - details of a scheme to relocate the existing roadside verge and hedge to the rear of the proposed visibility splays has been submitted to, and approved by, the Planning Authority; and,
 - the scheme, as approved, has been implemented.

Any relocated trees, hedge or shrubs dying, becoming diseased, removed or being seriously damaged within a period of 5 years from the date of first occupation of the dwelling shall be replaced the next planting season

with specimens of the same type, unless the Planning Authority agrees otherwise, in writing.

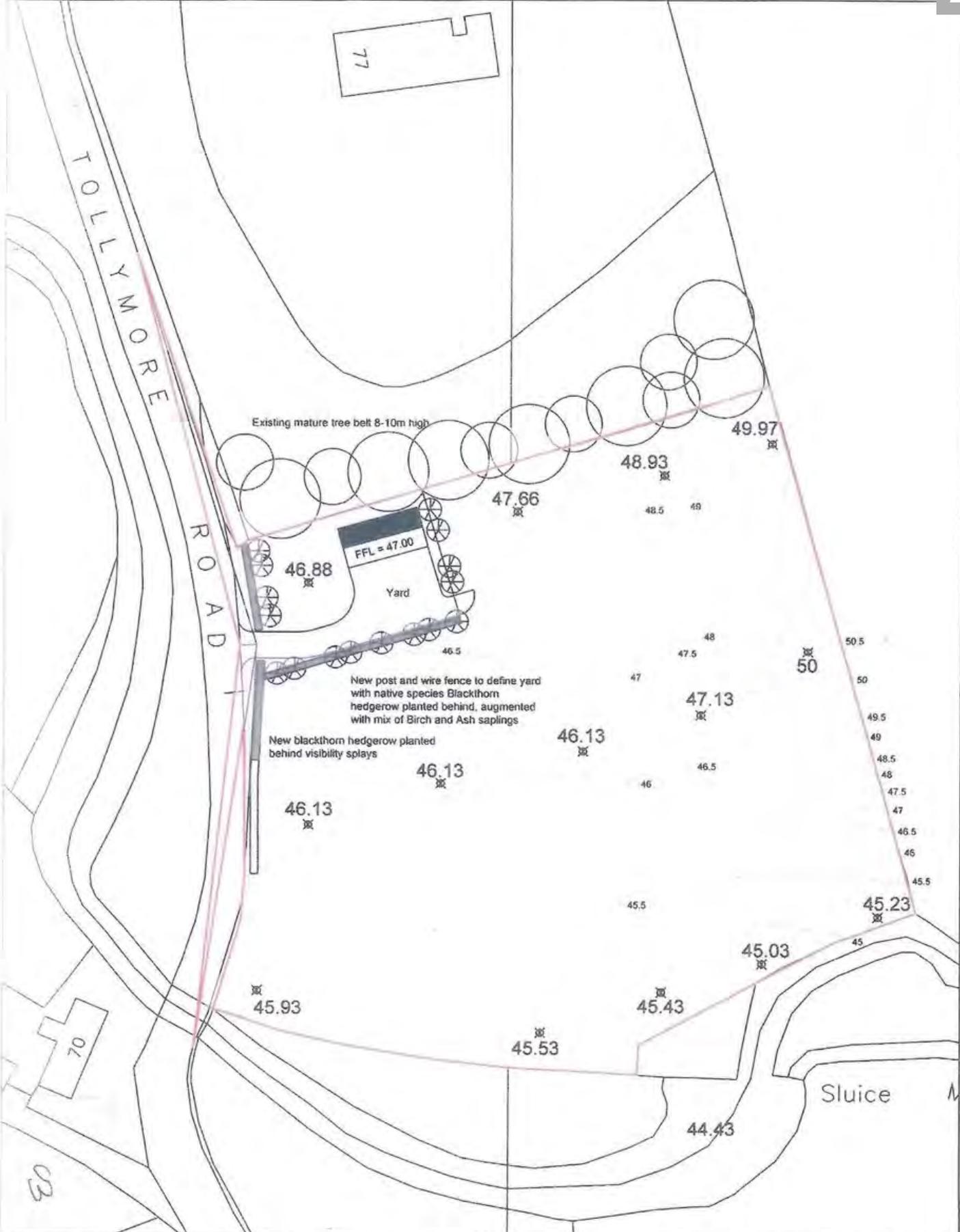
8. Notwithstanding the provisions of Article 3 and Schedule 1, Part 2(A) of the Planning (General Development) Order (Northern Ireland) 1993 (or any legislation revoking that Order and re-enacting those provisions) no gates, fences, walls, or other means of enclosure shall be erected or constructed at the access point onto the public road or alongside the road frontage without the written consent of the Planning Authority.
9. The development shall be begun before the expiration of five years from the date of this decision.

This decision relates to the following plans:-

- Drawing 01A at scale 1:2500 showing site location;
- Drawing 02A at scales 1:100, 1:200 and 1:500 showing elevations, sections, floor plans and site layout; and,
- Drawing 03 at scales 1:100 and 1:2500 showing site location, levels, and proposed access,

All stamped received by the Department on 28.11.2012.

COMMISSIONER ANDY SPEIRS



Client: Mr and Mrs D Murray	Date: 29th August 2011	Scale: 1:500			
Project Details: New farm out-building on lands 65m South of 77 Tollymore Road, Newcastle	Project Number: 2011 / 609	Drawing Number: A3 - 03	Revision:		
Drawing Name: Proposed Site Plan			Revision	Description	Date

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