

August 4th, 2016

Notice Of Meeting

You are requested to attend a meeting of the Planning Committee to be held on **Wednesday, 10th August 2016 at 9:30 am** in **Boardroom District Council Offices Monaghan Row Newry.** (which is a continuation of the session which was held on Wednesday 3 August 2016)

The Members of the Planning Committee are:

Chair: Councillor W Clarke

Deputy Chair: Councillor J Macauley

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

Agenda

1) **Apologies**

2) **Declarations of Interest.**

Development Management - Planning Applications for determination

3) **To consider the following Planning Application for determination which was adjourned from the Planning Committee Meeting on Wednesday 3 August 2016;**

Item 27 - P/2012/0712/F - Brendan Carragher - extension to trye depot - 24 New Road Silverbridge Newry.

REC: REFUSAL

- A request for speaking rights has been received from Mr James Murphy Agent, (in support of application) **submission attached.** (NB: Mr Murphy has requested photograph slides be displayed on screens in Boardroom during his presentation)

P-2012-0712-F B Carragher.pdf

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Item 27 - submission of support.pdf

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4) **To consider the following Planning Application for determination which was adjourned from the Planning Committee Meeting held on Wednesday 3 August 2016.**

Item 28 - LA07/2016/0175F - Dermot White- replacement dwelling and domestic garage - 80m north west of 15 Molly Road Jonesborough Newry

REC: REFUSAL

- A request for speaking rights has been received from Mr James Murphy Agent (in support of the application) **submission attached.** (NB: Mr Murphy has requested that photograph slides are displayed on the screen in the Boardroom)

LA07-2016-0175-F D White.pdf

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Item 28 - submission of support.pdf

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5) **To consider the following Planning Application which was**

adjourned from the Planning Committee Meeting on Wednesday 3 August 2016.

Item 31 - LA07/2016/0421/O - Fiona Doyle - proposed infill dwelling and detached garage - site adjacent to and west of No. 25 Tamnaharry Hill Road Mayobridge Newry.

REC: REFUSAL

- A request for speaking rights has been received from Mr Barney Dinsmore Agent (in support of the application) **submission attached.**

LA07-2016-0421-O Fiona Doyle.pdf

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Item 31 - submission of support LA07-2016-0421-0.pdf

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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
Cllr. Pete Byrne	pete.byrne@nmandd.org
Cllr. Michael Carr	michael.carr@newryandmourne.gov.uk
Cllr. charlie casey	charlie.casey@newryandmourne.gov.uk
Cllr. William Clarke	william.clarke@downdc.gov.uk
Cllr. Patrick Clarke	patrick.clarke@downdc.gov.uk
Cllr. Garth Craig	garth.craig@downdc.gov.uk
Cllr. Dermot Curran	dermot.curran@downdc.gov.uk
Cllr. Laura Devlin	laura.devlin@downdc.gov.uk
Ms. Louise Dillon	louise.dillon@newryandmourne.gov.uk
Cllr. Sean Doran	sean.doran@newryandmourne.gov.uk
Cllr. Sinead Ennis	sinead.ennis@nmandd.org
Cllr. Cadogan Enright	cadogan.enright@downdc.gov.uk
Cllr. Gillian Fitzpatrick	gillian.fitzpatrick@newryandmourne.gov.uk
Mr. Patrick Green	patrick.green@downdc.gov.uk
Cllr. Glyn Hanna	glyn.hanna@nmandd.org
Mr. Liam Hannaway	liam.hannaway@nmandd.org
Cllr. Valerie Harte	valerie.harte@newryandmourne.gov.uk
Cllr. Harry Harvey	harry.harvey@newryandmourne.gov.uk
Cllr. Terry Hearty	terry.hearty@newryandmourne.gov.uk
Cllr. David Hyland	david.hyland@newryandmourne.gov.uk
Mrs. Shiela Kieran	sheila.kieran@newryandmourne.gov.uk
Cllr. Liz Kimmins	liz.kimmins@nmandd.org
Cllr. Mickey Larkin	micky.larkin@nmandd.org
Cllr. Kate Loughran	kate.loughran@newryandmourne.gov.uk
Cllr. Jill Macauley	jill.macauley@nmandd.org
Cllr. Kevin Mc Ateer	kevin.mcateer@nmandd.org
Mr. Johnny Mc Bride	johnny.mcbride@newryandmourne.gov.uk
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Cllr. Declan McAteer	declan.mcateer@newryandmourne.gov.uk
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 Muiiri	barra.omuiiri@nmandd.org
Cllr. Pol O'Gribin	pol.ogribin@nmandd.org
Mr. Canice O'Rourke	canice.orourke@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

ITEM NO	D1			
APPLIC NO	P/2012/0712/F	Full	DATE VALID	9/4/12
COUNCIL OPINION	REFUSAL			
APPLICANT	Brendan Carragher 24 New Road Silverbridge Newry BT35 9PQ		AGENT	J A Murphy B.Sc.,M.I.C.E Chartered Engineer 43 New Road Silverbridge Newry BT35 9NB 02830888214
LOCATION	24 New Road Silverbridge Newry BT35 9PQ			
PROPOSAL	Extension to Tyre Depot			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy PED 2 of the Department's Planning Policy Statement 4, Planning and Economic Development, in that the proposal does not meet any of the exceptions for economic development uses in the countryside.
- 2 The proposal is contrary to Policy PED 9 of the Department's Planning Policy Statement 4, Planning and Economic Development, in that it has not been demonstrated that the proposal;
 - is compatible with the surrounding land uses;
 - appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; and
 - that there are satisfactory measures to assist integration into the landscape.
- 3 The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm;
 - the farm (forestry) business is not currently active and established;
 - the character and scale of the development is not appropriate to its location;



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2012/0712/F

Date Received: 10th Sept 2012

Proposal: Extension to tyre depot

Location: 24 New Road Silverbridge Newry BT35 9PQ

Site Characteristics & Area Characteristics:

Site Inspection- 9th Jan 2013

Site consists of an area of land adjacent to a dwelling house that is currently being used as a tyre sales business. Tyres are currently stored in an open compound to the side of the site and fitting appears to take place in some agricultural type sheds at the opposite side, there is also a lorry trailer that currently appears to be used for storage of tyres and other equipment. The entire complex is located at the end of a laneway leading off from New Road and sited just over the brow of a hill. From New Road all that is visible are the lorry trailer and agricultural sheds as well as a small advert adjacent to the entrance. There is no record of any permission having been granted for this business.

Immediately north of the application the Department has previously granted approval for a dwelling under P/2008/1220/RM.

It would appear from aerial photography that the dwelling approved had footings in place from as early as Sept 2010. The most recent aerial photography shows the footings being used an area for tyre storage. This area is outside the red line of the application site.

Site History:

No relevant site history to the case.

Planning Policies & Material Considerations:

*The Strategic Planning Policy Statement (SPPS)
The Banbridge/Newry and Mourne Area Plan 2015
Planning Policy Statement 3
Planning Policy Statement 4*

Planning Policy Statement 21

Consultations:

EH- no objections

TransportNI- no objections

NIW- statutory

Objections & Representations

No. of neighbours notified= 6

Advertised= 21/9/2012

No. of representations received= 0

Consideration and Assessment:

The application was previously assessed under the provisions of PPS 4 and Policy PED 3, expansion of an established business in the countryside. Although the agent has supplied evidence of a business operating on the site from as early as 2007 and states that the business has been in existence since 1996, this has not been regularised through the correct process. To regularise the business the Council would require the submission of an existing CLUD. Given that the business has not been regularised the Council cannot consider the application under Policy PED 3 of PPS 4. This is in line with procedure set down by the Planning Appeals Commission.

The agent has confirmed in his letter dated the 18th Jan 2013, that the business stores a large range of tyres, both new and part used and that they also do puncture repairs and fitting. The proposal will therefore be assessed against Policy PED 2, Economic Development in the Countryside. The proposal fails to fall within any of the exceptions listed under this policy. The policy refers to proposals involving the re-use of rural buildings for economic development associated with farm diversification schemes in line with the provisions of PPS 21. PPS 21 CTY 11, states that planning permission will be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. For the purposes of this policy the determining criteria for an active and established business is set out under CTY 10. The applicant is required to have had an active and established farm business for at least 6 yrs. No details have been submitted. The proposed tyre depot is not considered as a use which is run in conjunction with the farm. The proposal is more suitable to the urban area and would spoil the character of the countryside area. With regard to the impact on the amenity of the neighbouring dwellings in terms of problems arising from noise, smell and pollution, Environmental Health have been consulted as part of determining the application and returned with no objections to the proposal on such grounds.

Under PED 9 of PPS 4, the proposal is not considered compatible with the surrounding land uses. The existing yard and proposed car parking area are both to be extended closer the roadside. This will involve the creation of new boundaries through the middle of the front fields. The site as it exists lacks appropriate boundary treatment and means of enclosure. The site is positioned approximately 10 metres above the adjacent road level and readily viewed travelling in both

directions along the New Road. Given the size and scale of the extension to the shed and the extension of the site area to the roadside and the lack of existing screening the proposed development will be a prominent feature in the landscape. The proposed shed, it's associated outside storage and car parking will rely heavily on new landscaping to aid its integration. The proposal is contrary to PPS 4 PED 2, PED 9 and PPS 21 CTY 1, CTY 11, CTY 13 & CTY 14.

**Recommendation:
Refusal**

Refusal reasons:

1. The proposal is contrary to Policy PED 2 of the Department's Planning Policy Statement 4, Planning and Economic Development, in that the proposal does not meet any of the exceptions for economic development uses in the countryside.
2. The proposal is contrary to Policy PED 9 of the Department's Planning Policy Statement 4, Planning and Economic Development, in that it has not been demonstrated that the proposal;
 - is compatible with the surrounding land uses;
 - Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; and
 - that there are satisfactory measures to assist integration into the landscape.
3. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
4. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm;
 - the farm (forestry) business is not currently active and established;
 - the character and scale of the development is not appropriate to its location;
5. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed building is a prominent feature in the landscape;
- the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- the proposed building relies primarily on the use of new landscaping for integration;
- the ancillary works do not integrate with their surroundings;
- the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
and therefore would not visually integrate into the surrounding landscape.

6. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the building would, if permitted, be unduly prominent in the landscape;
- the impact of ancillary works would damage rural character;
and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

30/6/16

30/6/10

- 4 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
 - and therefore would not visually integrate into the surrounding landscape.

- 5 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the building would, if permitted, be unduly prominent in the landscape;
 - the impact of ancillary works would damage rural character;
 - and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

- 6 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.

Proposed Extension to Tyre Depot at New Road, Silverbridge, Newry

for Mr. B. Carragher

Submission to Council on 3/8/2016

Planning ref; P/2012/0712/F

Date; 10th. September 2012

- 1 Site map
- 2 Layout as Existing
- 3 Photo front of sheds
- 4 Photo directly opposite Sheds
- 5 Photo to road side
- 6 Inside larger shed
- 7 Inside smaller shed
- 8 New house footings
- 9 Site from road - 110 metres away
- 10 Layout as Proposed
- 11 Elevations as originally proposed
- 12 Elevations as amended

The planners have indicated in their report that they cannot consider this application under policy PED 3 of PPS 4 until application for a CLUD has been made and approved. They give no definite reference for this requirement, just that it is in line with procedure set down by the Planning Appeals commission.

The application has been considered from 2012 and this is the first time that a CLUD has been mentioned by the planners.

The site inspection was carried out on 9th. January 2013; then on 11th. January 2013 the planners wrote requesting us to 'demonstrate how long the business has been in operation at this location for'. We replied on 18th. January 2013 and included evidence with the result that the planning officer agrees in his report that the evidence proves that the business has been operating from as early as 2007 and I have given the date of commencement as 1996.

Even with the evidence accepted by the planners in their report, the business has been active for at least 5 years and therefore satisfies the essential criteria of question 8(1) of a CLUD application form. So a

CLUD at this stage would superfluous.

The planners have records for this site going back many years. These are as follows

- 13 Planning application no. P/2002/2333 for filling station - map
- 14 Refusal - with no mention of enforcement action against existing business.

- 15 Planning application no. P/2003/2610/O for dwelling - map
- 16 Withdrawal confirmation - but no enforcement.

- 17 Planning application no. P/2008/1220/RM for dwelling - map
The approval was mentioned in the planning report. The site is accessed through Tyre yard and still no enforcement.

There is no doubt that planners have for many years regarded this as an established business.

The application should therefore be assessed under policy 3 of PPS 4 and as it meets all the requirements therein it should be approved.

ITEM NO	15			
APPLIC NO	LA07/2016/0175/F	Full	DATE VALID	2/5/16
COUNCIL OPINION REFUSAL				
APPLICANT	Dermott White 12 Molly Road Jonesborough Newry BT35 8HY		AGENT	J A Murphy Chartered Engineer 43 New Road Silverbridge Newry BT35 9NB 02830888214
LOCATION	80 metres North West of 15 Molly Road Jonesborough Newry BT35 8HY			
PROPOSAL	Replacement dwelling and domestic garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - there is no structure that exhibits the essential characteristics of a dwelling;
 - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;

- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration; the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
 - and therefore would not visually integrate into the surrounding landscape.

- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the (building) would, if permitted, be unduly prominent in the landscape; the impact of ancillary works would damage rural character;
 - and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Proposed Replacement Dwelling at Molly Road,

Jonesborough, Newry for Mr. D. White

- 1 House has walls, roof, door, chimney, door at rear which was a window thus exhibiting essential characteristics.
- 2 Inside showing fireplace
- 3 Plan of building at present
- 4 Map including stream needed for washing

I wasn't around this area when the house was in use, but I will show you a suitable one which I remember being inhabited.
- 5 Front of McCoy's House, recently restored.
- 6 Plan of above
- 7 Baptismal record for the 7 children born between 1893 and 1899.
- 8 Plan of house in use. Sitting, cooking, eating, washing took place in the kitchen and the parents opened out the settle-bed at night and slept there along with a baby in a cot. Wouldn't a childless couple in White's house be better off for room?

What about a lavatory?
- 9 Map of house showing cartilage outlined in red. Note the stream.
- 10 Layout showing the uses of the different areas.
Note the large, secluded area of grass, where inhabitants squatted in a different place each time to defecate.

Essential characteristics now include this space and the stream.
- 11 Back to Whites and the map of 1957. The byre has already lost it's roof, but toilet area and stream are intact.

- 12 Our site layout with the cartilage of the old house super-imposed.
Note that, in order to maintain the straight lines generally seen in maps of this area, the northwest corner is very high
- 13 Layout with rear contours in bold.
A curve along these contours will integrate better.
- 14 Finally, White's Dwelling laid out for use.



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agus an Dúin**
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and Down**
District Council

Application Reference: LA07/2016/0175/F

Date Received: 05.02.2016

Proposal: Replacement dwelling and domestic garage

Location: 80 metres North West of 15 Molly Road Jonesborough Newry

Site Characteristics & Area Characteristics:

The site is located along the Molly Road approximately 1 mile outside Jonesborough. The building to be replaced is sited on the roadside. The lands surrounding the site rise steeply in a north western direction.

The building is single storey with a small concrete yard to the side and rear. Within the yard there is a small cattle crush and a gateway leading to the lands to the rear.

Site History:

n/a

Planning Policies & Material Considerations:

*The Strategic Planning Policy Statement (SPPS)
The Banbridge/Newry and Mourne Area Plan 2015
PPS 3, PPS 15, PPS 21*

The site is located within the countryside and An Area of Outstanding Natural Beauty as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Consultations:

NIW- statutory

TransportNI- no objections sub to conditions

Rivers Agency- see assessment

EH- no objections subject to consent to discharge

Objections & Representations

No. of neighbours notified= 1
 Advertised= 17.02.2016
 No. of representations received= 0

Consideration and Assessment:

The proposal is for a replacement dwelling relying on non mains sewerage within a countryside area therefore will be assessed Policy CTY 3, CTY 13, CTY 14 and CTY 16 of PPS 21.

Upon site inspection the building has all four walls substantially intact with a natural slate roof intact also. The building is single storey with a pitched roof. The building has one doorway opening onto the Molly Road and another facing into the rear yard area. On the western gable end of the building there appears to be a chimney positioned on the ridge which is overgrown with ivy. Internally the building is one single room in size. There appears to be remains of an old crook/fireplace to the gable end to which the chimney is positioned. Internally, parts of the old stone walls are evident with a lot of fresh plaster to the lower half of the walls. The building is sited immediately on the roadside with a small yard to the rear which appears to be used to hold animals.

I am not persuaded that the building to be replaced was ever a dwelling given its size, internal layout, lack of characteristics as a dwelling, its position in relation to the roadside and it's siting within the small agricultural yard.

The proposal is to be sited beyond the existing boundaries of the building/associated yard. If the principle of development was accepted, I am of the opinion that an enlarged curtilage would also be acceptable given the existing restrictions on the site. However, I am not content with the applicants chosen position to the rear of the site and feel that a roadside position would be less prominent and integrate better within the surrounding landscape. The design of the dwelling proposed is simple with a linear form. The design of the dwelling creates a good solid to void ratio with the windows having a vertical emphasis. Given the size of the existing building to be replaced (25sqm) and the proposed dwelling (approx.170sqm), the visual impact will be significantly greater than the existing building.

All necessary services can be provided without an adverse impact on the character of the locality and the proposed new access will not prejudice roads safety.

As stated above the proposed siting of the dwelling will be a prominent feature in the landscape. The proposal will rely heavily on new landscaping as the site is being cut of a larger field which lacks any long established natural boundaries to provide a suitable degree of enclosure for the building to integrate into the landscape.

The dwelling is to be positioned on a steep hillside. On the block plan the agent has indicated a 1.8 metre high retaining wall to run along the rear boundary and extend along the side boundary. A dwelling that relies on a significant amount of earthworks for integration is acceptable.

The design of the dwelling as discussed above is appropriate for the site and its locality.

The proposal would not result in build up as it will replace the agent has indicated the existing building to be demolished with the yard and walls removed from the site.

The proposal respects the traditional pattern of settlement exhibited in the area and does not create or add to ribbon of development.

There is an undesignated watercourse bounding the eastern edge of the site. Having consulted Rivers Agency they advised that the site does not lie within the 1 in100 yr fluvial flood plain therefore policy FLD 1 of PPS 15 does not apply. As the development is located beside this watercourse FLD 2 applies. The applicant has left a minimum of 5 metres between the watercourse and the south east corner of the proposed dwelling. The policy states a minimum of 5 metres should be provided.

The development is located partially within a predicted flood area as indicated on the surface water flood map. Although a drainage assessment is not required by Policy FLD 3, it is the developer's responsibility, to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This will be attached as an informative to any decision.

On the block plan provided it is noted that it is the applicant's intention to culvert the existing watercourse, policy FLD 4 applies in this case. The policy states that planning will only be permitted to artificially modify a watercourse, including culverting in either of the following exceptional circumstances:

- *Culverting of a short length of a watercourse (usually less than 10m) to provide access to a development site or part thereof;*
- *Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

The culverting of the watercourse in this case is not to allow access to the site nor for engineering reasons. The proposed operations do not fall within any of the above categories; therefore the proposal is contrary to Policy FLD 4 of PPS 15.

Recommendation:

Refusal

Refusal Reasons/ Conditions

The proposal is contrary to the SPSS and 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;*
- *the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;*
- *the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;*

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

- the proposed building is a prominent feature in the landscape;*

- the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;*
 - the proposed building relies primarily on the use of new landscaping for integration;*
 - the ancillary works do not integrate with their surroundings;*
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;*
- and therefore would not visually integrate into the surrounding landscape.*

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the (building) would, if permitted, be unduly prominent in the landscape;*
 - the impact of ancillary works would damage rural character;*
- and would therefore result in a detrimental change to (further erode) the rural character of the countryside.*

The proposal is contrary to Policy FLD4 of revised Planning Policy Statement 15; Planning and Flood Risk, in that the proposed culverting of the watercourse does not meet any of the exceptions to the policy.

Proposed Replacement Dwelling at Molly Road,

Jonesborough, Newry for Mr. D. White

- 1 House has walls, roof, door, chimney, door at rear which was a window thus exhibiting essential characteristics.
- 2 Inside showing fireplace
- 3 Plan of building at present
- 4 Map including stream needed for washing

I wasn't around this area when the house was in use, but I will show you a suitable one which I remember being inhabited.
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- 3 Plan of building at present
- 4 Map including stream needed for washing

I wasn't around this area when the house was in use, but I will show you a suitable one which I remember being inhabited.
- 5 Front of McCoy's House, recently restored.
- 6 Plan of above
- 7 Baptismal record for the 7 children born between 1893 and 1899.
- 8 Plan of house in use. Sitting, cooking, eating, washing took place in the kitchen and the parents opened out the settle-bed at night and slept there along with a baby in a cot. Wouldn't a childless couple in White's house be better off for room?

What about a lavatory?
- 9 Map of house showing cartilage outlined in red. Note the stream.
- 10 Layout showing the uses of the different areas.
Note the large, secluded area of grass, where inhabitants squatted in a different place each time to defecate.

Essential characteristics now include this space and the stream.
- 11 Back to Whites and the map of 1957. The byre has already lost it's roof, but toilet area and stream are intact.

- 12 Our site layout with the cartilage of the old house super-imposed.
Note that, in order to maintain the straight lines generally seen in maps of this area, the northwest corner is very high
- 13 Layout with rear contours in bold.
A curve along these contours will integrate better.
- 14 Finally, White's Dwelling laid out for use.

ITEM NO	17			
APPLIC NO	LA07/2016/0421/O	Outline	DATE VALID	4/4/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Fiona Doyle 23 Spring Meadows Warrenpoint BT34 3SU		AGENT	Bernard Dinsmore Chartered Architect 24a Duke Street Warrenpoint BT34 3JY 028 4175 3698

LOCATION Site adjacent to and west of No. 25 Tamnaharry Hill Road
 Mayobridge
 Newry
 Co. Down

PROPOSAL Proposed infill dwelling and detached garage

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

- 1 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Tamnaharry Hill Road.
- 2 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

the (building) would, if permitted create or add to a ribbon of development;

and would therefore result in a detrimental change to the rural character of the countryside.

- 3 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it does not meet the policy criteria of CTY8;

REPRESENTATION AGAINST RECOMMENDATION TO REFUSE

This representation is made under the Newry Mourne & Down District Council Planning Committee operating protocol dated May 2016 in relation to an application which has been recommended for refusal by Planning Services.

Application Reference:	LA07/2016/0421/O
Applicant Name:	Fiona Doyle
Site Location	Site adjacent to and west of No. 25 Tamnaharry Hill Road, Mayobridge, Newry, Co. Down
Proposal:	Infill Dwelling and Detached Garage

From the Case Officers report the reasons for refusal are as follows:

Refusal Reasons:

- 1. The proposal is contrary to PPS 21 CTY 1 under Housing Development, in that it does not meet the policy criteria of CTY8;*
- 2. The proposal is contrary to PPS 21 CTY 8 in that the site is not an exception to policy CTY 8 and is not considered a gap site, therefore development on this site would add to a ribbon development;*
- 3. The proposal is contrary to PPS 21 CTY 13 in that the new building, if developed would become a prominent feature in the landscape;*
- 4. The proposal is contrary to PPS 21 CTY 14 in that development on this site would result in a sub-urban style build-up of development and again would add to a ribbon of development.*

1. The relevant section of Policy CTY 1 states that Planning Permission will be granted for an individual dwelling house in the countryside forthe development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY8....

The subject site meets this criteria in full. There a substantial and continuous built up frontage along this stretch of Tamnaharry Hill Road as demonstrated on the accompanying annotated ACE Map and Google map, with this site as a gap site in the centre.

2. Policy CTY 8 states that planning permission will be granted 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. This gap site meets this criteria unlike for example a nearby site refused under P/2013/0774/O.

CTY 8 goes on ...for the purpose of this policy the definition of a substantial built-up frontage includes **a line of 3 or more buildings along a road frontage** without accompanying development to the rear.

The Planning Officers Professional Report states that in this instance this application does not meet the exception requirement under the requirements of CTY 8. I believe the assessment to be incorrect

- No's 29A and 29 display road frontage.
- The adjacent 'small field' to the east the Planner refers to is in fact the entrance into a large field to the rear.
- Then the application site.
- Whilst no. 25A is accessed a short way up a private lane there is no doubt that it displays the characteristic of a dwelling that fronts onto Tamnaharry Hill Road. It has a small portion of undeveloped fenced-off ground which could certainly not be described as an 'open field'.
- No. 25 is set back and almost invisible.
- No. 27 is not included in the Planners "Consideration and Assessment" but is noted in "Site Characteristics & Area Characteristics" as beingsited similarly to no. 25A.... (i.e.) it has the characteristics of road frontage.
- Then a gap
- Then no. 23.

Therefore, there is a distinct frontage of four dwellings as demonstrated on the attached ACE map, and Google map.

3. For the purpose of CTY 13 it must be noted that this is an outline application. However in response to items (a) – (g) of the Policy:
 - (a) A new dwelling will be no more prominent in the landscape than neighboring dwellings. If it can be accepted that the site is an exception to CTY8 then Planning Services can control its siting, within the red line.
 - (b) The Case Officer notes that the site benefits from long established natural boundaries in the form of bramble hedgerows.
 - (c) It will not therefore rely primarily on the use of new landscaping for integration.
 - (d) The level of integration of ancillary works will be determined under a Reserved Matters Application.
 - (e) The appropriateness of the building will be determined by the Reserved Matters Application.
 - (f) The Case Officer notes that the site slopes upwards towards the rear boundary which taken together with natural boundaries provides a natural back drop.
 - (g) Only relevant to a dwelling on a farm.

Therefore, there is absolutely no reason why a dwelling could not be successfully integrated into the Countryside under Policy CTY 13 whether in the location suggested in the design and access statement or at a different location conditioned by Planning Services within the red line (i.e.) set further back.

4. The proposal is not contrary to CTY14
 - (a) It will not be unduly prominent in the landscape by proper assessment of reserved matters application.
 - (b) The new dwelling will respect the indivisibility with existing development and its capacity to absorb this gap site through its siting, scale and design.
 - (c) It will respect the traditional pattern of settlement by adopting the spacing of existing buildings and integrating sensitively along the existing group.
 - (d) The proposal satisfies the exception to CTY 8 by way of meeting the requirements for a gap site.
 - (e) The impact of ancillary works will be fully under the control of Planning Services through a Reserved Matters application.

Conclusion:

In conclusion it is contended that the Planning Officer's overall assessment of this site under PPS21 is incorrect.

1. The proposed development is an exception to Policy CTY8. It is a gap site sufficient in size to accommodate only up to a maximum of two houses.
2. Again under CTY 8 there is a distinct frontage of four houses and not two as reported by the Planning Officer.
3. Under CTY13 A dwelling could be visually integrated by careful design and outline planning and reserved Matters conditions.
4. Assessment under CTY14 is largely dependent on agreement of development principle under CTY8.

Finally, it is worth noting that Transport NI have no objection to this application.

I request on behalf of the applicant that the Council overturn Planning Services recommendation.

SIGNED:



BERNARD DINSMORE
Chartered Architect

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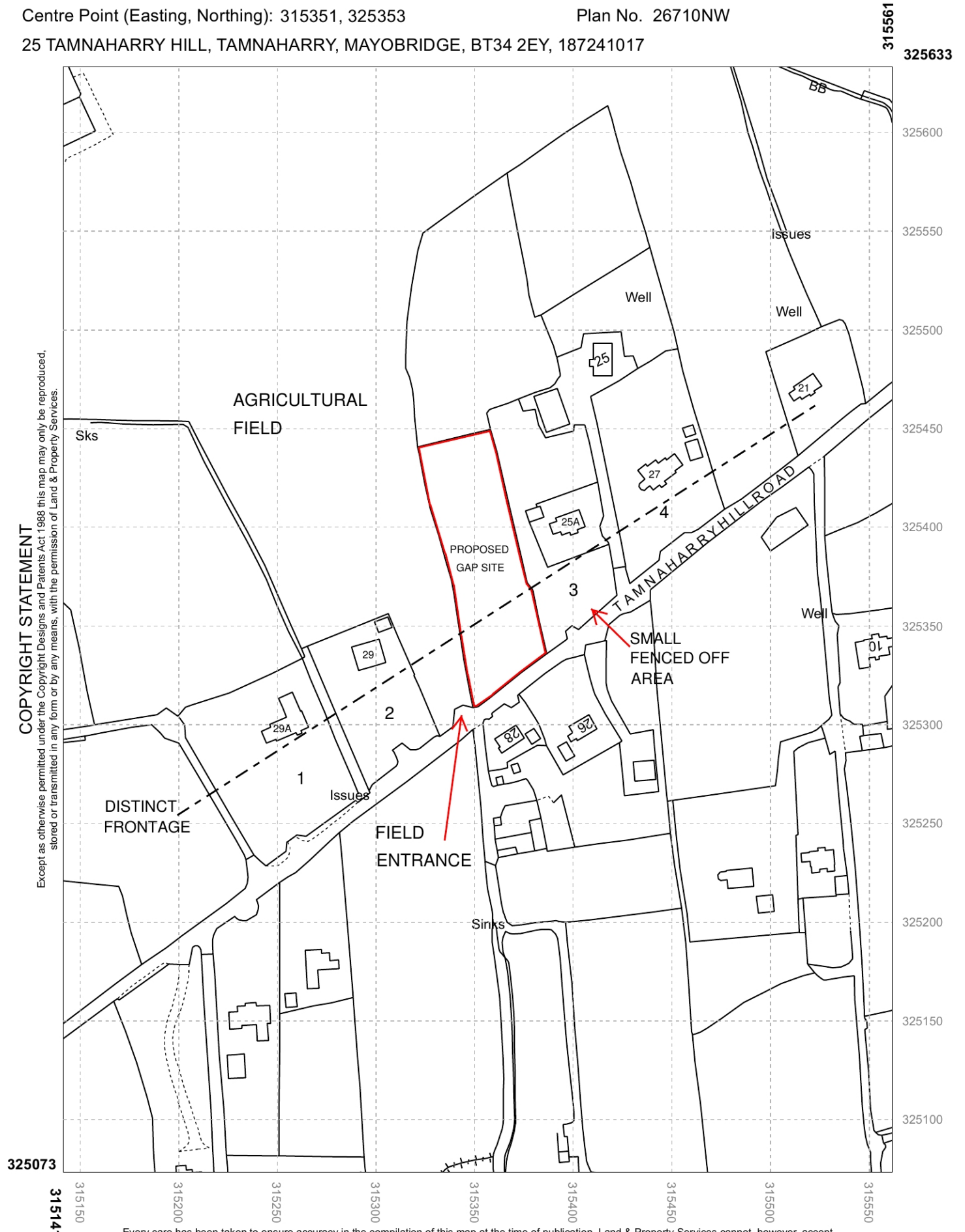
Order no. ORD20829

Centre Point (Easting, Northing): 315351, 325353

Plan No. 26710NW

25 TAMNAHARRY HILL, TAMNAHARRY, MAYOBRIDGE, BT34 2EY, 187241017

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Overview of The Site Within the Existing Settlement Pattern



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0421/O

Date Received:

04/04/2016

Proposal:

Proposed infill dwelling and detached garage.

Location:

Site adjacent to and west of No. 25 Tamnaharry Hill Road, Mayobridge, Newry.

Site Characteristics & Area Characteristics:

The site is approximately one mile south from the village of Mayobridge, set within rolling landscape, with the surrounding land uses predominately agricultural and residential and a mixture of dwelling types. Adjacent to and east of the site lies No. 25A Tamnaharry Hill Road, a contemporary two storey dwelling and detached garage, separated from the site itself by an enclosed field to the front and side of the dwelling. Further north east sits No. 25, which is accessed via a long concrete laneway and comprises a single storey bungalow and there is a large brick and corrugated iron agricultural building situated approximately 120 metres north from the roadside. Further east, sits No. 27, a large storey and a half contemporary dwelling sited similarly to No.25A in terms of positioning along the Tamnaharry Hill Road. The field adjoins another open field to the west; with No. 29 Tamnaharry Hill Road further west, a storey and a half bungalow. The site itself, currently an open field is bound by bramble hedgerow to the north and east and by a wire and post fence to the south roadside and west. In terms of levels, the site slopes upwards towards the rear boundary. The Tamnaharry Hill Road slopes steeply south east and at the front of the site.



(views of the site)

Site History:

- P/2011/0824/RM - 83 metres south east of 25 Tamnaharry Hill Road, Mayobridge, Newry - erection of replacement dwelling – approved 23/01/2012
- P/2007/0466/O - 83 metres south east of 25 Tamnaharry Hill Road, Mayobridge, Newry - erection of replacement dwelling - approved 13/01/2009
- P/2009/1548/F – adjacent to and abutting the boundaries to the North West and east of 25 Tamnaharry Hill Road, Mayobridge – farm dwelling. Approved 16/06/2010
- 2006/A0132 - Adjacent to 25 Tamnaharry Hill Road, Mayobridge, Newry – appeal dismissed, 26/07/2007
- P/2006/2043/RM - No.25 Tamnaharry Hill Road, Mayobridge – Erection of single storey domestic dwelling to replace existing sub-standard dwelling, approved, 15.08.2007
- P/2004/1766/O - No.25 Tamnaharry Hill Road, Mayobridge – replacement dwelling – approved 05/11/2004
- P/2004/3277/O - Adjacent to 25 Tamnaharry Hill Road, Mayobridge, Newry - Site for dwelling and domestic Garage, appeal dismissed
- P/2003/2288/O - 50 metres west of No.27 Tamnaharry Hill Road, Mayobridge - Erection of one and a half storey dwelling with detached garage – refused 12/10/2004
- P/1997/0318 – Adjacent to 25 Tamnaharry Hill Road, Mayobridge – dwelling and garage, permission granted.
- P/1978/0149 – Tamnaharry Mayobridge - proposed site for replacement dwelling – refused.

Planning Policies & Material Considerations:

The planning policies material to the consideration of the proposal include:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS 3 Access, Movement and Parking
- PPS 21 Sustainable Development in the Countryside
- DCAN15 – Vehicular Access Standards
- 'Building on Tradition,' a Sustainable Design Guide for Northern Ireland will also be considered.

Consultations:

- NI Transport – No objection with conditions
- NI Water - generic response
- Environmental Health – no objections, with informatives

Objections & Representations

6 Neighbour notifications issued on 16/05/2016

No responses received

Consideration and Assessment:

The site lies out with the settlement development limits as identified in the Banbridge / Newry and Mourne Area Plan 2015 in an area of undesignated countryside. There are no specific policies in the plan relevant to the determination of the application so the application will be considered under the operational policies of the SPPS and PPS 21.

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

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that “an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements”. A ‘substantial and built up frontage’ includes a line of three or more buildings along a road frontage without accompanying development to the rear.



Figure 1 overview of site within existing settlement pattern

In this instance, working from south west, numbers 29A and 29 Tamnaharry Hill Road currently display road frontage without accompanying development to the rear. Following this is a small field, then the application site. Adjacent to the application site and north east sits number 25A, which is accessed from a private lane and does not display road frontage, with an open field between the road and the curtilage of

the dwelling. Further along Tamnaharry Hill Road sits number 25, which is also accessed off this same private lane, though set back and therefore not displaying roadside frontage.

Given this is the case, the proposed development is not an exception to policy CTY 8. The application site is not currently a gap site as there is not currently a frontage containing three buildings as required by Policy CTY8, rather there are two. Therefore the proposed dwelling would add to a ribbon development which is contrary to Policy CTY 8. In addition, as a dwelling on this site would not meet the requirements of policy CTY 8 for an infill dwelling, the proposal is unacceptable in principle under policy CTY 1 Development in the Countryside, 'Housing Development.'

Policy CTY 13 Integration and Design of Buildings in the Countryside allows for new development in the countryside where it can be visually integrated into the surrounding landscape and where the design is appropriate. In the case, the proposed site is very exposed from critical views along Tamnaharry Hill Road. The proposal includes the siting of the dwelling slightly forward of the existing dwellings either side, due to site topography. It is considered that a new dwelling in this position would become a prominent feature in the landscape, a principle which is unacceptable under CTY 13.

Policy CTY 14 Rural Character allows for new development in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As aforementioned under the description of the area's character, the application site currently sits between a number of existing dwellings, namely numbers 29A, 29, 25A, 25 and 27 Tamnaharry Hill Road, all of varying character and styles. Given the positioning of the application site, it is considered that the development of additional housing should this be one or two dwellings would result in a sub-urban style build-up of development. This is further supported given the existing dwellings on the opposite side of the road, namely numbers 26 and 28 which include a large two storey suburban style dwelling and a single storey bungalow.

Furthermore, CTY 14 points out that a new building will be unacceptable in the countryside where it creates or adds to a ribbon of development. As abovementioned under the assessment of CTY8, the application site is not considered an acceptable gap site and would allowing development in this location would add to a ribbon of development.

Under the assessment of PPS 3 Access, Movement and Parking, Policy AMP 2 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. The proposal does not include details regarding access, however given the positioning of the site; it would require the construction of a new access onto Tamnaharry Hill Road. NI Transport have been consulted on this application and have no objections to the proposal provided that a scale plan and accurate site

survey at scale 1:500 (minimum) is submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with form RS1.

Recommendation: Refusal

The proposal is contrary to PPS 21 CTY1, CTY8 and CTY14

Refusal Reasons:

- 1. The proposal is contrary to PPS 21 CTY 1 under Housing Development, in that it does not meet the policy criteria of CTY8;
- 2. The proposal is contrary to PPS 21 CTY 8 in that the site is not an exception to policy CTY 8 and is not considered a gap site, therefore development on this site would add to a ribbon development;
- 3. The proposal is contrary to PPS 21 CTY 13 in that the new building, if developed would become a prominent feature in the landscape;
- 4. The proposal is contrary to PPS 21 CTY 14 in that development on this site would result in a sub-urban style build-up of development and again would add to a ribbon of development.

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



REPRESENTATION AGAINST RECOMMENDATION TO REFUSE

This representation is made under the Newry Mourne & Down District Council Planning Committee operating protocol dated May 2016 in relation to an application which has been recommended for refusal by Planning Services.

Application Reference:	LA07/2016/0421/O
Applicant Name:	Fiona Doyle
Site Location	Site adjacent to and west of No. 25 Tamnaharry Hill Road, Mayobridge, Newry, Co. Down
Proposal:	Infill Dwelling and Detached Garage

From the Case Officers report the reasons for refusal are as follows:

Refusal Reasons:

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The subject site meets this criteria in full. There a substantial and continuous built up frontage along this stretch of Tamnaharry Hill Road as demonstrated on the accompanying annotated ACE Map and Google map, with this site as a gap site in the centre.

2. Policy CTY 8 states that planning permission will be granted 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. This gap site meets this criteria unlike for example a nearby site refused under P/2013/0774/O.

CTY 8 goes on ...for the purpose of this policy the definition of a substantial built-up frontage includes **a line of 3 or more buildings along a road frontage** without accompanying development to the rear.

The Planning Officers Professional Report states that in this instance this application does not meet the exception requirement under the requirements of CTY 8. I believe the assessment to be incorrect

- No's 29A and 29 display road frontage.
- The adjacent 'small field' to the east the Planner refers to is in fact the entrance into a large field to the rear.
- Then the application site.
- Whilst no. 25A is accessed a short way up a private lane there is no doubt that it displays the characteristic of a dwelling that fronts onto Tamnaharry Hill Road. It has a small portion of undeveloped fenced-off ground which could certainly not be described as an 'open field'.
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- Then a gap
- Then no. 23.

Therefore, there is a distinct frontage of four dwellings as demonstrated on the attached ACE map, and Google map.

3. For the purpose of CTY 13 it must be noted that this is an outline application. However in response to items (a) – (g) of the Policy:
 - (a) A new dwelling will be no more prominent in the landscape than neighboring dwellings. If it can be accepted that the site is an exception to CTY8 then Planning Services can control its siting, within the red line.
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 - (g) Only relevant to a dwelling on a farm.

Therefore, there is absolutely no reason why a dwelling could not be successfully integrated into the Countryside under Policy CTY 13 whether in the location suggested in the design and access statement or at a different location conditioned by Planning Services within the red line (i.e.) set further back.

4. The proposal is not contrary to CTY14
 - (a) It will not be unduly prominent in the landscape by proper assessment of reserved matters application.
 - (b) The new dwelling will respect the indivisibility with existing development and its capacity to absorb this gap site through its siting, scale and design.
 - (c) It will respect the traditional pattern of settlement by adopting the spacing of existing buildings and integrating sensitively along the existing group.
 - (d) The proposal satisfies the exception to CTY 8 by way of meeting the requirements for a gap site.
 - (e) The impact of ancillary works will be fully under the control of Planning Services through a Reserved Matters application.

Conclusion:

In conclusion it is contended that the Planning Officer's overall assessment of this site under PPS21 is incorrect.

1. The proposed development is an exception to Policy CTY8. It is a gap site sufficient in size to accommodate only up to a maximum of two houses.
2. Again under CTY 8 there is a distinct frontage of four houses and not two as reported by the Planning Officer.
3. Under CTY13 A dwelling could be visually integrated by careful design and outline planning and reserved Matters conditions.
4. Assessment under CTY14 is largely dependent on agreement of development principle under CTY8.

Finally, it is worth noting that Transport NI have no objection to this application.

I request on behalf of the applicant that the Council overturn Planning Services recommendation.

SIGNED:



BERNARD DINSMORE
Chartered Architect

23RD JUNE 2016

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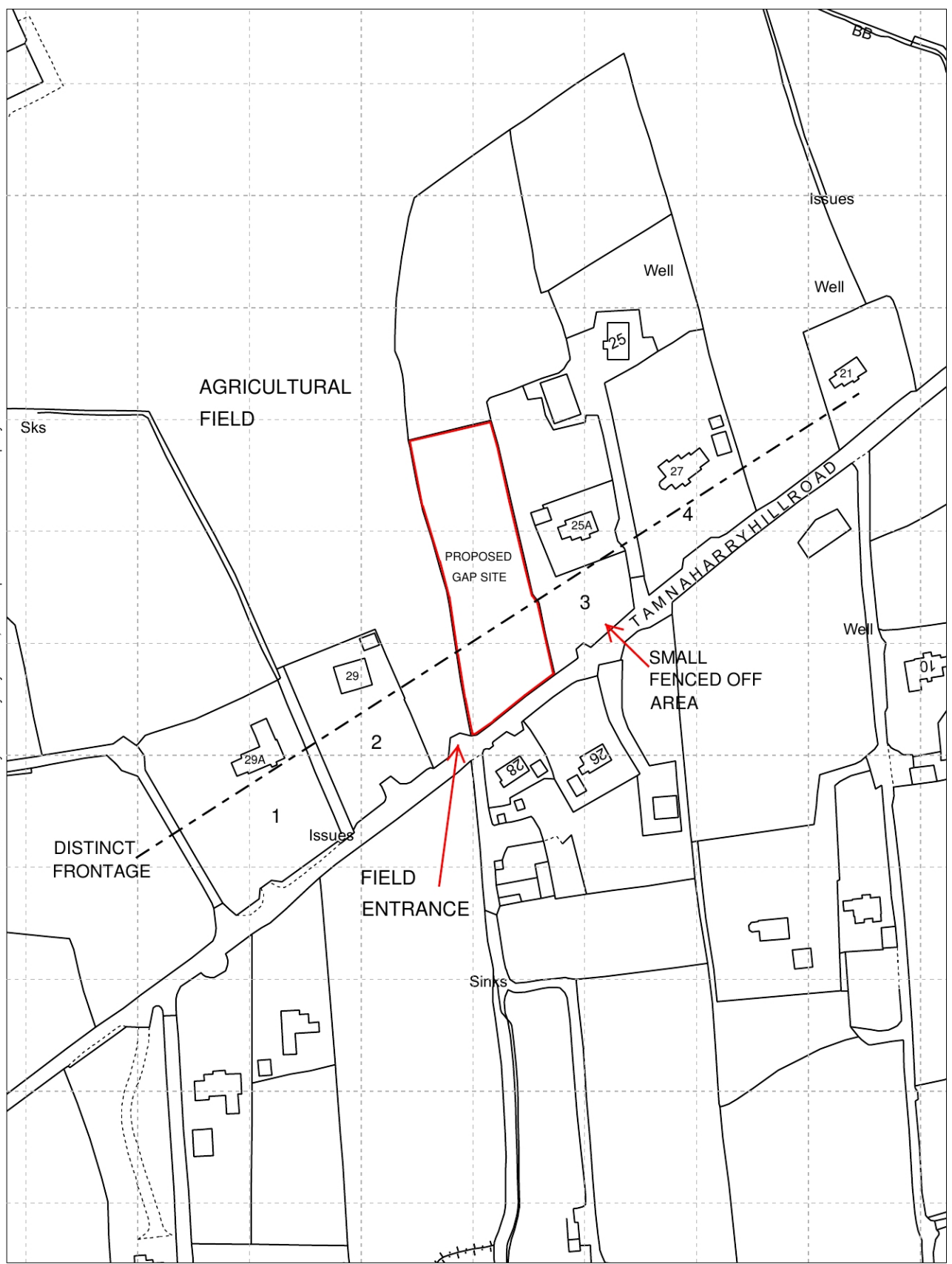
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Plan No. 26710NW

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Overview of The Site Within the Existing Settlement Pattern