



October 26th, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 8th November 2017** at **10:00 am** in **Boardroom, Monaghan Row.**

The Members of the Planning Committee are:-

Chair: Councillor G Craig

Vice Chair: Councillor K Loughran

Members:	Councillor C Casey	Councillor W Clarke
	Councillor L Devlin	Councillor G Hanna
	Councillor V Harte	Councillor M Larkin
	Councillor J Macauley	Councillor D McAteer
	Councillor M Murnin	Councillor M Ruane

Agenda

Closing date for speaking rights/written submissions. (Details attached).

 [Closing date for submissions.pdf](#)

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1.0 Apologies.

2.0 Declarations of Interest.

Minutes for Confirmation

3.0 Minutes of Planning Committee Meeting held on Wednesday 11 October 2017. (To follow).

For Discussion/Decision

4.0 Addendum list - planning applications with no requests for speaking rights or written submissions. (To follow).

Development Management - Planning Applications for determination

5.0 LA07/2015/0590/F - Mr Brian Annett - Proposed 3 no detached dwellings - Dromore Road to rear of 10 Riverside Road, Ballynahinch (Case Officer report attached)

Rec: APPROVAL

 [LA07-2015-0590-F Brian Annett.pdf](#)

Page 2

6.0 LA07/2016/1447/0 - Ballyhosset Properties Ltd., Proposed dwelling and garage - Site No. 5 between 67 Ballyhosset Road and 3 Holly Lane, Ballyhosset Road, Downpatrick (Case Officer report attached)

Rec: REFUSAL

 [LA07-2016-1447-O Ballyhosset Properties.pdf](#)

Page 15

7.0 LA07/2017/1224/F - Mr Aaron Ross - Storage unit for keeping of vintage vehicles at 16 Killybawn Road, Saintfield (Case Officer report attached)

Rec: REFUSAL

8.0 LA07/2017/0625/F - Mr Paul Addis - Proposed replacement dwelling - 70m NE 47 Ballynahinch Road, Drumaroad, Castlewellan (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Barry Hillen, agent, in support of the application.

LA07-2017-0625-F Paul Addis.pdf

Page 27

9.0 LA07/2017/0770/F - Mr & Mrs J McPolin - Proposed detached garage, rear extension to dwelling and extended site curtilage - No. 13 Downpatrick Road, Ballynahinch (Case Officer report attached)

Rec: REFUSAL

LA07-2017-0770-F Mr and Mrs John McPolin.pdf

Page 32

10.0 LA07/2017/0786/F - Walter Watson - Replacement Dwelling and detached garage - 4 Drumnaquoile Road, Castlewellan (Case Officer report attached)

Rec: REFUSAL

LA07-2017-0786-F Walter Watson.pdf

Page 39

11.0 LA07/2017/0894/O - Ryan Morgan - Proposed dwelling (6.5m ridge) and garage - 60m West of 3 Kirk Lane, Tullyree Road, Kilcoo (Case Officer report attached)

Rec: REFUSAL

LA07-2017-0894-O Ryan Morgan.pdf

Page 44

12.0 LA07/2017/0937/F - Mr & Mrs P McGurk - Demolition of existing dwelling and erection of new single storey replacement dwelling, retention and reuse of existing access and associated site works and landscaping - 79 Bryansford Village, Newcastle. (Case Officer report attached).

Rec: REFUSAL

13.0 LA07/2017/1077/0 - Eammon O'Rourke - dwelling on a farm including garage - lands to the south-east of 32 Dromara Road, Leitrim, Castlewellan. (Case Officer report attached).


Rec: REFUSAL

 LA07-2017-1077-O Eammon O'Rourke.pdf

Page 57

14.0 LA07/2017/1147/0 - Mr D Russell - Infill dwelling and garage - 35m SE of 76 Belfast Road, Saintfield, Belfast (Case Officer report attached)

Rec: REFUSAL

 LA07-2017-1147-O Mr D Russell.pdf

Page 64

15.0 LA07/2017/1174/0 - Mr B McCartan - Dwelling and garage - Approx 18m north of 156 Downpatrick Road, Ballynahinch (Case Officer report attached)

Rec: REFUSAL

 LA07-2017-1174-O Brendan McCartan Esq.pdf

Page 73

16.0 LA07/2015/0456/F - Richard Nummy - Relocation of access to that approved under planning approval P/2010/1452 - 35m south of 93 Belfast Road, Newry (Case Officer report attached)

Rec: REFUSAL

 LA07-2015-0456-F Richard Nummy.pdf

Page 78

17.0 LA07/2015/0662/F - Frank Clerkin - Additional farm shed - 170m north west of 107 Kilbroney Road, Rostrevor (Case Officer report attached)

Rec: REFUSAL


 LA07-2015-0662-F Frank Clerkin.pdf

Page 81

18.0 LA07/2017/0345/0 - Martin Magee - proposed replacement dwelling - between 35 & 37 Ballydesland Road, Warrenpoint.

(Case Officer report attached).


Rec: REFUSAL

 *LA07-2017-0345-O Martin Magee.pdf*

Page 90

19.0 LA07/2015/0682/0 - Brian O'Hare - Site for replacement dwelling - opposite No. 5 Glen View, Moneymore Road, Newry (Case Officer report attached)


Rec: REFUSAL

 *LA07-2015-0682-O Brian O'Hare.pdf*

Page 96

20.0 LA07/2015/0896/0 - Aileen Quinn - Dwelling and detached garage on a farm - 150 metres north west of 12 Old Town Road, Cullyhanna (Case Officer report attached)

Rec: REFUSAL

 *LA07-2015-0896-O Aileen Quinn.pdf*

Page 100

21.0 LA07/2017/0236/0 - John McKeever - 1 1/2 storey dwelling with detached double garage (amended plans) - 80m NW of 173 Concession Road, Culloville, Crossmaglen. (Case Officer report attached).


Rec: REFUSAL

 *LA07-2017-0236-O John McKeever.pdf*

Page 105

22.0 LA07/2015/1171/F - Mr J Hughes - Proposed two storey dwelling and detached garage - 30m NE of 6 Main Stree, Camlough, Newry (Case Officer report attached)

Rec: APPROVAL

 *LA07-2015-1171-F Mr J Hughes.pdf*

Page 109

23.0 LA07/2015/1306/F - Mr J McMahon - Farmstead made up of two storey farmhouse with 3 no. agricultural sheds forming central courtyard - 114m east-south-east of 83 Clonallan Road (Case Officer report attached)

Rec: REFUSAL

24.0 LA07/2016/0104/F - Patrick Hamill - Metal shelter over car-wash - 60 m north west of 201 Concession road (Case Officer report attached)

Rec: REFUSAL

LA07-2016-0104-F Patrick Hamill.pdf

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25.0 LA07/2017/0957/0 - Gerard Callan - New dwelling and garage on infill site - 70m NW of 12a Annaghgad Road, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-0957-O Gerard Callan.pdf

Page 137

26.0 LA07/2016/0733/F - Robert Hollywood - Erection of agricultural sheds & slurry tank - Approximately 80m west of No. 34 Church Road, Forkhill, Newry (Case Officer report attached)

Rec: REFUSAL

LA07-2016-0733-F Robert Hollywood.pdf

Page 141

27.0 LA07/2017/0823/0 - Adrian McParland - site for dwelling and garage (Policy CTY8) - Adjacent and 30m SW of 20 Newry Road, Belleek, Armagh. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-0823-O Adrian McParland.pdf

Page 149

28.0 LA07/2016/1632/0 - Jason Fegan - Proposed farm dwelling - Lands 45m North West of No. 12 Upper Knockbarragh Road, Warrenpoint, BT34 3DL (Case Officer report attached)

Rec: REFUSAL

LA07-2016-1632-O Jason Fegan.pdf

Page 154

29.0 LA07/2017/0180/F - Derek & Rachel Elmore - Proposed 1 No. detached dwelling - directly opposite and east of Nos. 1 and 1a

Alexander Drive, Warrenpoint (Case Officer report attached)

Rec: REFUSAL

 *LA07-2017-0180-F Derek and Rachel Elmore.pdf*

Page 160

30.0 LA07/2017/1168/F - Thomas McDonald - change of house type to that approved under P/2004/0123/0 and P/2006/2102/RM - 200m North of 11 Carewamean Road, Carrickbroad, Dromintee, Newry. (Case Officer report to follow).


Rec: REFUSAL

 *LA07-2017-1168-F Thomas McDonald.pdf*

Page 168

31.0 LA07/2017/0563/0 - Mr John Morgan - 2 no. dwellings with detached garages to the rear - Land 20m north of 24 Ballyvally Road, Mayobridge (Case Officer report attached)

Rec: REFUSAL

 *LA07-2017-0563-O John Morgan.pdf*

Page 169

32.0 LA07/2017/0687/F - Steven & Diane Campbell - infill site for new dwelling and garage in existing cluster (amended plans) - 30m north of 94 Greencastle Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Emma Speers, agent, in support of the application.

 *LA07-2017-0687-F Stephen and Diane Campbell.pdf*

Page 176

33.0 LA07/2017/0791/F - MC Developments Ltd - Private Housing Development consisting of the demolition of No. 12 Church Hill, Jonesborough and the erection of 5 No. dwellings (1 detached & 4 semi-detached), road improvement works, landscaping and associated site works. (Amended entrance) - Land at and to the rear of No. 12 & No. 14 Jonesborough Village Edenappa Jonesborough Newry. (Case Officer report attached).

Rec: REFUSAL

34.0 LA07/2017/0798/F - Phelim Burns - Proposed agricultural storage shed - 185m NE of 6A Cregganbane Road, Cregganbane, Glebe, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-0798-F Phelim Burns.pdf

Page 196

35.0 LA07/2017/0808/F - EDB Construction - Removal of Condition 2 on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing - Lands between The Sacred Heart Grammar School and Newry High School, Ashgrove Avenue, Newry (Case Officer report attached)

Rec: REFUSAL

LA07-2017-0808-F EDB Construction.pdf

Page 200

36.0 LA07/2017/0868/F - Daniel King - Replacement dwelling for remains of existing structure located in an agricultural yard - 40m NW of 117 Concession Road, Crossmaglen (Case Officer report attached)

Rec: REFUSAL

LA07-2017-0868-F Daniel King.pdf

Page 204

37.0 LA07/2017/0964/0 - Olga Fitzpatrick - proposed new dwelling (under policy CTY 2a) - adjacent to and rear of No. 19 Moygannon Road, Warrenpoint, (Case Officer report attached).

Rec: REFUSAL

LA07-2017-0964-O Olga Fitzpatrick.pdf

Page 208

38.0 LA07/2017/1115/F - Gerard & Tracey Winters - Proposed replacement dwelling (change of house type to previously approved application LA07/2016/1400/F) - 33 Tyrone's Ditches Road, Poyntzpass. (Case Officer report attached).

Rec: REFUSAL

 *LA07-2017-1115-F Gerard and Tracey Winters.pdf*

Page 214

39.0 LA07/2017/1138/F - Bernard Morgan - erection of agriculture buildings - adj to and immediately SE of 1 Newtown Court - Newtown Road, Cloghogue, Newry. (Case Officer report attached).


Rec: REFUSAL

 *LA07-2017-1138-F Bernard Morgan.pdf*

Page 218

40.0 LA07/2017/1442/F - Newry, Mourne & Down District Council - Proposed extension and upgrades to existing bowling pavilion to include new changing rooms and new external cladding - Warrenpoint Bowling Green, Clonallon Park, Warrenpoint, BT34 3RP (Case Officer report attached)


Rec: APPROVAL

 *LA07-2017-1442-F Newry, Mourne and Down DC.pdf*

Page 225

41.0 P/2009/1336/F - Mr J C Campbell - Proposed new 70 bed nursinghome together with 41 no. 2 & 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking) - Economic Impact Assessment received - 68 to 72 & 74 Shore Road, Rostrevor (Case Officer report attached)

Rec: REFUSAL

 *P-2009-1336-F JC Campbell.pdf*

Page 230

42.0 P/2014/0186/F - Gibson (Banbridge) Ltd - Infilling of field with approximately 25,000m³ of clay, stones, topsoil, crushed concrete and bricks to overcome regular flooding by providing levels to progress water run off - 400m east of 24 Carnbane Way, Newry (Case Officer report attached)

Rec: REFUSAL

 *P-2014-0186-F Gibson Banbridge.pdf*

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43.0 October 2017 Planning Committee Performance Report. (To follow).

44.0 Record of meetings between Planning Officers and Public Representatives. (To follow).

45.0 October 2017 Appeals and Decisions. (To follow).

Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Lorraine Burns	lorraine.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
Cllr Cadogan Enright	cadogan.enright@nmandd.org
Cllr Gillian Fitzpatrick	gillian.fitzpatrick@nmandd.org
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Cllr Harry Harvey	harry.harvey@nmandd.org
Cllr Terry Hearty	terry.hearty@nmandd.org
Cllr David Hyland	david.hyland@nmandd.org
Mrs Sheila Kieran	sheila.kieran@nmandd.org
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Colette McAteer	colette.mcateer@nmandd.org
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Cllr Oksana McMahan	oksana.mcmahan@nmandd.org
Cllr Andrew McMurray	andrew.mcmurray@nmandd.org
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Ms Carmel Morgan	carmel.morgan@nmandd.org
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Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Mr Adam Wilkinson	adam.wilkinson@nmandd.org

Ag freastal ar an Dún
agus Ard Mhacha Theas
Serving Down
and South Armagh



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

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SPEAKING RIGHTS/WRITTEN SUBMISSIONS

PLANNING COMMITTEE MEETING

WEDNESDAY 8 NOVEMBER 2017

The closing date/time for requests for speaking rights and accompanying written submissions for Planning Applications listed on the agenda for the above Planning Committee Meeting is as follows:-

Thursday 1 November 2017 by 5.00 pm

Requests for speaking rights with written submissions should be emailed to:-

democratic.services@nmandd.org

ITEM NO	2			
APPLIC NO	LA07/2015/0590/F	Full	DATE VALID	07/07/2015
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr Brian Annett 39 Carricknadarriff Road Hillsbrough BT26 6NJ		AGENT	Kee Architecture Ltd 9a Clare lane Cookstown BT80 8RJ
LOCATION	Dromore Road to rear of 10 Riverside Road Ballynahinch			
PROPOSAL	Proposed 3no detached dwellings			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	29	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

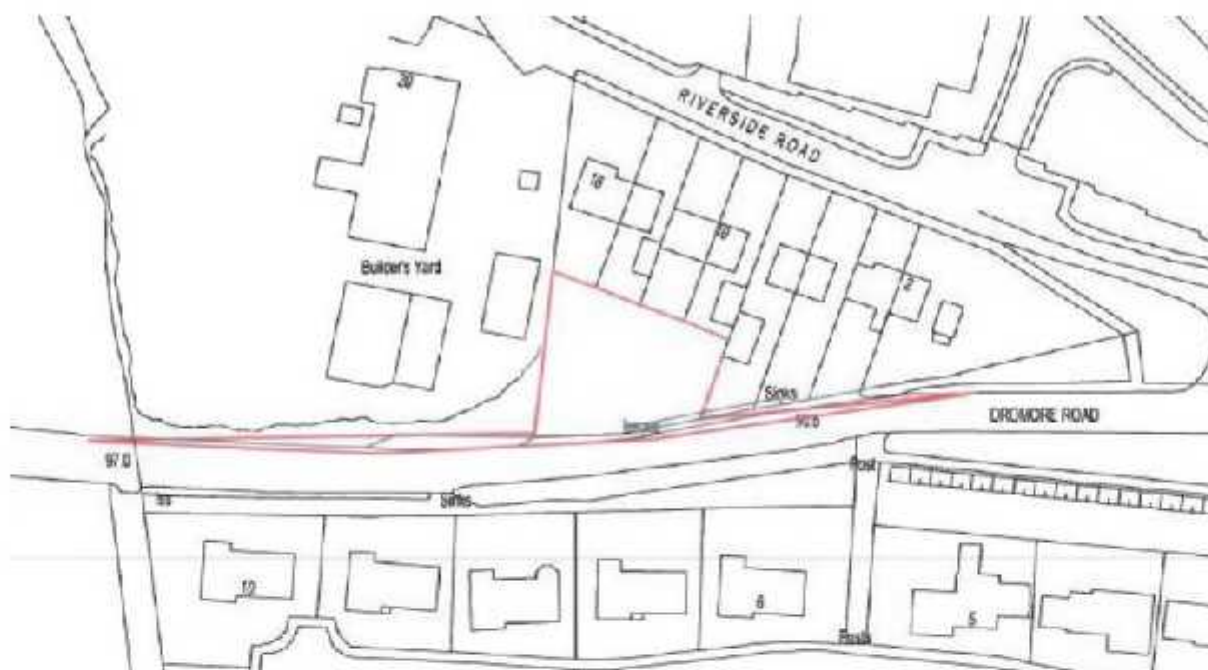
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0590/F

Date Received: 07.07.2015

Proposal: The application is for full planning permission for 3no detached dwellings

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



Site location plan



Site Characteristics & Area Characteristics:

The site is located along on a roadside plot, along the Dromore Road at Ballynahinch at lands between the Dromore Road and Riverside Road. The levels of the site fall in a northerly direction towards the dwellings at Riverside Road. The site is very overgrown at present. The northern and eastern site boundaries are defined by the hedges and gardens of the dwellings at Riverside Road. There is a builders yard to

the west of the site and semi-detached housing to the east. At present the site is screen with vegetation.

Site History:

R/1988/4020 8 Riverside Road, Ballynahinch, Garage

R/1988/0298 8 Riverside Road Ballynahinch New Garage Application Withdrawn

R/2005/1076/O Site On Dromore Road, To Rear Of 10 Riverside Road, Ballykine Upper, Ballynahinch, Northern Ireland, Bt24 8jb Proposed 3no Detached Dwellings Permission Granted 01.05.2007

R/1980/0791 Riverside Road, Ballynahinch Housing Development Permission Granted

R/1980/0350 Riverside Road, Ballynahinch Housing Development Application Withdrawn

R/1980/0146 Riverside Road, Ballynahinch Housing Development Permission Granted

R/2010/0337/Rm Site On Dromore Road To Rear Of 10 Riverside Road Ballynahinch Co Down Bt24 8jb. Proposed 3 No Detached Dwellings. Permission Granted 11.07.2011

R/1974/0582 Dromore Road, Ballynahinch 2 Or 3 Bungalows. Permission Granted

La07/2015/0590/F Dromore Road To Rear Of 10 Riverside Road, Ballynahinch, Proposed 3no Detached Dwellings Valid Application Received

R/2014/0500/A 20 Riverside Road, Ballynahinch, Bt24 8jb., Free Standing Totem Sign. Permission Granted 05.02.2015

R/2014/0111/Ca 20 Riverside Road, Ballykine Upper, Ballynahinch, Down, Bt24 8jb, Alleged Unauthorised New Access, Fence And Building Works Enforcement Case Clo2s5e.1d1.2014

Planning Policies & Material Considerations:

The site is located within the development limits of Ballynahinch as designated in the Ards and Down Area plan 2015 and as such SPPS, PPS 3, PPS 7, APPS7, PPS 12, PPS 15, DCAN 8 and Creating Places are all relevant to the application.

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

NIEA – Land, Soil and Air – raised issues regarding contamination

Environmental Health – has pointed out that the site is directly adjacent to a commercial property which is currently operating as a building supplies yard and there may be impact on the amenity of the proposed dwellings. They have included an informative.

PSNI Statistics Branch – Nil return

Rivers Agency -

Objections & Representations

In line with statutory requirements forty four neighbours have been notified on 21.08.2015 and again 11.09.2017 with updated information. The application was advertised in the Mourne Observer and the Down Recorder on 05.08.2015.

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.

There have been a total of 27 objections to the proposal. The main points of 26 of the objections deal with:

- The development will intrude, dominate, overshadow and severely restrict natural light
- Development will reduce privacy and increase size of hedge
- The access point is on a dangerous bend and previous accident there
- New footpath could be dangerous
- Responsibility of the up keep of trees and hedges to the rear of the proposed development
- Increased run off which is placing pressure on the current drainage system

- Existing wildlife displaced

Letter from 16 Riverside Road

- Exit onto Dromore Road would cause a major hazard, with recent accident
- Ownership of land for visibility splays
- Other developments in the immediate area have changed the character of the area with upgrading the infrastructure
- Lack of joined up thinking

Letter from Jim Wells MLA

- Stating opposition to previous application
- Housing would overshadow the existing dwelling and create a traffic hazard
- Calling for Roads Service to carry out a new traffic study and PSNI relevant accident statistics.

PSNI Statistics Branch, Lisnasharragh – A collision history of reported injury road traffic collisions on Dromore Road, between Edenvaddy Road and Riverside Road junctions between 1 April 2012 and 31 March 2015 shows a NIL RETURN.

Letter from Jim Wells sent to Transport Ni for consideration whereby a response indication that all aspects of road safety were fully considered when assessing the previous application R/2010/0337. A new traffic study would therefore would not be considered necessary.

The site lies within the development limits of Ballynahinch, thus a presumption in favour of development subject to compliance with the policies contained within PPS 7 and 12. The proposal is therefore assessed against the criteria under Policy QD1 including the following, site context, site characteristics, layout considerations, neighbourhood facilities, form, materials and detailing, density, landscape design, public/private open space, movement, parking, privacy.

Planning Policy Statement 7 Quality Residential Environments (PPS7) sets out planning policies for achieving quality in new residential development. Policy QD1 of PPS7 states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

The surrounding character of the area is dominated by residential development immediately adjacent to the site. These developments comprise a mix of 2 storey semi-detached dwellings, each with individual private space to their front and rear. The proposal is for a scheme of 3 two storey detached dwellings. A similar scheme for outline planning permission was granted under R/2005/0076/O which was approved April 2007 with stamped approved layout. This application is for full planning permission with changes to the access arrangements and the dwellings are being pushed further back into the site from the Dromore Road. The dwellings will

have a maximum height of just over 7.7 metres above ground level. Materials and finishes include grey render walls and red/brown facing brick with blue/black concrete tiles, this is generally in keeping with the surrounding character of the immediate area, more so with the dwellings to the north at Riverside Road which are all red brick. The dwellings would have their principle elevation facing onto Dromore Road. In terms of separation distances between the dwellings at Riverside Road, there is a 20m separation distance with plot 3, with plots 1 and 2 approx 18m, this is mainly due to the 12m gardens of the dwellings at No 10 and 12 Riverside Road. The house types show no upper floor bedroom window to the rear instead this window is located to the side elevation. The only upper floor window to the rear is the bathroom window which will have obscure glazing.

After discussion with the agent, it was deemed that the separation distances with the dwellings at Riverside Road were insufficient and the full 20m back to back separation distance that is stated in Creating Places guidance was essential, given the nature of the site where these dwellings will be elevated in relation to the dwellings at Riverside Road and given the objectors concerns regarding privacy.

Amended plans were received 5 September 2016, showing the most easterly property and the middle plot moved forward towards the Dromore Road, thus the proposed landscaping along the frontage has now been lost to both these dwellings. The dwellings now show 20m separation distances with the properties to the north and this should mitigate against any overlooking, in addition there are no upper floor windows proposed to the rear.

This proposed layout makes provision for 2 car parking spaces. The most easterly dwelling shows the turning and parking to the side and rear of the site as there is insufficient room to the front of the dwelling for parking and turning. It also reduces the useable amenity space for this dwelling to the rear. This is a similar arrangement to the previous approval which is now lapsed but is still a material consideration. The glare of headlights will also be reduced due to the introduction of a 2m fence to the rear of this property.

PPS 15 – Planning and Flood Risk

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. Rivers Agency have considered the following:

FLD1 - Development in Fluvial and coastal Flood Plains – Not applicable to this site.
FLD2 - Protection of Flood Defence and Drainage Infrastructure – An undesignated watercourse flows along the southern boundary of the site. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5

meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times.

FLD3 - Development and Surface Water – Dfl Rivers has reviewed the Storm Attenuation Calculations and the correspondence submitted by Carey Consulting, and comments are as follows:-

Rivers agency accept the logic of the storm attenuation calculations.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

Thus no objections are offered from Rivers Agency.

Conclusions

The site is a relatively restrictive site for these 3 dwellings and while there are shortcomings in the overall scheme in terms of a quality residential development, it does meet the standards as contained in Creating Places in terms of 20m separation distance and private open space provision. Cognisance must be given to the previous approval on the site which had previously been deemed as acceptable.

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that local character, environmental quality or residential amenity would not be so unacceptably damaged as to warrant refusal of the application, thus on balance approval is recommended.

Recommendation:

Approval

Conditions:

Time, access, landscaping.

Case Officer Signature

Date

Appointed Officer Signature

Date

Dfl Rivers, while not being responsible for the preparation of the Storm Attenuation Calculations and the attenuation proposals, accepts its logic and has no reason to disagree with its conclusions.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

Thus no objections are offered from Rivers Agency.

Conclusions

The site is a relatively restrictive site for these 3 dwellings and while there are shortcomings in the overall scheme in terms of a quality residential development, it does meet the standards as contained in Creating Places in terms of 20m separation distance and private open space provision. Cognisance must be given to the previous approval on the site which had previously been deemed as acceptable.

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that local character, environmental quality or residential amenity would not be so unacceptably damaged as to warrant refusal of the application, thus on balance approval is recommended.

Recommendation:

Approval

Conditions:

Time, access, landscaping.

Case Officer Signature

Date

Appointed Officer Signature

Date

The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 01 bearing the date stamp 7 July 2015, 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.

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

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

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

Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Transportni Section Engineer whose address is 129 Newcastle Rd Seaforde. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

Planning Condition

Line, level and construction of 2 metre wide footway to be agreed with Transportni prior to commencement of works on site.

Relocation of existing traffic signs on the public road will be required to be carried out by the applicant at their own expense. This work must be agreed with Transportni Traffic Management prior to commencement of work on site.

The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Regional Development Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Regional Development Street Lighting Section.

(These works will be carried out entirely at the developers own expense.)

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians,

ITEM NO	10			
APPLIC NO	LA07/2016/1447/O	Outline	DATE VALID	25/10/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Ballyhosset Properties Ltd 422 Lisburn Road Belfast BT9 6GN		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT

LOCATION Site No 5 Between 67 Ballyhosset Road And 3 Holly Lane Ballyhosset Road
Downpatrick

PROPOSAL Proposed Dwelling and Garage (Amended Address)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	3	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside 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 SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - (A) the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling
 - (B) the cluster does not appear as a visual entity in the local landscape
 - (C) the cluster is not associated with a focal point and is not located at a cross-roads;
 - (D) the dwelling would if permitted significantly alter the existing character of the cluster and
 - (E) the dwelling would if permitted adversely impact on residential amenity.
- 3 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 Holly Lane.



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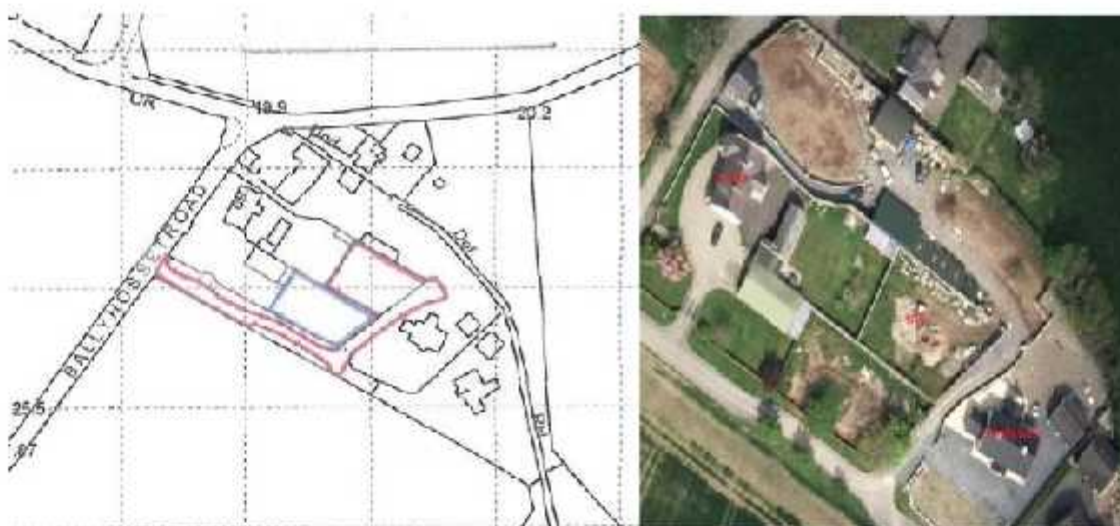
Application Reference: LA07/2016/1447/O

Date Received: 25th October 2016

Proposal: Proposed Dwelling and Garage

Location: Site No 5 between 69 Ballyhosset road and 3 Holly Lane, Ballyhosset Road, Downpatrick.

Site Characteristics & Area Characteristics:



The site is located on a parcel of land to the rear of No 69 Ballyhosset Road and to the north-east of No 3 Holly Lane. The site is accessed via a private lane serving those dwellings at No 1 and 3 Holly Lane. The site is comprised of an enclosed site which is defined by a stone wall and close board timber fence. The site slopes upwards in a north-westerly direction and is currently undeveloped.

Characteristics of Area:

The site is located within the rural area and is surrounded by undulating countryside. The immediate area surrounding the site has seen increased development in recent times, with the erection of two dwellings to the east of the site – Nos 1 and 3 Holly Lane and it is noted that a dwelling has been approved immediately south of the site for a dwelling under LA07/2015/1261/F.

Site History:

Previous history on the site relates to R/2005/1039/F – 50m East of 67 Ballyhosset Road, Downpatrick – Holiday accommodation – Withdrawn.

There are a number of approvals on the adjacent sites see LA07/2015/1261/F and R/2008/0229/F.

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS3 and 21, in addition, to the history and any other material consideration.

The application was advertised in the local press on 15.02.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI, NIEA Historic Environment Division (HED), NIEA Water Management Unit and NIW. No objections have been received

The following neighbours were notified of the proposal 07.02.17

- Nos 1-8 Holly Lane
- Nos 67, 69 and 71 Ballyhosset Road
-

Objections & Representations

A number of objections have been submitted and they are summarised below

Michael and Una Starkey 3 Holly Lane – object to the proposal for the following reasons

- The proposed dwelling will overlook their property
- The proposed dwelling would cause overdevelopment of the Holly Lane area
- There is no reason why this development is essential in this rural location.

Mrs Fiona Linehan 71 Ballyhosset Road Downpatrick, objects to the proposal on the following grounds

- The proposal would be detrimental to the setting and character of the immediate area
- The proposal is contrary to PPS 21 Policies CTY 1, 8 and 14

Dr Kieran & Mrs Lesley Keown 67 Ballyhosset Road Downpatrick objects to the proposal on the following grounds

- The proposal would result in overdevelopment of the area
- The site does not represent an infill site
- The proposal would be out of keeping with the style and character of the neighbouring properties
- Loss of privacy as proposal would overlook private garden
- Concerns regarding access.

Consideration and Assessment:

The proposal seeks outline planning permission for the erection of a dwelling and garage. As the site is located within the rural area Policy CTY 1 of PPS 21 applies which 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. It is noted that the applicant / agent has suggested in the Design and Access Statement that the new dwelling will be located within a gap site provided by the existing walled garden and access, therefore Policy CTY 8 is applicable.

Policy CTY 8 states that development will be permitted where there is a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up 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 built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In assessment of this, it is noted that the frontage of the site will be that laneway immediately north of No 3 Holly Lane. It is acknowledged that a dwelling has been approved immediately adjacent the site under LA7/2015/1261/F, however, it has not been built, and that there are a number of buildings on the land to the north of the site which may be being used as dwellings, however, these are unauthorised and cannot be considered as contributing to the frontage of the lane. Consequently, it is my view that a substantial and continuously built up frontage does not exist along this lane and as such the proposal is contrary to the requirements of CTY 1 of PPS 21.

In addition, Policy CTY 2a is applicable given the arrangement of the development on this land surrounding. CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

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

In assessment of this, the proposal is adjacent to a number of buildings, of which three are dwellings, however, the remaining buildings are comprised of garages and ancillary buildings and therefore the proposal does not meet this criterion.

- The cluster appears as a visual entity in the local landscape:

On approach from the SE along Ballyhosset Road, the existing buildings do not appear as a visual entity. There appear to be two distinct groups of development (No 67 Ballyhosset Rd and its associated buildings and those Dwellings Nos. 1 and 3 Holly Lane) as can be seen below.



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

There are a no such features located within the vicinity.

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

The proposed site would be enclosed and is bounded by development on at least two sides.

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

While it is acknowledged that an approval exists immediately adjacent and SE of the site (LA07/2015/1261/F), it is noted that it has not been developed. A significant gap remains therefore between the two groups of buildings identified above and as such approval of this current site would alter the existing character of the area.

- Development would not adversely impact on residential amenity

The concerns of No 3 Holly Lane are noted, particularly in light of the orientation of their dwelling, in which their living / sunroom is located immediately opposite the site and views into their property from the laneway to the site are readily available. It is noted that there is a separation distance of approximately 8m from the gable of No 3 Holly Lane to the frontage of the site, there is therefore concern regarding the potential for an adverse impact on the residential amenity of No 3 Holly Lane – any approved dwelling would have to be sensitively designed so as not to cause an adverse impact on the residential amenity of this property.

On the basis of the above I recommend refusal.

Recommendation: REFUSAL

Refusal Reason

- 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 the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

(A) The proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling

(B) The cluster does not appear as a visual entity in the local landscape

(C) The cluster is not associated with a focal point and is not located at a cross-road;

(D) The dwelling would if permitted significantly alter the existing character of the cluster and

(E) The dwelling would if permitted adversely impact on residential amenity.

- 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 Holly Lane.

Signed

Date

Signed

Date

ITEM NO	35			
APPLIC NO	LA07/2017/1224/F	Full	DATE VALID	10/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Aaron Ross 16 Killybawn Road Clontaghmagar Saintfield BT24 7JP		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT
LOCATION	16 Killybawn Road Saintfield BT24 7JP			
PROPOSAL	Storage unit for keeping of vintage vehicles			
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 RE1 of the Addendum to PPS7 (Residential Extensions and Alterations), as the design, external materials and siting in front of the established building line are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area.



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Application Reference: LA07/2017/1224/F

Date Received: Aug 2017.

Proposal: Full planning permission is sought for a new storage unit for keeping vintage vehicles, at 16 Killybawn Road, Saintfield.

Applicant Mr Aaron Ross

Location:

The site is located in the countryside between Crossgar and Saintfield, as identified in the Ards and Down Area Plan 2015. There do not appear to be any other zonings affecting this site. This area is pre-dominantly rural in character, although also includes several dwellings along this stretch of road.

Site Characteristics & Area Characteristics:

The site outlined in red comprises the dwelling and curtilage of no.16 Killybawn Road, which comprises a roadside plot.

This site is bounded by no.14 and a field to either side, and includes the dwelling (single storey in form) and several outbuildings, with 2 small sheds adjacent to no.14 and 2 larger buildings to the far side of the site. These 2 larger buildings include what appears to be a double garage and larger agricultural building along the northern boundary. However on closer inspection it appears the double garage has been converted to living accommodation, while it is unclear whether the larger building is used for agricultural use. This entire curtilage is accessed from one entrance point, which then includes a separate entrance to the yard area within the curtilage, which is sectioned off from the dwelling curtilage.

This site is relatively flat whereby the roadside boundary comprises a stone wall and grass verge. The boundary with no.14 is marked by a wall and planting, while that with the field to the far side is marked by ranch type fencing and the gable of the large shed,

Site History:

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, the most relevant of which include:

LA07/2017/1302- 16 Killybawn Rd, Retention of conversion of double garage to ancillary accommodation, Full, Pending, Applicant: Mr A Ross

LA07/15/0741/F- 16 Killybawn Rd, Retention of boiler house, Full, approval, Applicant: Mr A Ross,

R/12/0432/RM and R/08/0333/O- 16 Killybawn Rd, Replacement dwelling, Outline and Reserved Matters, Approval, Applicant: Mr A Ross

It is also noted there are recent permissions for the retention of the farm yard and agricultural buildings (R/11/0494) and erection of a farm dwelling (R/09/1037) on lands to the far side of the road, which appear to be associated with the applicant.

Consultations:

Having account the nature of this proposal and constraints of the site and area, no consultations have been undertaken as part of this application.

Objections & Representations

Having account the red line of the application site, neighbour notification was carried out with no.14 Killybawn Road in August 2017, while the application was also advertised in the local press in August 2017.

No representations have been received to date (04-10-17).

Applicable Policy considerations- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS7 Addendum, PPS21, and supplementary guidance

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply, and having account the nature of this proposal which comprises a storage unit for keeping vintage vehicles within the curtilage of a dwelling, it is considered the Addendum to PPS7 (Residential Extensions and Alterations) is key.

Policy EXT1 of Addendum to PPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

In addition, with regards to proposals for garages and other associated outbuildings, paragraphs A11-A13 are of relevance.

Para A11

Buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The use of false pitches should be avoided as these often detract from the appearance of these buildings, particularly when viewed from the side.

Para A12

Garages or outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted.

Para A13

In the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings

Assessment

The proposed storage unit will be located in the front corner of this site, and adjacent to the road.

It is noted there are already a number of buildings within this curtilage, including the dwelling, 2 small sheds and 2 larger buildings.

Following initial assessment of the case the Planning Authority issued a letter to the agent on 23rd Aug, seeking justification as to why an additional shed is required. It also transpired the previously approved double garage which is located in the northern corner of the site, has recently been converted to living condition and is now the subject of a separate planning application (LA07/17/1302). (The site visit associated with this current application for the storage unit resulted in the submission of this further retrospective application.

A letter was then received from the agent on 26th Aug, in response to the Planning Authority's letter, advising the applicant has a collection of vintage machinery including tractors and agricultural machinery together with 2 vintage motor vehicles, whereby the applicant wishes to store them in a shed adjacent to his home in a safe and secure manner.

The agent has also advised there are currently no buildings on his property suitable to store these vehicles as the existing shed was constructed as part of the farm complex and is used for that purpose.

In response to this letter the Planning Authority issued a further email on 11th Sept requesting details of the farm business, including business number, maps and location of farm buildings. In addition the agent was also requested to advise why this shed is now required if the previously approved double garage (which has now been converted) was no longer required for the storage and parking of vehicles. The agent was requested to provide comments within 21 days in line with the Councils Scheme of Delegation.

Nothing further has been received to date (04-10-17), whereby the application cannot continue to be held.

As stated above the shed will be located in the front corner of this curtilage immediately adjacent to the existing largest shed on site. This shed will measure approx 14m by 8m and will be 4m high, to be constructed in corrugated green cladding.

The existing dwelling, recently converted double garage and large shed are constructed in block with brown colour dash finish, whereby the dwelling and garage also include a tile roof, while the large shed has a green corrugated panelled roof.

It is considered this proposed structure, which will be located in the front corner of the curtilage well in advance of the existing dwelling and any other building will have a dominant impact at the front of the property, whereby the design, style and external materials are not considered to be sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

As such it is considered the proposal is contrary to policy RE1 of PPS7 Addendum.

In addition to the above, no well founded need has been demonstrated to warrant permitting a further additional building on this site, while there certainly appears to be scope to re-use the former double garage and also large shed to store the said vehicles. It was noted during a site inspection several vintage vehicles were being stored in the larger shed.

While the supporting comments from the agent were noted, the Planning Authority questioned the agricultural use of the existing building on site and requested details of the farm business and associated lands and farm buildings. This information was requested as the agent outlined the agricultural use of this building as a reason why this shed cannot be used and an additional structure is required.

During consideration of the case it was also noted there is a recent permission for a farm dwelling (R/09/1037) and retention of farm yard and agricultural buildings (R/11/0494) on lands to the far side of the road, whereby the applicant was Mr R Ross of 14 Killybawn Rd (immediately adjoining the application site), whereby the lands comprising the application site were also included on the farm maps.

The Planning Authority requested further comments from the agent regarding the farm business of the applicant, as having account the site history of the area, and information supplied by the agent, it appears the farm buildings associated with the applicants family, and also farm dwelling, are all connected and are located to the far side of the road. As such further clarification regarding this matter was requested to assist in the consideration of the case, however nothing further has been received to date (04-10-17).

It was also observed during the site visit in August 2017 the existing yard area where it is proposed to locate the new storage unit appears more like a builders storage yard, with a range of materials present that one would associated more with building works than farming.

As outlined above nothing further has been received to date in response to the Planning Authority's queries, whereby the application cannot be held indefinitely. As

such it is considered insufficient information has been submitted in this respect to fully explore and investigate this aspect.

Taking into account the above it is considered no sustained argument has been provided justifying the need for an additional building within this curtilage, while the design, external materials and siting are also considered unacceptable.

As such Refusal is recommended.

Recommendation: Refusal

Reasons:

- The proposal is contrary to policy RE1 of the Addendum to PPS7 (Residential Extensions and Alterations), as the design, external materials and siting in front of the established building line are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area.

ITEM NO	16			
APPLIC NO	LA07/2017/0625/F	Full	DATE VALID	24/04/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Paul Addis 55 Ballynahinch Road Drumaroad Castlewellan BT31 9PB		AGENT	Hillen Architects Limited 87 Central Promenade Newcastle BT33 0HH
LOCATION	70m NE of 47 Ballynahinch Road Drumaroad Castlewellan BT31 9PB			
PROPOSAL	Proposed replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - (A) the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and
 - (B) the design of the replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness.



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Application Reference: LA07/2017/0625/F

Date Received: 24th April 2017

Proposal: Replacement Dwelling

Location: 70m NE 47 Ballynahinch Road Drumaroad, Castlewellan

Site Characteristics & Area Characteristics:



The site is located along the minor Ballynahinch Road, Drumaroad. It is comprised of a 0.2 hectare portion of land, which contains a single storey traditional style dwelling and outbuilding.

The dwelling is accessed via an existing lane way from Ballynahinch Road, which runs along the side of No.47 and the dwelling is positioned within a small plot immediately to the rear of No 47 Ballynahinch Road. The site is elevated above the public road and is visible when viewed from the frontage of Ballynahinch Road. The site benefits from elevated land to the rear and it is noted that there is mature vegetation along all boundaries surrounding the existing dwelling.



The external walls and roof of the dwelling are intact, the openings are still present but no longer glazed. An inspection of the inside reveals one ground floor room, with a narrow staircase leading to the loft area.

The site is located within the rural area as designated in the Ards and Down Area Plan and it is surrounded by agricultural land, there are however, a number of detached single dwellings dispersed throughout the area.

Site History:

R/1980/0834
Replacement Dwelling
Ballynahinch Road Castlewellan
Granted 29.01.81

R/1985/0188
Replacement dwelling
Ballynahinch Road Castlewellan
Granted 21.05.85

R/1986/0213
Dwelling
Ballynahinch Road Scribb
Granted 24.07.86

A paper copy of the site location of these approvals is no longer available, however, computer records indicate that they relate to lands immediately surrounding No 47 Ballynahinch Road and do not include the current application site. There is therefore no evidence to suggest that this dwelling has been replaced previously.

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 2, 3 and 21 (CTY 1 and 3), in addition, to the history and any other material consideration.

The application was advertised in the local press on 10.05.17.

Nos 43, 47a and 49 Ballynahinch Road were noted on 03.05.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI, Northern Ireland Water (NIW) and Environmental Health, no objections were received.

Objections & Representations

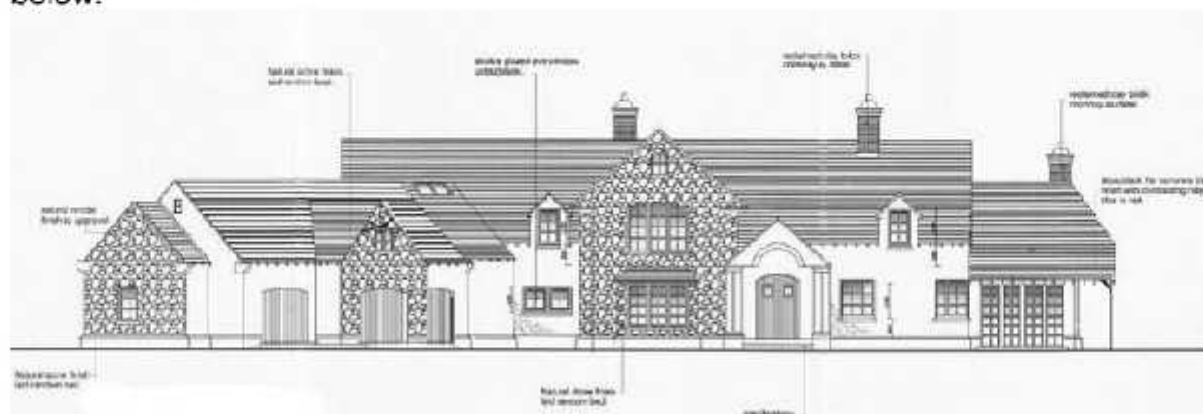
No objections or representations have been received.

Consideration and Assessment:

The proposal seeks outline planning permission for a replacement dwelling to which Policy CTY3 of PPS 21 provides the policy context. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. It is considered that the proposal meets this initial test.

In addition to the initial test, proposals for replacement dwellings will only be permitted where they meet an additional 5 criterion. It is considered that given the small nature of the site, any replacement dwelling would be within the existing curtilage.

The proposed dwelling is two-storey with a maximum ridge height of 8m and a frontage length of 25m not including the side projection and double garage as shown below.



The proposed dwelling would have a significantly greater visual impact than the existing building as shown above and would not integrate into the surrounding landscape given its overall size, scale and massing. In addition, the design therefore is not appropriate to the sites rural setting. The proposal therefore fails to comply with the requirements of Policy CTY 3 of PPS.

Recommendation : Refusal

Reason:

The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that

- (A) The overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and
- (B) The design of the replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness.

Signed

Date

Signed

Date

ITEM NO	18				
APPLIC NO	LA07/2017/0770/F	Full	DATE VALID	19/05/2017	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr and Mrs J McPolin 13 Downpatrick Road Ballynahinch BT24 8SH		AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA	
LOCATION	13 Downpatrick Road Ballynahinch BT24 8SH				
PROPOSAL	Proposed detached garage, rear extension to dwelling and extended site curtilage				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	0
			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 has been no justifiable reason given as to why the residential curtilage should be extended into this area of countryside.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building relies primarily on the use of new landscaping for integration and the ancillary works do not integrate with their surroundings and the proposed building fails to blend with the landform, 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 works would, if permitted not respect the traditional pattern of settlement exhibited in that area 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.

Application Reference: LA07/2017/0770/F

Date Received: 23.05.17

Date of site visit: 05.06.17



Proposal:

The Council has received an application seeking planning approval for proposed two storey extension to the rear of dwelling, new detached garage and extended site curtilage.



Location: No.13 Downpatrick Road, Ballynahinch

Characteristics of site:

The site is comprised of a two storey detached domestic dwelling with undercroft garage and associate domestic curtilage. The existing dwelling fronts on to the Downpatrick Road, is at an elevated position approximately 1.0m above the road and set back approximately 20.0m from the road. This site built on the side of a hill and cut into this hillside to the rear by way of large retaining wall. The land slopes down from west to east towards stone gabion reinforced river bank and the agricultural land beyond the rear boundary rises steeply up in a southerly direction. The site is part of a group of five properties in linear arrangement fronting the Downpatrick Road and all sharing similar plot sizes of approximately 0.2ha.

The dwelling has a T-shaped footprint and is two storey with a two storey rear return from the centre of the rear elevation and single storey sunroom to the R.H.S gable elevation. The property has a good sized front/side garden to the R.H.S and a small amount of private rear amenity space with vehicular access to undercroft garage to the L.H.S and within curtilage parking to the R.H.S. The existing dwelling has a standard pitched roof construction with main entrance single storey pitched roof porch projection to the centre of the front elevation. There is a chimney projecting from each side of the ridge.

The treatment to the L.H.S boundary between this property and adjacent river (Ballynahinch River) comprises of stone gabion reinforcing to river bank with a 1.2m high timber ranch style fence with mesh infill panels along the top. The rear boundary between this site and adjacent agricultural land is defined by a 1.4m high rendered masonry retaining wall with 1.2m high laurel hedge along the top and a higher 2.0m high mature hedge to field behind. The treatment to the R.H.S boundary between this property and adjacent property No.11 Ballynahinch Road comprises of a rendered masonry wall with high laurel hedge along the top sloping down from rear to front of site and a higher 2.0m high mature hedge behind. The front boundary adjacent to the road is defined by a 1.2m high natural stone wall with matching circular stone pillars to each side of vehicular entrance.

Characteristics of area:

The site is in the countryside and near to but not within the settlement limit of Ballynahinch and near to Local Landscape Policy Area 1– Ballynahinch River Corridor as defined in the Ards and Down Area Plan 2015 and shown on Map No. 3/001a - Down District North and Map No.3/003a - Ballynahinch. It is located in a rural area with a variance of styles between old and new properties and farm buildings. The surrounding land is used mainly for agricultural purposes and the predominant feature of this area being the rolling drumlin topography typical of this region and native species hedgerows.

Site History:

R/2001/1098/F 13 Downpatrick Road, Magheradrool, Ballynahinch,
Amendment to previously approved dwelling R/2000/1245) - addition of dormer windows.

Permission granted - 28.11.2001

R/2000/1245/F 13 Downpatrick Road, Ballynahinch

Replacement dwelling.

Permission granted - 25.04.2001

R/1989/4052 13 Downpatrick Road, Ballynahinch

Extension to Dwelling

Permitted Development.

R/2006/0037/F 11 Downpatrick Road, Ballynahinch.

Renovation and extension to dwelling, pitched roof and garage.

Permission granted - 10.04.2006

R/2005/0035/F 16 Downpatrick Road, Ballylone Big, Ballynahinch

Extension to side of dwelling and detached garage.

Permission granted - 14.03.2005

R/2001/0114/F 9 Downpatrick Road, Ballynahinch

Replacement Dwelling and Garage

Permission granted - 25.04.2001

R/2001/0353/F 14 Downpatrick Road, Ballylone Big, Ballynahinch

Detached domestic garage.

Permission granted - 08.05.2001

R/1991/0451 11 Downpatrick Road, Ballynahinch

Alteration and extension to dwelling and new vehicular access.

Permission granted.

R/1989/0237 16 Downpatrick Road, Ballynahinch
Alterations to dwelling.

Permission granted.

R/1986/0410 11 Downpatrick Road, Ballynahinch
Alterations and extension to dwelling.

Permission granted.

R/1982/0336 11 Downpatrick Road, Ballynahinch
Garage

Permission granted.

Planning Policies & Material Considerations:

The 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.

Planning Policy Statement 15 – Planning and Flood Risk (Revised September 2014)

Policy FLD 1 – Development in Fluvial (River) and Coastal Flood Plains and Policy FLD 2 – protection of Flood Defence and Drainage Infrastructure set out the main considerations that the Council will take into account in assessing proposals for development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere or any development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

Planning Policy Statement 21: Sustainable Development in the Open Countryside

Policies CTY 1 – Development in the Countryside, CTY 13 – Integration and Design of Buildings in the Countryside & CTY 14 – Rural Character of PPS -21; Sustainable Development in the Open Countryside set out the main considerations that the Council will take into account in assessing proposals of this type and in this location. 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:

Historic Environment Division were consulted on 01.06.17 in respect of this proposal due to it's proximity to a nearby archaeological site and monument. Historic Monuments Unit responded on 08.06.17 and upon considering the impacts of the application and on the basis of the information provided were content that this proposal was satisfactory to the policy requirements of the SPPS and PPS 6.

The Rivers Agency were consulted in regard to this application on 01.06.17 and responded on 03.07.17 stating that the eastern boundary of this site affected by a watercourse that is designated in accordance with the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the Ballynahinch River. Under the policy it is essential that a working strip of minimum width 5m is retained. The site layout drawing shows space for maintenance and it should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition.

The Strategic Flood Map for Northern Ireland indicates that the site lies just outside the 1 in 100 year fluvial floodplain. Hence Rivers Agency would have no specific reason to object to the proposed development from a drainage or flood risk perspective.

Objections & Representations:

3 No. neighbouring properties within proximity to this site (No's. 9, 11 & 12 Downpatrick Road) were notified on 02.06.17. This application was advertised in the local press on 23.05.17 and to date no objections or representations have been received.

Consideration of the proposal:

The application seeks to extend the original curtilage of the dwelling and also to extend the existing dwelling and add a triple garage located within the extended area of curtilage. The proposed extension of curtilage is 30m deep and varies in width from approx. 54m wide and 76m.

The extension to dwelling is 9.7m deep and at the widest point is 15m with the height matching that of the exiting dwelling. The garage proposed is 13m wide and 7.9m deep with a height of 7.4m.

Consideration is given to the extension of curtilage, the dwelling is located on an adequate sized site that is in keeping with the size and context of curtilages in the area. The proposed extension is into an agricultural field that rises away from the dwelling itself. In order to accommodate the proposed extension to dwelling and also the garage there would be a considerable amount of cutting in and also filling of land in order for the site to function. The agricultural lands to the rear of this dwelling and indeed all of the five dwellings, where visible, helps to soften the visual impact of the dwelling and existing associated curtilages, to allow an extension of the curtilage would create a greater visual impact and would also erode the rural character of the area. It is appreciated that there are limited long distance views of the site however given that it is road side development, and is exposed the works would have a negative impact on the surrounding area.

The agent, when aware of concerns of the extension of curtilage and level of building works submitted justification of the works to demonstrate why the development is essential in this rural location, this reasoning can be seen on file however the justification including the need for additional amenity to safely play football and additional garage space to allow for the provision of 4 cars is not considered justification to allow an extension of the curtilage. The site has amenity space provided and while the applicant claims that there is not enough private amenity the situation on site has not changed in the time since construction and it would be a simpler solution to screen exiting amenity with a suitable planting scheme rather than to extend to the rear incorporating a section of agricultural land. The level of development and expectation that the applicant has of the site is not consistent with general domestic standards and is not suitable for the site and clearly does not justify the extension into the countryside area.

In addition to this the bulk of the resulting building is also not in keeping with design considerations and would allow for a much greater visual impact than what exists at present, the depth of the dwelling being 24.2m deep with the design offering little attention to breaking up and reducing the overall scale, bulk and massing of the design.

The application is contrary to PPS 21 CTY 1 Development in the Countryside in that there are no overriding reasons why that development is essential and could not be located in a settlement.

Consideration of CTY 13 is given to the proposed works and it is noted that the proposed works including garage located outside the existing curtilage and also the removal of the existing vegetation and boundary treatment to the rear will allow for the resulting dwelling and associated works to be a more prominent feature in the landscape.

The site will require new planting for integration and will rely on that planting to help integrate the works, it is also noted that given the changes of levels across the site retaining walls are likely to be necessary further impacting on the character of the area.

Ancillary works including the extensive extension to curtilage and the triple garage with 1st floor accommodation above is not considered to integrate with the surroundings. The curtilage as is at present is in keeping with the size of adjacent plots and there is some uniformity to the arrangement with the back lands, in agricultural use, providing a suitable back drop and defining the limit of development across the sites, to allow for such an extensive increase and to also introduce a considerable amount of development in those lands would not integrate with the surroundings and would impact on the character of the area.

The design of the resulting building is not appropriate for the locality, while noted that there already is a garage under the dwelling to continue with this level of under build, approx. 2.7m until land rises again and to provide a visible depth of 24m with poor scale and mass and large roof mass has a much greater impact than what exists currently on the site, this coupled with the construction of a triple garage with 1st floor accommodation with a height from ground of 7.4m in height further adds to the potential for negative impacts.

The applicant has failed to fully demonstrate that the works will blend with the existing landform and the slope that exists to the rear of the site which provides a back drop to domestic development.

The application is also considered against CTY 14 Rural Character

The works including extension of curtilage and additional building works does not respect the pattern of settlement exhibited in that area and the impact of the ancillary works will further damage rural character.

The agent was made aware of the concerns regarding the proposed development and was afforded the opportunity to amend the proposal, to date there have been no further submissions.

Recommendation:

Having considered the proposal and the relevant policy context the application is not considered acceptable and therefore refusal is recommended.

Reasons for Refusal:

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there has been no justifiable reason given as to why the residential curtilage should be extended into this area of countryside.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building relies primarily on the use of new landscaping for integration and the ancillary works do not integrate with their surroundings and the proposed building fails to blend with the landform, 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 works would, if permitted not respect the traditional pattern of settlement exhibited in that area 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.

Signed: _____ Date:

Signed: _____ Date:

ITEM NO	19			
APPLIC NO	LA07/2017/0786/F	Full	DATE VALID	23/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Walter Watson 124 Ballylough Road Castlewellan BT31 9JQ		AGENT	Johnnie Agnew Designer Homes Plans 1 Victoria Court Ballymartin BT34 4YH
LOCATION	4 Drumnaquoile Road Castlewellan			
PROPOSAL	Replacement dwelling and detached 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 SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the dwelling which it is proposed to replace makes an important contribution to the heritage of the locality and is capable of being made structurally sound and improved and the existing structure has not been retained and sympathetically incorporated into the new development scheme.
- 2 The proposal is contrary to the SPPS and Policy BH 11 of PPS 6, in that the proposal, if permitted would adversely affect the setting of a listed building.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0786/F

Date Received: 23rd May 2017

Proposal: Replacement Dwelling and detached garage

Location: 4 Drumnaquoile Road, Castlewellan

Site Characteristics & Area Characteristics:



The site is located along the minor Drumnaquoile Road, Castlewellan. It is comprised of a 0.2 hectare portion of land, which contains an existing single storey dwelling and associated outbuildings. The dwelling is accessed via a private lane from the public road which is defined on both sides by mature hedges. The dwelling and associated buildings are cut into an agricultural field, which rises steadily upwards from the public road. The site is defined by mature hedgerows on all sides.

The external walls and roof of the dwelling are intact, and the dwelling appears to be have been recently occupied. The internal arrangement of the dwelling is visible, with evidence of internal doors and rooms.

To the rear of the site the land rises steadily and appears open and undulating.



The site is located within the rural area as designated in the Ards and Down Area Plan and it is surrounded by agricultural land, there are however, a number of detached single dwellings dispersed throughout the area.

Site History:

There is no previous history on this site.

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 2, 3, 6 and 21 (CTY 1 and 3), in addition, to the history and any other material consideration.

The application was advertised in the local press on 07.06.17.

2 Drumnaquoile Road was neighbour notified of the proposal on 06.06.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI, Northern Ireland Water (NIW), no objections have been received.

Objections & Representations

No objections or representations from neighbours or third parties of the site have been received.

Consideration and Assessment:

The proposal seeks outline planning permission for a replacement dwelling to which Policy CTY3 of PPS 21 provides the policy context. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. It is considered that the proposal meets this initial test.

The site is in close proximity to a Grade B2 listed building, Kinelarty 2 Drumnaquoile Road which was constructed between 1900-1919 and was used as a waterpipe attendants dwelling. NIEA Historic Environment Division (HED) have been consulted about the proposal, they consider the building to be of traditional vernacular character which makes a significant contribution to the historical character of the setting of the Listed Building described above.

In these circumstances Policy CTY 3 encourages the retention and sympathetic conversion of non-listed vernacular dwellings. As the dwelling to be replaced makes an important contribution to the heritage of the locality, planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved. Following a visual inspection of the premises on 3rd July 2017, it appears that the dwelling is intact and sound. A scheme of refurbishment has not been presented and therefore the proposal is contrary to policy.

In addition to the above, proposals for replacement dwellings will only be permitted where they meet an additional 5 criterion. In assessment of these the proposed dwelling is to be located within the existing curtilage of the dwelling.

The proposed dwelling will have a maximum ridge height of 6.5m, a frontage of 15.4m and a gable depth 7.2m. It will be finished with natural / bangor blue slates, and white painted rendered walls.



Policy BH 11 of PPS 6 is applicable given the sites location near a listed building. This policy states that development will not be permitted which would adversely affect the setting of a listed building.

The applicant has been requested to amend the design of the proposal so as to comply with the above, however, that received 30th August 2017, remains unacceptable, in that would adversely affect the setting of No 2 Drumnaquoile Road.

The existing building is considered to be a good example of a traditional small scale farm group, therefore its retention, refurbishment and perhaps extension would be preferred.

On the basis of the above, the proposal will be recommended for refusal.

Recommendation: REFUSAL

REASONS:

- The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the dwelling which it is proposed to replace makes an important contribution to the heritage of the locality and is capable of being made structurally sound and improved and the existing structure has not been retained and sympathetically incorporated into the new development scheme.
- The proposal is contrary to the SPPS and Policy BH 11 of PPS 6, in that the proposal, if permitted would adversely affect the setting of a listed building.

Signed

Date

Signed

Date

ITEM NO	25			
APPLIC NO	LA07/2017/0894/O	Outline	DATE VALID	08/06/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Ryan Morgan 28 Cairn Grove Kilcoo BT34 1HB		AGENT	Martin Bailie 44 Bavan Road Mayobridge BT34 2HS
LOCATION	60m West of 3 Kirk Lane Tulyree Road Kilcoo Newry			
PROPOSAL	Proposed dwelling (6.5 m ridge) and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses		Signatures	
	0	0	0	0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that farm business is currently active and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access is taken from an existing lane.
- 2 The proposal is contrary to the SPPS and 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 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; and
 - the dwelling is not sited to cluster or visually link with an established group of buildings on the farm.
- 3 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if permitted a dwelling would be unduly prominent in the landscape resulting in a suburban style build-up of development when viewed with existing and approved buildings.



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**Newry, Mourne
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Application Reference: LA07/2017/0894/O

Date Received: 08.06.2017

Proposal: Proposed dwelling (6.5 m ridge) and garage

Location: 60m West of 3 Kirk Lane, Tullyree Road, Kilcoo



The site is within the countryside

Site Characteristics & Area Characteristics

The site is within the Mourne Designated Area of Outstanding Natural Beauty and is located within the Mourne Foothills. The area is rural and outside the small settlement of Kilcoo which is a short distance to the west of the site. The area has drumlin topography. The site itself is a roadside site.

Site History:

LA07/2015/0084/F Ryan Morgan

Proposed dwelling and garage at 60m North East of 3 Kirk Lane, Tullyree Road, Kilcoo

Refused 28.04.2017 (SPPS and PPS21- CTY1 & 10 Farm business not active, building not visually linked with established group of buildings on farm and access

not from existing lane, Contrary to CTY13 Integration, Contrary to CTY14 Rural Character, Impact on AONB)

R/2002/1241/O Mr Ryan Morgan (PAC Ref 2003/A495)

Private dwelling house & garage at 30 metres south of 14 Tullyree Road, Kilcoo, Newry

Refused 15.10.2003 (DES 5 Integration, DES5 Suburban roadside dev, DES 6 Cumulative Impact, DES 4 Undue Prominence in AONB)

Appeal dismissed 12.08.2004

Planning Policies & Material Considerations:

The proposal will be assessed in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside, PPS3: Access, Movement and Parking.

Department Guidance documents such as Building on Tradition – A Sustainable Design Guide, DECAN 15 Vehicular Access.

Consultations:

NI Water Ltd

Standard response detailing information for the applicant.

Transport NI

No objections subject to conditions

DAREA (DARD)

Response received 26th June 2017 to state that the farm business id has been in existence for 6 years, does not make a claim to DAERA in form of a Single Farm Payment (SFP), Area of Natural Constraint (ANC) or Agri Environment Scheme Payment in the past year. DAERA comments that the farm business ID 652751 was upgraded to Category 1 business in 2012.

Objections & Representations

The site was advertised in Mourne Observer 28th June 2017.

A total of 3 Neighbours were notified.

No objections or representations have been received.

Consideration and Assessment:

The application is an outline proposal for a dwelling within the Countryside.

Planning Policy within the Countryside is managed through sustainable development. Policy PPS21 Sustainable Development in the Countryside and the recently published Strategic Planning Policy Statement for Northern Ireland will be considered.

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

PPS21 considers a range of development in the countryside that is considered to be acceptable and would contribute to the aims of sustainable development. One of these is a dwelling on a farm under policy CTY10, this policy is expressed permissively stating that planning permission will be granted for a dwelling house on a farm where the following three criteria are met;

- (a) The farm business is currently active and has been established for at least 6 years
- (b) No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application with this provision only applicable from 25th of November 2008
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane unless there are verifiable plans to expand the business or there are demonstrable health and safety reasons.

In assessment of Criteria A, it is noted that the farm holding is 0.69ha, incorporating 2 No small parcels of land 0.619ha and 0.068ha respectively at 2 Kirk Lane. The farm business is registered to Mr Ryan Morgan of 28 Cairn Grove, Kilcoo as detailed within the farm maps provided by the applicant.

DAERA have been consulted on the application and returned a response confirming that the farm business 652751 has been in existence for more than 6 years and that it was upgraded to Category 1 business in 2012. However, DAERA advise that the business has not claimed SFP in the last year.

In support of their application and to demonstrate active farming over the last 6 years the applicant has submitted the following information.

- The P1C refers to a HMRC letter (dated 17.3.2017) stating that the applicant has been declaring their Farm income on their Self Assessment tax returns since 2009.
- A letter from PD Doyle of 16 Backaderry road Leitrim stating that Mr Doyle is renting 3 acres of land for grazing from the applicant – no date detailed
- Invoice from William Kirkwood and Sons of Newcastle Road, Castlewellan to Ryan Morgan of Tullyree Road for fencing materials dated 18th May 2017

- Invoice from PD Doyle of 16 Backaderry Rd, Leitrim to R Morgan of Tullyree Road for 8 suffolk ewes dated 10th of May 2017
- The applicant, Mr Morgan, is detailed within P Doyles DARD Movement Document of flock/Herd No 781929 as purchasing 8 sheep/goats dated 10th May 2017.
- A document referring to a Shetland pony dated 1.2.2017 but there is no additional details apart from a cost and what appears to be the applicants name
- Invoice from Ryan Morgan to O McClean dated 15th of September 2016 for silage bales
- Letter from F McCrickard Tax practitioner dated 18.10.2016 stating that Ryan Morgan included Farming return on his Tax return since 2009.
- Invoice from Vincent Morgan 'Stone Mason' to R Morgan Tullyree Road dated 1.3.2015 for repairs to a stone wall on stone ditches
- DARD letter dated November 2014 advising of an up to date farm map supplied by DARD as the last map was printed 2013.
- Letter from DARD to applicant at 28 Cairn Grove Kilcoo dated 13.10.2014 highlighting entitlements (SFP)
- DARD Letter to applicant addressed at 28 Cairn Grove, Kilcoo dated 29.10.2014 stating that the applicants farm business (652751) will not meet the conditions to be allocated entitlements in 2015.
- DARD letter to All Flock Keepers (does not specify applicant by name, address or farm business ID) dated November 2012 regarding sheep tagging and movement documents
- Invoice from Ryan Morgan to P Duddan dated 20th October 2012 for potatoes
- DARD consultation response dated 23.11.2011 referencing planning application LA07/2015/0084/f and applicants farm business id 652751 stating farm business id has been in existence for more than 6 years and makes a return to DARD for SFP, ANC or Agri Environment schemes in the last 6 years.

- Invoice from William Kirkwood of Newcastle Road, Castlewella to Ryan Morgan dated 25.3.2011 for fencing materials.
- DARD letter to applicant addressed to 9 Castleglen Grove, Kilkoo dated 1.2.2011 regarding application for flock registration
- Letter to applicant dated 23 March 2010 from NIE PLC regarding the connection charges for the farm building at Tullyree Road which includes a map.
- Invoice from Applicant Ryan Morgan to J McClean dated 1st August 2008 for silage bales
- Invoice from William Kirkwood and Sons of Newcastle road, Castlewella dated 1st August 2008 for 16'Agrigate (unsure of product due to handwriting) to Ryan Morgan

In assessment of the above, it is considered that the information supplied fails to demonstrate an active and established holding. It is noted that Mr Doyle of Backaderry Road states in a letter submitted with the applicants supporting information that he lets out land to the applicant, however, this is not supported by farm maps. The purchase of 8 ewes from Mr P Doyle on the 10th of May 2017 along with the invoices dated 2015 and 2016 for the sale of silage from the applicant to O McClean does not prove the farm has been and remains active over a 6 year period. It is considered therefore that the proposal fails to comply with Criteria A of CTY 10.

In assessment of planning history on the farm, it is noted that no development opportunities have been sold off the holding since 2008 and therefore the proposal is compliant with Criteria B of Policy CTY10.

Criteria C of CTY 10 requires the new dwelling to be visually linked and sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. In assessment of this criterion, it is noted that a building exists on the farm holding as can be seen below. This building is unlawful, in that it has been erected without the benefit of planning permission and a Certificate of Lawful Use has not been obtained from the Planning Authority, as such the building cannot be considered. Nevertheless, the policy requires new dwellings to cluster with an established group of buildings on the farm and as only one building is present, the proposal does not comply with the requirements of the policy.



It has previously been determined through applications R/2002/1241/O and subsequent appeal 2003/A495 and more recently LA07/2015/0084/F that a dwelling, if approved, on this site would lack integration, be visually prominent and result in a suburban style build up when viewed with existing an approved dwellings, and thereby have a detrimental impact on the character of the AONB. As the circumstances of the site have not changed these reasons for refusal still stand.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that farm business is currently active and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access is taken from an existing lane.

2. The proposal is contrary to the SPPS and 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 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; and
 - the dwelling is not sited to cluster or visually link with an established group of buildings on the farm.

3. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that if permitted, a dwelling would be unduly prominent in the landscape resulting in a suburban style build-up of development when viewed with existing and approved buildings.

 Case Officer DATE

 Appointed Officer DATE

ITEM NO	26						
APPLIC NO	LA07/2017/0937/F	Full	DATE VALID	15/06/2017			
COUNCIL OPINION	REFUSAL						
APPLICANT	Mr & Mrs P McGurk 79 Bryansford Village Newcastle			AGENT	McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD		
BT33 OPT							
LOCATION	79 Bryansford Village Newcastle						
PROPOSAL	Demolition of existing dwelling and erection of new single storey replacement dwelling, retention and reuse of existing access and associated site works and landscaping						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions			
	0	0	0	Addresses	Signatures	Addresses	Signatures
				0	0	0	0
1	The proposal is contrary to the SPPS and Policy BH11 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the demolition of the existing building, would if permitted adversely affect the setting of a listed building.						
2	The proposal is contrary to the SPPS and Policy ATC1 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character in that the demolition of the existing building, would if permitted, adversely affect the character of the ATC.						



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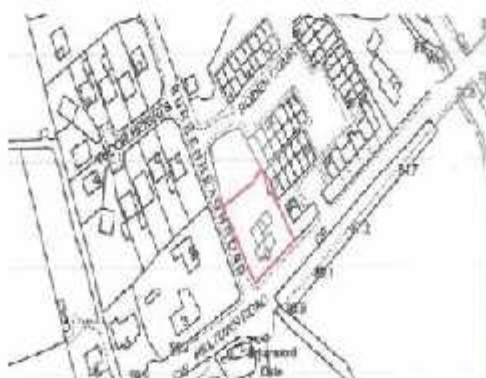
Application Reference: LA07/2017/0937/O

Date Received: 15th June 2017

Proposal: Demolition of existing dwelling and erection of new single storey replacement dwelling, retention and reuse of existing access and associated siteworks and landscaping

Location: 79 Bryansford Road Newcastle

Site Characteristics & Area Characteristics:



The site is located at the junction of Hilltown Road and Burrenreagh Road, Bryansford and is comprised of a single storey dwelling which a former school is built in 1823.

Characteristics of Area:

The site is located within the settlement limit of Bryansford and is also positioned within the Area of Townscape Character (ATC). The dwelling is not listed but is within the vicinity of a number of listed buildings i.e. Bryansford Gate and Gate Lodge and former Roden Arms.

Site History:

Previous history on the site relates to R/2014/0597/F – 79 Bryansford Village Bryansford – Single Storey extension and alteration to dwelling & demolition and replacement of existing garage. Granted 11.05.15

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3, 6 and 7, in addition to the history and any other material consideration.

The application was advertised in the local press on 05.07.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI who had no objections and NIEA Historic Environment Division (HED), who consider the proposal to be contrary to Policy BH 11 of PPS 6.

The following neighbours were notified of the proposal 26.06.17

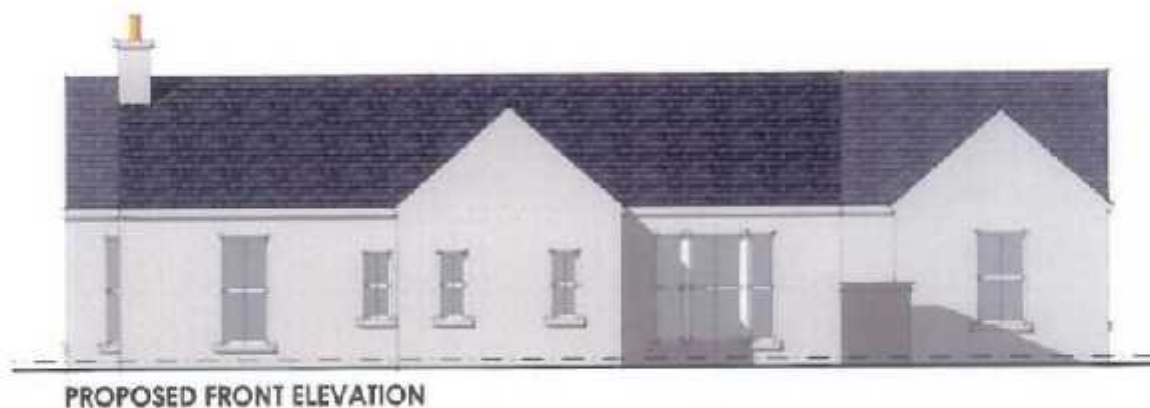
- 1 Tudor Heights
- Nos 2 and 3 Hilltown Road
- Nos 21, 22, 27 and 28 Roden Court
- 89 Burrenreagh Road

Objections & Representations

No objections or representations have been received from neighbours or third parties of the site.

Consideration and Assessment:

The proposal seeks full planning permission for the erection of a replacement dwelling. The proposed dwelling will be erected on the existing footprint of the existing dwelling and will have a maximum ridge height of 5.2m above finished floor level and a frontage of 19.5m as shown below



The site is located within the ATC of Bryansford as designated in the Ards and Down Area Plan 2015. It is noted that the SPPS states in paragraph 6.22 that demolition of an unlisted building in an ATC should only be granted where the building makes no material contribution to the distinctive character of the area.

The Addendum to PPS 6 is also applicable which states in Policy ATC 1: Demolition Control in an ATC, that there is a presumption in favour of retaining any building which makes a positive contribution to the character of the ATC.

In assessment of the contribution the building makes to the character of the ATC it is noted that Proposal BD03 of the ADAP states that the basis for Bryansfords designation as an ATC is derived from, among other features, the architectural consistency of the core buildings including the estate buildings, the cottages, the old schools, shop, offices and churches, in particular their unity of style, scale and materials.

While not listed, the building is considered as an important building within the village given its historic value, which constitutes an irreplaceable record that contributes to our understanding of both the present and the past and which has been noted in the Ulster Architectural Heritage Society Mourne Area list of Historic Buildings. The building therefore makes a positive contribution to the character of the ATC and its demolition would be detrimental to the character of the ATC. The proposal is therefore contrary to Policy ATC 1 of the addendum to PPS 6.

The site is in close proximity to a number of listed buildings and therefore Policy BH 11 of PPS 6 is applicable. This policy states that development will not normally be permitted which would adversely affect the setting of a listed building. In assessment of this, NIEA: Historic Environment Division has been consulted and states that the dwelling on site is one of the core buildings of the village and needs to be retained. In addition, it is an important component of the immediate setting of Bryansford Gatescreen (pictured below) and it makes a significant positive material contribution to the distinctive character of the area. It is considered that the demolition would result in an unacceptable erosion of, and have an adverse impact on the Setting of the Listed Buildings under BH 11 of PPS 6.



On the basis of the above, it is considered that the proposal to demolish the existing building is fundamentally flawed from the outset and should be recommended for refusal given the contribution it makes to the character of the ATC and the setting of the adjacent Listed Buildings.

Recommendation: REFUSAL

Refusal Reasons

1. The proposal is contrary to the SPPS and Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the demolition of the existing building, would if permitted adversely affect the setting of a listed building.

2. The proposal is contrary to the SPPS and Policy ATC1 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character in that the demolition of the existing building, would if permitted, adversely affect the character of the ATC

Signed

Date

Signed

Date

ITEM NO	29			
APPLIC NO	LA07/2017/1077/O	Outline	DATE VALID	17/07/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Eammon O'Rourke 52 Legananny Road Ballyward Castlewellan BT31 9TG		AGENT	DJ Cleland 74 Gillnahirk Road Belfast BT5 7DJ
LOCATION	Lands to the south-east of 32 Dromara Road Leitrim Castlewellan BT31 9SJ			
PROPOSAL	Dwelling on a farm including garage			

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	14	0	1	0
			Addresses	Signatures
			0	12
			Addresses	Signatures
			0	0

- The proposal is contrary to the SPPS Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case for the following reasons:

There is a development opportunity for a farm dwelling approved on the holding.

The proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm.

No health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm and

No verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
- The proposal is contrary to the SPPS 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.
- The proposal is contrary to the SPPS and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and 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.



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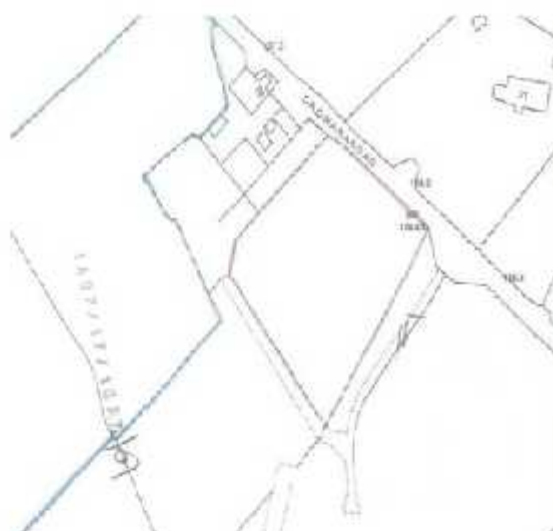
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1077/O

Date Received: 17th July 2017

Proposal: Dwelling and Garage on a farm

Location: Lands to the SE of No 32 Dromara Road, Leitrim.



Site Characteristics & Area Characteristics:

The site is comprised of a 0.4 hectare greenfield site located along the minor Dromara Road. The site is open and defined at the roadside by a post and wire fence. Immediately adjacent and NW of the site lies No.32 Dromara Road a single storey dwelling, which has a number of agricultural buildings surrounding.

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

Site History:

There is no previous history on this site for this type of application.

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

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

Ards & Down 2015 – the site is located within the Area of Outstanding Natural Beauty (AONB) outside any defined settlement area.

Consultations:

Transport NI – No objections

DARDNI – Confirmed 6 years active business and payments claimed

Objections & Representations

The following neighbouring properties were notified on 24th July 2017:

- Nos 30, 31 and 32 Dromara Road, Leitrim

The application was advertised in the local press on 2nd August 2017.

A number of objections have been received regarding the proposal, they have been summarised below.

Alex Santos – states that this is an invalid application as the farm yard and land are not under the same ownership and that approval will ruin the existing view

Thomas McGeary – makes the same point as above

Michelle Anderson – also is concerned about the impact the proposal will have on the scenic value of the area and that there is no farm attached to the field

Hillcrest Walking Club – object to the proposal on the grounds of ecology and public safety in that approval would spoil views and result in the erection of fencing which would disrupt their hill walking activities.

A petition with 12 names has been submitted raising those issues notes above

Consideration and Assessment:

The proposal seeks outline planning permission for a farm dwelling and garage.

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

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

The applicant has provided a DARD business ID 655498. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years.

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

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has revealed that planning approval has been granted for a farm dwelling on lands adjacent 37 Dolmen Road Castlewellaan see Q/2010/0343/F. This dwelling was granted under farm business number 612849 to James O'Rourke. It is noted from the applicants supporting statement this land has been inherited by James O'Rourkes' son Eamonn O'Rourke, who now operates the farm under business number 655498. As this development opportunity is located within the holding currently owned by the applicant, it is considered that the 10 year opportunity has been obtained and the proposal is therefore contrary to CTY10.

The farm buildings associated with this business number are located a Legananny and Dolmen Road, several miles from the application site. It is noted in the accompanying statement that the applicant considers the land adjacent these buildings inappropriate for development given the presence of Legananny Dolmen a state protected monument (shown below) and that HED have previously advised that further development within the vicinity of this monument would not be permitted.



With this opinion in mind the applicant has submitted an off-site proposal. Policy CTY 10 will exceptionally give consideration to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and (my emphasis) where there are either :

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

It is noted that there are no farm buildings associated with this farm business adjacent the site. Those immediately adjacent at No 32 are not associated with the applicants' farm business.

In the applicants supporting statement, it is noted that no health and safety reasons have been given regarding the off-site proposal. However, the applicant has stated that plans to expand the farm business at the existing building group at Legananny Road would not be possible due to the presence of Legananny Dolmen and indicates from Historic Environment Division that further development will not be permitted. I do not accept this latter justification and consider that there are opportunities adjacent the existing farm buildings which can be utilised, without detriment to the archaeological aspects of the land provided they are appropriately conditioned.

CTY13

The site is located within an open 0.4hectare green field, which is defined on all sides by a post and wire fence, with hedges and a few mature trees along the south-eastern boundary



It is considered given the open nature of this site, that any dwelling would appear prominent in the landscape and would require new landscaping for integration. In addition, and as discussed above the proposed farm dwelling would not be sited to cluster or visually link with a group of buildings on the farm. It is considered therefore, that the proposal fails to comply with CTY 13 of PPS21.

CTY14

It has been considered above that the proposed dwelling would appear prominent in the landscape. There is also concern that the proposed dwelling would create a ribbon of development when viewed with in conjunction with the new dwelling to the SE of the site that to the NW at No 32 Dromara Road as can be seen below.

**Summary**

On the basis of the above assessment it is considered that the proposal is contrary to Policies CTY 10, 13 and 14.

Recommendation: REFUSAL

REASONS:

1. The proposal is contrary to the SPPS Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case for the following reasons:
 - There is a development opportunity for a farm dwelling approved on the holding.
 - The proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm.
 - No health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm and
 - No verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
2. The proposal is contrary to the SPPS 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.

3. The proposal is contrary to the SPPS and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signed:

Date:

Signed:

Date:

ITEM NO	32		
APPLIC NO	LA07/2017/1147/O	Outline	DATE VALID 28/07/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr D Russell 25 Lessans Road Saintfield BT24 7HD	AGENT	Ewart Davis 14 Killynure Avenue Carrduff Belfast BT8 8ED
LOCATION	35m south east of 76 Belfast Road Saintfield BT24 7EX		
PROPOSAL	Infill dwelling & garage		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	3	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to SPPS, PPS 21 – Annex 1 and Policy AMP 3 – Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route (A21), thereby prejudicing the free flow of traffic and conditions of general safety.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1147/O

Date Received: 28.07.2017

Proposal: The application is for outline planning permission for an infill dwelling & garage.

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015. There are no particular zonings on the site. The site accesses onto the Belfast Road which is a Protected Route. The site is approx. 1.6 miles to the north of the village of Saintfield.





Site Characteristics & Area Characteristics:

The site outlined in red comprises a roughly rectangular portion of a roadside agricultural field along Belfast Road, approx 110m from the junction with Lessans Road. This field comprising the application site is large and irregular in shape and undulates, although is relatively low lying adjacent to the Belfast Road. There is also a grass verge along the frontage of the site, with a hedgerow forming the roadside boundary.





Site History:

LA07/2015/0265/O 55m North West of 21 Lessans Road, Saintfield, Infill dwelling PERMISSION GRANTED 25.05.2016

LA07/2016/1384/F 21 Lessans Road, Lessans, Saintfield, Ballynahinch, Demolition of existing dwelling and erection of replacement dwelling PERMISSION GRANTED 09.12.2016

R/2010/0822/F Adjacent to 78 Belfast Road Saintfield. Proposed Infill Dwelling & Garage. PERMISSION GRANTED 18.07.2011

R/2007/0924/F 21 Lessans Road, Saintfield. Erection of replacement dwelling and garage PERMISSION GRANTED 03.11.2011

R/2014/0405/O - 50m West of 21 Lessans Road – infill dwelling –permission granted 07.01.2015
 R/2015/0049/RM - 50m west of 21 Lessans Road, Saintfield – infill dwelling and garage – permission granted - 29.06.2015.

R/2015/0072/O – 40m South East of 25 Lessans Road - Infill dwelling and garage – permission granted - 24.02.2016

R/2014/0512/F - 25a Lessans Road, Saintfield - Alterations to garage front elevation - 01.12.2014

LA07/2015/0221/F - 25A Lessans Road, Saintfield - Amended access to dwelling – permission granted 20.11.2015

R/1984/0370 25 Lessans Road, Saintfield.New Double Garage And Conversion Of Existing To Living Area. Permission Granted

R/1983/0292 Lessans Road, Saintfield Erection Of Dwelling Permission Refused

Planning Policies & Material Considerations:

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

Consultations:

NI water – No objections

Transport NI –

NIEA Water management – No objections

Objections & Representations

In line with statutory requirements eight neighbours have been notified on 04.08.2017. The application was advertised in the Mourne Observer and the Down Recorder on 16.08.2017. Three objections have been received in relation to the application. Two objections are from No 76 Belfast Road and the third is from the occupant of no 78 Belfast Road.

The main points of objection include :-

- This is a green belt area and fourth house in a small field
- Detrimental effect on the character of the landscape and established rural area
- Access off a main road (protected route) concerns about accidents with increased traffic
- Proposed planting from previous application never implemented and site sold on to third party
- Flooding – applicant not installing sufficient pipe work
- Increase pressure on amenities in area
- Proposed dwelling and planting will block light to their home as it is a PassivHaus requiring light and solar panels to heat the main house
- Impact with regard to noise, traffic, disturbance, loss of privacy and views
- Contributes to ribbon development and does not adhere to CTY 8
- Contravenes, CTY 14 – Rural Character as it will result in build up
- Contravenes CTY 13 – Integration and Design of buildings in the Countryside
- Contravenes Policy AMP 3 access onto a protected route.

Consideration and Assessment:

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

considerations indicate otherwise. Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. This includes infill dwellings if they are in accordance with Policy CTY 8 which will be considered below. Integration (CTY 13) and Rural character (CTY 14) will also be considered.

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It continues that any exception to the policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. Paragraph 5.33 of Policy CTY 8 makes specific reference to 'buildings sited back, staggered or at angles and with gaps between them' representing ribbon development, if they have a common frontage or they are visually linked.

Paragraph 5.33 of Policy CTY 8 reads 'For the purpose of this policy, the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear'.

When travelling from SE from Saintfield towards Belfast no.21 accesses onto Lessans Road, however includes a frontage towards the Belfast Road, whereby the curtilage also extends down to this road. Beyond this is a site which has outline planning permission for an infill dwelling under LA07/2015/0265/O for a dwelling, (however, as there is no buildings in relation to this, this cannot be considered). Adjacent to this is the site seeking permission for a dwelling. No.76 although set back also includes a frontage to this Belfast Road and accesses onto it. Directly in front of No 76 is an agricultural shed. Beyond this there is a clear ribbon of development which includes No's 78, 80, 82 and 84.

While there is a mature conifer boundary separating the curtilage of No 21 with the agricultural field which accommodates the site, account has to be taken of PAC decision 13/A0041, and subsequent appeals thereafter in which the commissioner stated

"The term 'gap' as referred to in policy CTY 8 relates to the space between buildings. For an infill opportunity to exist, the gap site must be located within a substantial and continuously built up frontage consisting of "a line of 3 or more buildings ". It is clear that, in considering any proposal for infill development, a visual assessment will be critical. 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 infill proposal must be assessed on its particular merits, in its own unique visual context,"

In this particular case there will be a perception of a line of 3 buildings sequentially as you are driving. Similarly if you stand to the front of the application site then there is a direct visual linkage of 3 buildings.

The existing development reads as a line of buildings with a frontage onto the Belfast Road and consequently the site could be described as a gap within an otherwise substantial and continuously built up frontage as defined in CTY 8. The site would respect the existing plot depths in the immediate vicinity, which would be considered large enough to accommodate a dwelling with sufficient provision for parking, turning and amenity space, and also associated septic tanks and soak-aways. The objectors (76 Belfast Road) have mentioned that they have a PassivHaus and that a dwelling on the site would block the light to their home. Given the plot sizes along this stretch of road and that this is an outline application, a suitably designed dwelling could be conditioned including a ridge height restriction if deemed necessary. Thus it is considered that a dwelling on the site could be considered as being located a sufficient distance from any other existing/approved/existing dwelling to prevent any unacceptable impact in terms of residential amenity. The proposal therefore complies with Policy CTY 8.

Policy CTY 13 - Integration. A dwelling on the site would be integrated given the settlement pattern that exists along this part of the road. While the site lacks boundaries to the rear of the site, the land is undulating and would provide a suitable backdrop for a well designed dwelling. The existing development will read with the existing development and new fencing and planting should take place along this boundary.

Policy CTY 14 of PPS 21 'Rural Character' 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 sets out five circumstances where a new building would be unacceptable. Circumstance (c) is that it does not respect the traditional pattern of settlement exhibited in that area; whilst circumstance (d) is that it creates or adds to a ribbon of development (see CTY 8). The application meets the criteria of CTY 8 and thus there would be no issues regarding rural character.

Annex 1 of PPS 21 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in a number of specific cases including the following:

(d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

In essence (d) requires that for other categories of development that proposals **make use of an existing vehicular access** onto the Protected Route. Access is indicated as being taken directly onto the Belfast Road. A field gate would not constitute an existing vehicular access.

Consideration

This issue arose on the adjacent infill site under planning reference LA07/2015/0265/O whereby access onto a protected route formed part of the consideration, however, the policy at this time had been interpreted incorrectly, thus the advice given now, in particularly when tested at Planning Appeals that flawed decisions should not be replicated and on this basis refusal has to be recommended.

Conclusion

The proposal does not comply with relevant planning policies and it is recommended that the application be refused.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to SPPS, PPS 21 – Annex 1 and Policy AMP 3 – Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route (A21), thereby prejudicing the free flow of traffic and conditions of general safety.

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	34			
APPLIC NO	LA07/2017/1174/O	Outline	DATE VALID	03/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Brendan McCartan Esq 156 Downpatrick Road Ballynahinch BT24 8SN		AGENT	John Kirkpatrick Architect 20 Ballyknockan Road Saintfield BT24 7HJ
LOCATION	Approx 18m north of 156 Downpatrick Road Ballynahinch BT24 8SN			
PROPOSAL	Dwelling & 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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the cluster is not associated with a focal point and is not located at a cross-roads;
 - the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; and
 - the dwelling would if permitted significantly alter the existing character of the cluster and will visually intrude into the open countryside.
- 2 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved building, and would add to a ribbon of development, therefore resulting in a detrimental change to and further erode the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1174/O

Date Received: Aug 2017.

Proposal: Outline planning permission is sought for a dwelling and garage, on lands north of 156 Downpatrick Road, Annacloy.

Applicant Mr B McCartan

Location:

The site is located in the countryside approx 0.5 mile west of the edge of the settlement limit of Annacloy, as identified in the Ards and Down Area Plan 2015. There do not appear to be any other zonings affecting this site. It is noted there is a scheduled monument on the lands to the far side of the road. This area is pre-dominantly rural in character, although also includes several dwellings.

Site Characteristics & Area Characteristics:

The site comprises a portion of lands to the side of no.156 Downpatrick Rd. These lands appear to be outside the defined curtilage of no.156, with ranch type fencing marking the boundary with no.156. A stone wall and grass verge runs along the site frontage. The lands comprising the site rise from the road, and also slope away from no.156 down to the small watercourse which runs along the western boundary.

Site History:

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, including for alterations, extensions and erections of new dwellings, however no relevant history was observed relating to the application site.

Consultations:

Having account the nature of this proposal and constraints of the site and area, consultations have been carried out with Transport NI, NI Water, NIEA, Rivers

Agency, Shared Environmental Services, as part of this application, who offer no objections in principle.

It is not considered necessary to seek any additional comments from any other body to fully assess and determine this application.

Objections & Representations

Having account the red line of the application site, neighbour notification was carried out with several properties along Downpatrick Road in August 2017, while the application was also advertised in the local press in August 2017.

No representations have been received to date (04-10-17).

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

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply.

One of the policies retained by the recently published SPPS is PPS21, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21.

As such it is considered PPS21 remains the applicable policy context to consider the proposed development under.

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 CTY1 states 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.

This is an Outline application for 1 dwelling, whereby a P1 form, site location plan, and a concept plan have been submitted.

The information submitted indicates the applicant (Mr McCartan) lives at no.156 Downpatrick Road (adjoining the site).

Based on the information submitted this application is for a new dwelling to round off the cluster, as indicated on the P1 form submitted, to be considered under policy CTY2a of PPS21.

Policy CTY2a advises planning permission will be granted for a dwelling at an existing cluster of development provided all of the listed 6 criteria are met.

With regards to this 6 listed criteria it is considered the development lies outside of a farm and consists of 4 or more buildings, of which at least 3 are dwellings, whereby this existing row of properties including 156 to 160 appear as a visual entity in the landscape.

However it is considered this cluster (as described in policy) is not associated with a focal point such as a social/community building/facility, or is not located at a crossroads. This stretch and side of road only includes 6 private dwellings (No.156-160a).

Also the site is not bounded on at least 2 sides with other development in the cluster, while it is considered the development of this site cannot be absorbed into the existing cluster through rounding off and consolidation and will alter the existing character, and will visually intrude into the open countryside.

Following initial consideration of the case a letter was issued to the agent in Sept 2017, advising the application is considered unacceptable, whereby the principle of a dwelling is not accepted.

Further information was received from the agent on 21st Sept who disagreed with the Planning Authority's opinion and referred to several planning and appeal decisions which were considered to be of relevance.

It is considered this current scheme is not directly comparable to any of the listed examples. The original appeal decision referred to (2010/A0202), acknowledged the proposal failed to meet 1 of the listed criteria of policy CTY2a, however listed a number of site specific characteristics that were found compelling, one of which was that the site was also considered to be a gap site, thus the site was considered to be one of the types of development that is acceptable in the countryside.

(A further letter was issued to the agent on 26th Sept responding to the points raised and advising the scheme remains to be considered unacceptable).

The Planning Authority remains of the opinion all of the listed criteria of policy CTY2a must be met, however as outlined above, this current proposal fails more than 1 of these criteria, and as such is considered contrary to policy CTY2a, whereby the principle of a dwelling is not accepted.

As this is an Outline application no details have been provided, although an indicative site concept plan has been submitted. It is acknowledged the site is large enough to accommodate a dwelling which would respect the existing plot sizes and character of the area, and is also large enough to provide sufficient parking, amenity space, services and spacing with any other existing/approved property to prevent any unacceptable impact.

However it is considered contrary to policy CTY14 as the development would add to the existing ribbon of development, and also has the potential to result in a suburban style build up of development when viewed with existing buildings.

Taking into account the above it is considered the proposal is unacceptable being contrary to policies CTY2a and CTY14 of PPS21.

Accordingly Refusal is recommended.

Recommendation: Refusal

Refusal reason:

- The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

a) the cluster is not associated with a focal point and is not located at a cross-roads;

b) the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; and

c) the dwelling would if permitted significantly alter the existing character of the cluster and will visually intrude into the open countryside.

- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved building, and would add to a ribbon of development, therefore resulting in a detrimental change to and further erode the rural character of the countryside.

ITEM NO	1			
APPLIC NO	LA07/2015/0456/F	Full	DATE VALID	12/06/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Richard Nummy C/O 83 Belfast Road Newry		AGENT	Martin Byrne 20 School Road Newry BT34 1SX
LOCATION	35m south of 93 Belfast Road Newry			
PROPOSAL	Relocation of access to that approved under planning approval P/2010/1452			
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 AMP 3 of Planning Policy Statement 3 - Access Movement and Parking in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.



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**Newry, Mourne
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Application Reference:	LA07/2015/0456/F
Date Received:	12 th June 2015
Proposal:	Relocation of access to that approved under planning approval P/2010/1452
Location:	35m south of 93 Belfast Road, Newry

Re-consideration

The dwelling on this site was approved under policy CTY7 in 2011 in association with an existing transport business. As the adjacent Belfast Road is a Protected Route, a new access was not permitted and access to the dwelling was to be taken through the existing transport yard.

The current application is for a new vehicular access to the dwelling where there was previously an agricultural gate. The intensification of use of this access was found contrary to policy AMP3 of PPS3 and recommended for refusal. It was deferred at the meeting of the Planning Committee on 15th March 2017.

It should be noted that since the site was inspected, the applicant has gone ahead with the creation of a new stone access lane direct to the Protected Route without planning permission and this appears to be in regular use.

On 30th June 2017, a report by Lisbane Consultants was submitted for consideration. It makes arguments regarding the reduced traffic flow on this section of the Belfast Road (now re-designated the A28) since the construction of the A1 Newry bypass, the fact that the access will be restricted to left-in / left-out movements due to the central reservation, the standard of access proposed in terms of visibility, and the fact that the trips that the access will generate are already approved through the existing yard. However, the A28 Belfast Road remains a strategic road in the context of the whole of Northern Ireland. It is still a Protected Route and is the main route from the north to Warrenpoint Port, the second most important port in Northern Ireland after Belfast in terms of tonnage. The intention of the protected routes policy is to restrict access onto the main roads that facilitate the efficient movement of

traffic over long distances in Northern Ireland. These roads contribute significantly to economic prosperity by providing efficient links between the main towns, airports, seaports and with the Republic of Ireland (paragraph 5.24). The problem with this access is not a matter of its design or safety, but that it will result in a proliferation of access points onto the Protected Route, and could set a precedent for other similar developments. This dwelling was approved on the basis that there was an existing access through the transport yard that could be used. Had this not been the case, the dwelling would have been refused on policy AMP3. If land ownership means that this situation has now changed, it is not a material planning consideration.

Approval of the application would severely compromise the intention of designating protected routes for the efficient movement of traffic. The free flow of traffic would be prejudiced by the intensification of vehicular movements in and out of the access and there would be increased road safety risks. If this proposal was allowed to use the field gate as 'an existing access' it would set a dangerous precedent, not only for this protected route, but for all others in the district (e.g. A1, A2, A7, B8, A24, A25, A27, A37 and A50). The Planning Committee has recently refused another application for access through a former field gate onto a Protected Route at Castlewellan Road, Hilltown (Ref: LA07/2015/0545/F). In the interests of consistency, we would again recommend refusal in this case.

The consequential revision of Policy AMP3 in Annex 1 of PPS21 has a specific section for dwellings approved under CTY7 for established commercial or industrial enterprises. It is clear that where access cannot be obtained from an adjacent minor road, proposals will be required to make use of an existing vehicular access onto the Protected Route. This means the only option for this dwelling is to use the transport yard's existing access.

TransportNI was consulted with the Lisbane traffic report and returned no objections on safety grounds (as before), but referred to their previous comments including that the application should be refused if it is not an exception to the protected routes policy AMP3. It has been demonstrated above that this proposal is not an exception to the policy and refusal is therefore recommended.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3 - Access Movement and Parking in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO 3
APPLIC NO LA07/2015/0662/F Full **DATE VALID** 22/07/2015
COUNCIL OPINION REFUSAL
APPLICANT Frank Clerkin 141 Kilbroney Road Rostrevor **AGENT** Cole Partnership 12A Duke Street Warrenpoint BT34 3JY

LOCATION 170m north west of 107 Kilbroney Road Rostrevor

PROPOSAL Additional farm shed

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

 It has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding;
 It is not appropriate to this location due to the unacceptable scale of the development on this elevated hillside site;
 The development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 The development, if permitted would have an adverse impact on the natural heritage of the area;
 The applicant has not provided sufficient information to confirm that the design is sympathetic to the locality and the proposal is sited beside existing farm buildings; and
 It has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings and that the alternative site is essential for the efficient functioning of the business.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
- 3 The proposed building would be a prominent feature in the landscape;
 The proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and
 The proposed building would rely primarily on the use of new landscaping along the northern boundary for integration.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape.
- 4 The proposal is contrary to policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting and scale of the proposed development is not sympathetic to the special character of the Area of Outstanding Beauty in general and of the particular locality.



Application Reference: LA07/2015/0662/F

Date Received: 6th July 2015

Proposal: This application is for an additional farm shed

Location: 170m north-west of 107 Kilbroney Road Rostrevor.

Site Characteristics & Area Characteristics:

The application site is located 170m north-west of number 107 Kilbroney Road, which is approximately 1mile north-east of Rostrevor Village. The site is in the open countryside and within the Mourne Area of Outstanding Natural Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015. The surrounding area is rural in character with a number of dwellings and agricultural buildings dispersed along the road. The topography of the surrounding land is undulating.

The site is accessed via a long laneway. The boundary of the site is defined by a timber post and wire fence along the laneway and a hedge to the left-hand side and rear. Here is a large mound of earth along the eastern boundary that partially screens the site from the road. The site consists of a large agricultural shed, a portable pre-fabricated building and a number of metal storage containers all set within a large yard area.



Figure 1 - Application Site

The agricultural shed has been extended without planning permission. An application (LA07/2016/1337/F) has been approved which regulates the unauthorised extension to the shed. The portable building and metal storage containers do not benefit from planning approval and are considered to be unauthorised. They have been report to the Councils Planning Enforcement section for further investigation.

Site History:

- P/2010/0061/F – Erection of Farm Store – Permission granted 26.11.2011
- P/2013/0217/O – Site for farm retirement dwelling – Permission refused 11.09.2014
- LA07/2016/0381/O – Proposed farm retirement dwelling opposite No. 107 Kilbroney Road, Rostrevor – Refused 28.10.2016 - Planning Appeal in Progress (2016/A0185). Rostrevor
- LA07/2016/1337/F – Proposed retention of extensions to existing farm shed – recommended for approval as it is considered necessary for the efficient use of the agricultural holding.

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3 – Access, Movement and Parking (PPS 3)
- Planning policy Statement 21 – Sustainable Development in the Countryside (PPS 21).

Consultations:

- Transport NI – No objections on the basis the proposal is for agricultural use only.
- Env. Health – No objections
- Loughs Agency – No objections subject to conditions
- DARD – The farm business ID identified on the form P1C has been in existence for more than 6 years and has claimed farm payments within the last 6 years.

Objections & Representations

2 Neighbour notification letters were issued and the application was initially advertised in the local press the week beginning 31st July 2015. No objections or representations have been received.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. The site is outside settlement limits and as there has been no significant change to the policy requirements for agricultural development following the publication of the SPPS, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy CTY1 of PPS 21 states there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. Policy CTY 12 states planning permission will be granted for development on an active and established agricultural holding where it meets a number of criteria. It therefore follows that if the development is considered to satisfy the policy requirements of CTY 12 then it will also satisfy Policy CTY1 of PPS 21.

Principle of Building

Paragraph 5.56 of CTY 12 states that for the purposes of that policy, the determining criteria for an active and established business will be that set out under Policy CTY 10.

Policy CTY10

Policy CTY 10 requires that the farm business is currently active and has been established for at least six years. DEARA confirmed in their consultation response dated 26/11/2015 that the farm business has been in existence for more than 6 years and that it has claimed farm payment within the last 6 years. Claiming farm payments is the main means used to determine if the farm business is active and established. I am satisfied that policy requirements of CTY 10 have been met.

Policy CTY 12

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets five criteria.

Criterion (a)

Criterion (a) requires the applicant to demonstrate the development is necessary for the efficient use of the agricultural holding.

Planning permission was granted for a large farm store on this site under reference P/2010/0061/F on 26th November 2011. The planning application was initially recommended for refusal; however following a site meeting the previous planning authority subsequently accepted there was a necessity for the building for agricultural purposes. The floor area of the approved farm store measured 369m².

The applicant submitted this application for an additional farm shed at the same location. It became evident during the site inspection for this application that the original shed appeared to be much longer than approved. The increase in size did not benefit from planning approval and was considered to be unauthorised. The agent (Cole Partnership) submitted an application (LA07/2016/1332/F) in an attempt to regularise the increase in size. According to a letter from the agent dated 30th September 2016, the original approved store was constructed and two additional sections added at a later date.

The submitted plans for the retention of the extensions to the existing shed illustrate an overall floor area of 655.59m² which equates to a 78% increase from the approved floor area. The agent submitted the following information on 3rd October 2017. It includes details of equipment, hay volume, herd numbers and grazing areas in order to demonstrate the existing extensions to the original building and the proposed new building are necessary for the efficient use of the agricultural holding:

- 330 sheep consisting of 230 ewes and 100 lambs;
- Grass lamb grazing area 42 (I assume this to mean hectares) either owned or taken in conacre;
- 55 Ha of mountain grazing rights;
- 4.7 Ha of willow

Machinery

- 3 Tractors; a baling machine; trailers for sheep; a tipping trailer, a wrapping machine; a rotavating harrow; a roller; a 18 ton track digger; a mini digger; sheep pens; a crush and a plane mower.

Having considered the information provided, the extensions to the existing shed were considered to be necessary for the efficient use of the farm holding and LA07/2016/1337/F was subsequently granted retrospective permission. The overall floor area of 655.59m² was considered to be more than sufficient to meet the overall needs of the agricultural holding.

The agent has stated that when the existing stores are full all machinery is parked outside which is a source of concern for the applicant due to the rise in theft of agricultural machinery. The agent goes on to state the proposed new store – which has a proposed floor area of 369m² – will be used for the storage and maintenance of machinery, with overflow of hay if required. If the new shed is required for the overflow of hay the machinery is to be removed and parked outside in the yard. This contradicts the main reason for wanting an additional shed in the first instance – i.e. to store/maintain machinery inside in case of theft.

I inspected the site in April 2016, December 2016 (when you would expect the shed would be almost fully stocked with hay for the winter period); June 2017 and October 2017 (again when it would be expected the shed be full to capacity with hay following the cutting season). On each occasion it was evident that all of the machinery listed above was not parked in the yard area.

It is also worth noting the site has considerable security in the form of double gates at the entrance laneway, steel shutters on the existing shed and security cameras located along the front elevation of the shed. The agent has not submitted any incidents of theft or attempted theft from the site or surrounding area that have been reported to the police. I am not convinced a new shed is necessary for the storage and maintenance of machinery.

The existing shed, including extensions, measure 655.59m². The farm business appears to have been functioning for a considerable period of time without the need for an additional shed. I consider the existing shed and extensions to be of a size that is more than sufficient to meet the current and future needs of the agricultural holding in terms of storing hay and machinery. It has not been demonstrated to the satisfaction of the Council that the proposed new shed is necessary for the efficient use of the holding. The proposal therefore fails to comply with criterion (a) of Policy CTY 12.

Criterion (b)

The proposed shed will be sited at a 90° angle to the existing shed on an elevated site on the hillside (14m above road level). As a result the scale - 30m long; 12.3m wide & 6m high - is not considered appropriate to its location. The proposal therefore fails to comply with criterion (b).

Criterion (c)

The existing earth mound along the eastern boundary of the site and the existing boundary treatment along the southern boundary would provide a degree of screening of the proposed building when viewed from the front of the site and on approach from the Rostrevor side of the Kilbroney Road. However a proposed building measuring 30m long and 6m high would be a prominent feature in the landscape when travelling along the Kilbroney Road from the Hilltown direction, especially as it is on an elevated hillside site. As a result the proposed shed would not visually integrate into the local landscape and therefore fails to comply with criterion (c).

Criterion (d)

The proposed building would have an adverse impact on the natural heritage of the Mourne's Area of Outstanding Natural Beauty as it would be a prominent feature in the landscape when travelling in a southerly direction along the Kilbroney Road. The proposal fails to comply with criterion (d).

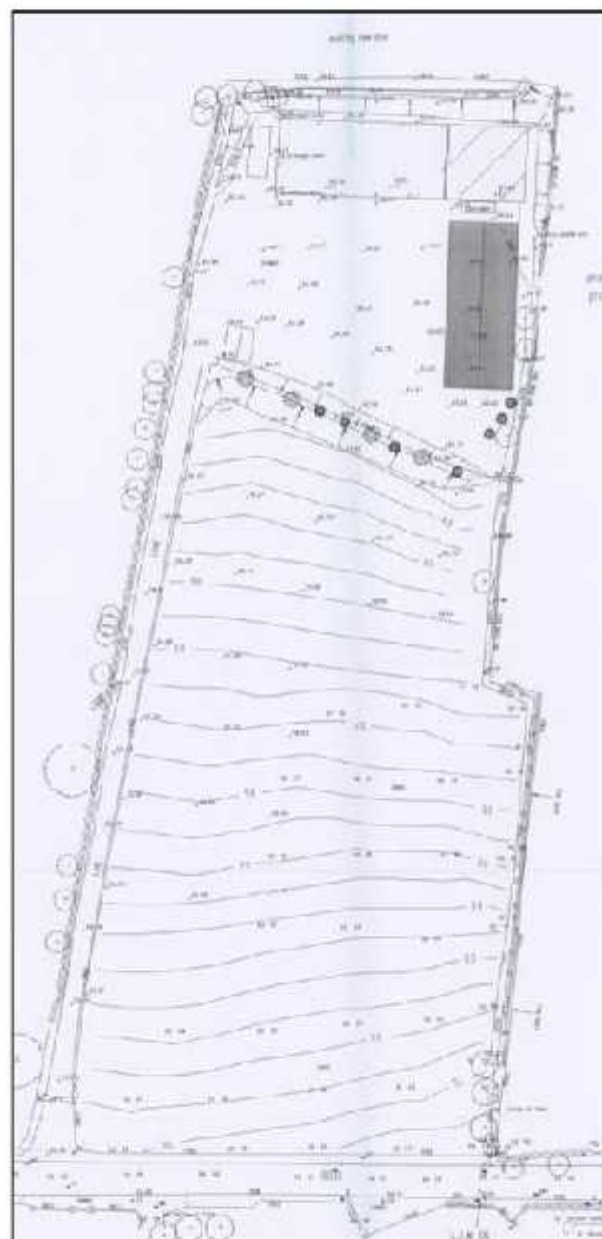


Figure 2 - Proposed Site Layout

Criterion (e)

The proposed shed would be located a considerable distance away from dwellings outside the agricultural holding, therefore I do not consider there to be any impact on residential amenity in terms of noise, smell and pollution.

Where a new building is proposed, the applicant is required by Policy CTY 12 to confirm it meets three additional criteria:

1. There are no suitable existing buildings on the holding that can be used;

The agent has stated there are no other suitable buildings on the farm which could be used, the only other building being a small farm store adjacent to the applicant's house at 134 Kilbroney Road. However as stated above, I am of the opinion the existing large agricultural building on the proposed site, including the retention of extensions approved under reference L07/2016/1337/F, are sufficient to meet the needs of the farm holding.

2. The design and materials used are sympathetic to the locality and adjacent buildings.

The materials used are typical of agricultural buildings located throughout the locality and are similar to the adjacent building. However I consider the design of the proposed shed (30m L x 12.3m W x 6m H) would result in it being a prominent feature in the landscape and not visually appropriate to its elevated hillside location.

3. The proposal is sited beside existing farm *buildings* (my emphasis).

As there is only one farm building on site the proposed shed is not sited beside existing farm *buildings* as required and therefore fails to satisfy the policy.

Both the SPPS and Policy CTY 12 state an alternative site away from existing buildings will only be acceptable in exceptional circumstances provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons. The applicant has failed to demonstrate the building is essential for the efficient functioning of the business and that there are demonstrable health and safety reasons for its location.

Policies CTY 13 and CTY 14 – Integration and Rural Character

I am not satisfied the new building would successfully integrate into the surrounding landscape due to its size, scale and orientation, especially when viewed on approach from the Hilltown side of the Kilbroney Road when travelling in a southerly direction. The building would therefore be a prominent feature in the landscape and its design is inappropriate for such an elevated site and its locality.

Planning Policy Statement 2 – Natural Heritage

This site lies within the Mourne Area of Outstanding Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015. The siting and scale of the proposal on this elevated site is not considered to be sympathetic to the special character of the AONB in general and of the particular locality. The proposal therefore fails to comply with policy NH6 of PPS 2.

Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - It has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding;
 - It is not appropriate to this location due to the unacceptable scale of the development on this elevated hillside site;
 - The development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 - The development, if permitted would have an adverse impact on the natural heritage of the area;
 - The applicant has not provided sufficient information to confirm that the design is sympathetic to the locality and the proposal is sited beside existing farm buildings; and
 - It has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings and that the alternative site is essential for the efficient functioning of the business.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - The proposed building would be a prominent feature in the landscape;

- The proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and
 - The proposed building would rely primarily on the use of new landscaping along the northern boundary for integration.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape.
4. The proposal is contrary to Planning Policy Statement 2, Planning and Nature Conservation in that the siting and scale of the proposed development is not sympathetic to the special character of the Area of Outstanding Beauty in general and of the particular locality.

Case Officer Signature: _____ **Date:** _____

Authorised Officer Signature: _____ **Date:** _____

ITEM NO	14			
APPLIC NO	LA07/2017/0345/O	Outline:	DATE VALID	06/03/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Martin Magee 123 Newcastle Road Kilkeel BT34 4NL		AGENT	Cole Partnership 12a Duke Street Warrenpoint BT34 3JY
LOCATION	Between 35 & 37 Ballydesland Road Warrenpoint BT34 3QB			
PROPOSAL	Proposed replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling has previously been replaced under application P/1984/0771 and 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.



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**Newry, Mourne
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Application Reference: LA07/2017/0345/O

Date Received: 27.02.2017

Proposal: Proposed replacement dwelling

Location: Between 35 & 37 Ballydesland Road Warrenpoint BT34 3QB

Site Characteristics & Area Characteristics:

The site is in a rural location, with a number of single dwellings along the road. A long field slopes up from the Ballydesland Road to an old dwelling and associated outbuildings at the top of the site, as well as a group of trees and vegetation.

Site History:

Planning Reference	Description	Address	Decision	Decision date
P/1973/0381	PROPOSED USE OF LAND FOR ERECTION OF BUNGALOW	BALLYDESLAND, NEWRY	Refusal	
P/1984/0771	REPLACEMENT BUNGALOW	BALLYDESLAND, NEWRY	Permission granted	07.09.1984
P/2004/3072/RM	Erection of dwelling and garage	Lands adjacent and to the south-east of No.35 Ballydesland Road, Burren, Warrenpoint	Permission granted	04.02.2006

- A site visit established that planning approval P/2004/3072/RM which granted approval for a dwelling on part of the application site has not been implemented.

- The 1984 approval for a replacement bungalow on the site appears to have been implemented. This is discussed further below as it is relevant to the consideration of the current planning application.

Planning Policies & Material Considerations:

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

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

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

Planning Policy Statement (PPS) 2 – Natural Heritage

DCAN15 – Vehicular Access Standards

Building on Tradition – Design Guide for Rural Northern Ireland

Consultations:

Historic Environment Division – no objections

Transport NI – Transport NI was consulted on the 05 June 2017. No response has been received.

NI Water – no objections

DAERA Water Management Unit – no objections

NIEA Natural Environment Division – bat survey recommended

Objections & Representations

1 neighbour was notified of the application on 8 June 2017.

The application was advertised in local papers on 22 March 2017.

1 letter of objection was received on 14 April 2017, stating that the dwelling to be replaced under this application has already been replaced.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside settlement limits on the above Plan, and is unzoned. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty and within a Site of Local Nature Conservation Importance 141.

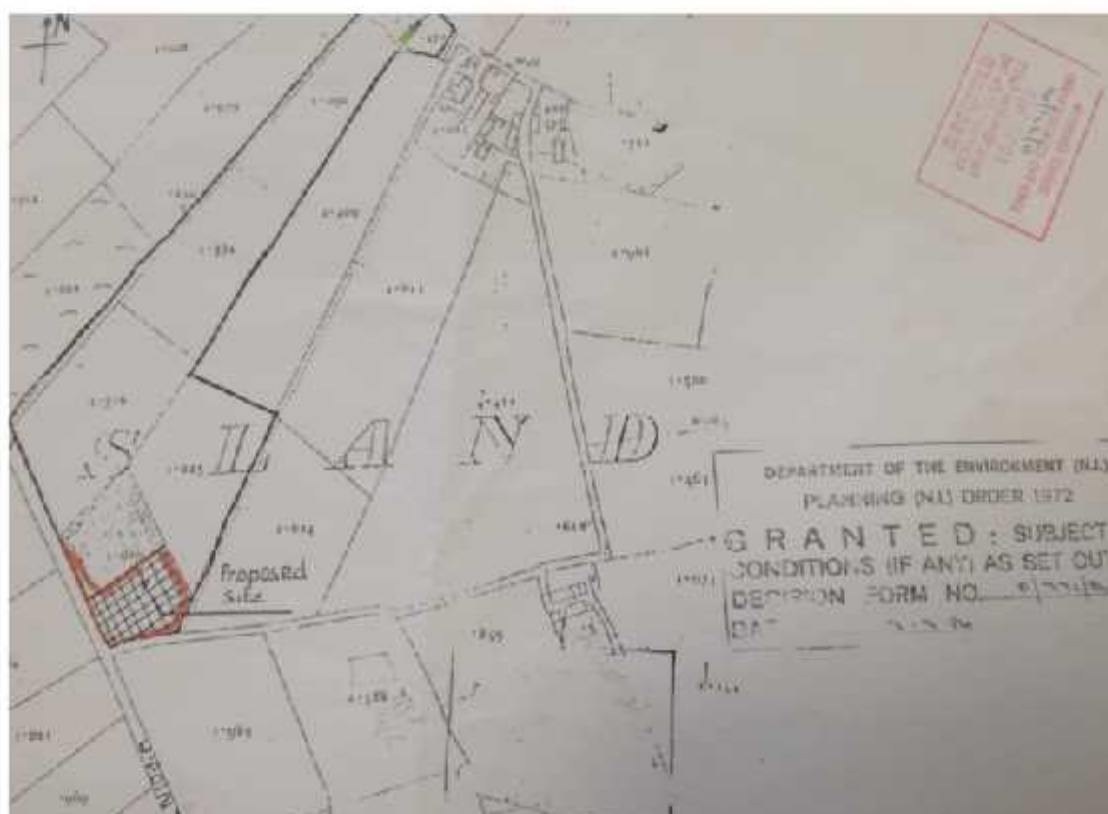
I am satisfied that the building to be replaced exhibits the essential characteristics of a dwelling. The SPSS allows for a replacement dwelling in certain circumstances but states:

“In cases where the original building is retained, it will not be eligible for replacement again.”

Policy CTY 3 of PPS 21 also states that, “In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.”

The planning history file shows that planning application P/1984/0771 already granted approval for the replacement of the dwelling indicated as part of this application (indicated in green on the plans). Number 35 Ballydesland Road was built to replace this dwelling. A condition attached to the 1984 approval states that, "The existing dwelling coloured green on the attached plan date stamped 10 August 1984 shall cease to be used for human habitation after the date of occupation of the proposed dwelling." Therefore, the dwelling indicated in green as part of this application is not a valid replacement opportunity under the provisions of the SPSS and PPS 21.

The map relating to planning approval P/1984/0771:



Map relating to current application (shows that it is proposed to replace the same building as above):



In addition, policy CTY 3 of PPS 21 states that proposals for a replacement dwelling will only be permitted where the proposed replacement dwelling is sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. It is considered that the proposed location of the replacement dwelling, away from the curtilage of the existing dwelling would result in a dwelling that is more dominant in the landscape than the original dwelling house and therefore detrimental to the character of the area. No information has been provided as part of the planning application to justify an off-site replacement. Planning permission was granted for a dwelling in the proposed location in 2006. However, this permission is no longer extant and the policy context has changed with the introduction of PPS 21 and the SPPS.

The issues of bats, Transport NI and other issues have not been considered further as the principle of a replacement on the application site is not acceptable.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling

has previously been replaced under application P/1984/0771 and 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.

Case officer: _____

Authorised officer: _____

ITEM NO	4			
APPLIC NO	LA07/2015/0682/O	Outline	DATE VALID	29/07/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Brian O'Hare 39 Tullymore Road Banbridge BT32 3PF		AGENT	WS Design 27 Acre Lane Waringstown Craigavon BT66 7SG
LOCATION	Opposite No 5 Glen View Moneymore Road Newry			
PROPOSAL	Site for replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that further details regarding this application were required to allow the Planning Department of the Council to determine the application, having not recieved sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0682/O

Date Received: 29.07.2015

Proposal: Replacement Dwelling

Location: Opposite No 5 Glen View Moneymore Road Newry

The site is located within the Countryside NW of the settlement Glen as defined in the Banbridge, Newry and Mourne Area Plan 2015.

The site is a steeply sloping area of overgrown ground between the Moneymore Road to the SE and a small river corridor to the NW.

There are the remains of structure to the NE of the site. The building has no roof covering and the stone walls have recently been striped back. The building has a linear plan with a small front porch.

The dwelling is set below the adjacent road level and in close proximity to a river corridor which runs along the north western boundary of the site. This river is zoned as a Local Landscape Policy Area.

Site History:

No previous planning approvals.

Objections & Representations

No. of neighbours notified= 11

No representations received= 0

Advertise expiry= 28.08.2015

Consultations

TransportNI- no objections

NIW- Stat

EH- standard inform

NIEA NED- PEA required

Consideration and Assessment:

Given the countryside location of the site the proposal will be assessed against the provisions contained within PPS 21.

The building to be replaced although in a state of disrepair would exhibit the essential characteristics of a dwelling and as a minimum has all the external structural walls substantially intact. The building has window openings and a doorway opening with internal division. The building is not considered to be to have any vernacular qualities.

Given the age of the building, the building to be replaced has no defined residential curtilage. The proposed curtilage and siting of the replacement should be agreed and conditioned by the Planning Department. Given the constraints of the site and particularly its position close to the river, it is felt the replacement dwelling should be sited in situ and conditioned single storey with a restricted floorspace.

As stated the dwelling should be conditioned single storey in size and design with a maximum ridge height of 5.5metres. The design should be of a high quality appropriate to the rural setting. Access to the proposal is from the North east corner of the site frontage with splays of 2 x 60m, TransportNI have raised no objections to this.

The proposal will not result in build up as it will replace the former cottage. The proposal respects the traditional pattern of settlement exhibited in the area and does not create or add to ribbon of development. The dwelling and associated works will not cause a detrimental change to, or further erode the rural character of the surrounding area.

Given the close proximity to the river corridor (LLPA) and the mature trees along the river banks the site has the potential to impact upon NI Priority Habitat and Species. Having consulted NIEA, it was noted that there were records of riverine habitat, mature trees and hedgerow habitat occurring within the application site. Planning permission will only be granted for a development proposal that is not likely to harm a Protected Species or result in an unacceptable adverse impact on Priority Habitat or Species. A Preliminary Ecological Assessment had been requested twice to enable a full assessment of the potential impact the development may have on natural heritage issues. However, given the lack of information received there is insufficient information to establish the impact.

As stated above the river is a designated LLPA. Policy CVN3 of the plan states that within LLPAs, proposals that would be liable to affect their intrinsic environmental value and character will be refused. It is considered that this development could not be carried out without adversely affecting some of the river corridor vegetation given its extent across the site, and that there would be consequent harm to the character of the LLPA. In absence of any evidence to the contrary, or mitigation measures proposed, the application is contrary to policy CVN 3 and should be refused.

Recommendation:

Refusal- lack of information received.

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ITEM NO	5			
APPLIC NO	LA07/2015/0896/O	Outline	DATE VALID	11/09/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Aileen Quinn 12 Old Town Road Cullyhanna Newry BT35 0JP		AGENT	Karl Sherry 103 Rostrevor Road Hilltown Newry BT34 5TZ
LOCATION	150 metres north west of 12 Old Town Road Cullyhanna Newry			
PROPOSAL	Dwelling and detached 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

2 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 addition of ribbon development along Oldtown Road.

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

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

-the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



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**Newry, Mourne
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Application Reference: LA07/2015/0896/O

Date Received: 21.09.2015

Proposal: Dwelling and detached garage on a farm

Location: 150 metres north west of 12 Old Town Road Cullyhanna Newry

The site is accessed from the Oldtown Road. The site is relatively flat with the lands to the rear of the site rising in a westerly direction. The south eastern boundary of the site is defined by a post and wire fencing with mature hedgerow and trees. Beyond this boundary there is an existing laneway. The road side boundary is also defined by mature hedgerow and trees. All other boundaries of the site are undefined.

The buildings on this farm are located south east of the application site. Between the site and the farm buildings there is the existing laneway and beyond this a field with a small replacement opportunity.

Site History: no planning history on the application site. History relevant to the case reference in the report below.

Objections & Representations

No. of neighbours notified=2

No representations received= 0

Advertise expiry= 23.10.2015

Consultations

TransportNI- no objections subject to conditions

DAERA- see below

NIW- statutory

Environmental Health- statutory

Consideration and Assessment:

The application is sited within the rural context; therefore the provisions of PPS 21 apply to the case. The applicant has applied for a dwelling/garage on a farm.

The applicant has supplied the following information on the P1 C form:

The owner of the farm holding is M & N Quinn (father of the applicant) and they reside at the same address as the applicant, 12 Oldtown Road, Cullyhanna.

The farm has been established since the 1970's the business owners have a DARD business number (603208 allocated 1966 and they makes a single farm payment return to DAERA.

The holding is 36.82 hectares.

From the information provided on the P1C form and the comments from the consultation with DAERA the Planning Department can ascertain that the farm business is currently active and has been established for more than 6 years. There have been a number of planning approvals on the farm lands for single dwellings. P/2006/1364/RM & P/2006/1565/RM are both sites located along the Mullaghduff Road and within the farm business. Letter received from the applicant's Estate agent confirming under the instruction of Mr Michael Quinn that the successful sale of the above sites took place on the 16th March 2006.

The dwelling is proposed to be sited in an agricultural field on the edge of the farm unit cluster. The site will visually link with the existing buildings on the farm and access will be onto the Oldtown Road.

In my opinion the proposal complies with CTY 10.

As stated above the site is positioned on the edge of the farm. Between the application site and the existing outbuilding south east of site there is an extant approval for a replacement dwelling, LA07/2016/0903/F. The proposed siting will result in the creation of a ribbon development along the Oldtown when viewed with the existing and approved development.

A dwelling appropriately conditioned on the site would not be a prominent feature in the landscape. The site itself is relatively flat with the lands to the rear rising gradually in a westerly direction. The existing topography surrounding the site will

provide a good backdrop enabling the successful integration of a dwelling on the site. Having considered the site and surrounding development it is felt that if the principle of development be accepted on the site this would be subject to a single storey condition.

Addendum to report

Following planning committee recommendation, two site visits were carried out to look at alternative sites for the applicant. The first site was ruled out as this did not comply with policy CTY 10 and the applicant was informed of this. Then the applicant indicated that a nearby site maybe be available to him which contained a former dwelling. The Planning Department then inspected the site and informed the applicant that this site/dwelling would comply with CTY 3 subject to any other considerations. The applicant was then given to Tues 24th Oct to withdraw the current application. However, no withdrawal was forthcoming and so the application has been recommended for refusal again and will feature at the next planning committee meeting in Nov.

Recommendation:

Refusal

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 addition of ribbon development along Oldtown Road.

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

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

-the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

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ITEM NO	13			
APPLIC NO	LA07/2017/0236/O	Outline	DATE VALID	15/02/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	John McKeever 3 Drumboy Road Culloville Crossmaglen BT35 9JQ	AGENT	Karl Sherry 103 Rostrevor Road Hilltown BT34 5TZ	
LOCATION	80M North West of 173 Concession Road Culloville Crossmaglen County Armagh BT35 9JB			
PROPOSAL	1 1/2 storey dwelling with detached double garage (amended plans)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses		Signatures	
	0	0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.4 metres x 160 metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.



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Application Reference: LA07/2017/0236/O

Date Received: 15.02.2017

Proposal: The applicant seeks Outline Permission for the erection of a 1 1/2 storey dwelling with detached double garage

Location: 80M North West of 173 Concession Road, Culloville, Crossmaglen

Site Characteristics & Area Characteristics:

The site includes an agricultural field beside associated buildings and dwelling which is accessed from a private laneway linking it to the public road (Protected Route). Whilst located in the countryside a number of properties including commercial premises are located within the vicinity of the site.

Site History:

P/2009/1039/F

Erection of replacement farm dwelling

Permission Granted: 13.01.2010

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 6.

Planning Policy Statement 3 / DCAN 15

Building on Tradition

Consultations:

NI Water – Generic Response

NIEA- no objections

Transport NI – **Refusal** - required visibility splays cannot be achieved.

DARDNI – DARD number has been in existence for at least 6 years and SFP has been claimed in this period.

Environmental Health – No objections.

Objections & Representations

6 neighbours notified and application re-advertised on 26.07.2017. No objections or representations received.

Consideration and Assessment:

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no specific objections to the proposal with regard to the Area Plan.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for farm dwellings which are acceptable if in accordance with policy CTY10. DARD NI has confirmed the Business ID submitted with the application has been in existence for more than 6 years and has claimed subsidies during this period. This satisfies the requirements of CTY 10 (a).

A history search of the DARD number and fields registered has returned a nil result. This satisfies the requirements of part (b) of policy CTY10.

The proposed dwelling is sited to cluster with existing buildings on the holding which satisfies part (c) of the policy.

The SPPS reemphasises the need for the development to integrate and respect the rural character of the area.

Given the distance from the public road, the buildings at the roadside and the mature vegetation that exists to the east of the site, the site is considered to integrate and able to accommodate a 2 storey dwelling. The use of the existing laneway will reduce ancillary work needed to provide a new access. Ribbon development, build up and prominence are not considered to be issues for this site.

The proposal is considered to meet policy CTY8, 13 and 14.

Any approval notice would contain a negative condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access

The proposed access is to be taken from the Protected Route as designated along the Concession Road. The proposal is considered to meet the exemption of a farm dwelling as defined in policy AMP 3 (Consequential Revision). However despite this exemption Transport NI has confirmed the required visibility of 2.4m x 160m cannot be achieved at this access point and as such is contrary to policy AMP 2.

Planning Policy Statement 6. Planning, Archaeology and the Built Heritage.

Historic Environment Division has confirmed it has no objections with regards to the above policy criteria.

Recommendation:

Refusal

Reasons:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.4... metres x 160..... metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer:

Authorised Officer:

ITEM NO	6			
APPLIC NO	LA07/2015/1171/F	Full	DATE VALID	11/11/2015
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr J Hughes C/O OHare Associates Architectural Consultants Ltd		AGENT	O'Hare Associates The Masters House Abbey Yard Newry BT34 2EG
LOCATION	30m North East of No 6 Main Street Camlough Newry Co Down			
PROPOSAL	Proposed two storey dwelling and detached garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



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Application Reference: LA07/2015/1171/F

Date Received: 10/11/2015

Proposal: Proposed two storey dwelling and detached garage

Location: 30m NE of no. 6 Main Street, Camlough, Newry, Co Down.

Site Characteristics & Area Characteristics:

Access to the site is achieved via the existing driveway to no. 6 Main Street, Camlough. Along the access there is a small bridge which crosses over the Camlough River. The access and bridge was approved under application P/2004/0092/F. The site is currently an open green field. No works had commenced on the previous approval at the time of inspection. Along the NE boundary of the site lies Camlough river corridor, south of the site no. 6 (2storey dwelling) with the eastern boundary defined by mature hedge with randomly dispersed trees.

Site History:

*P/2004/0092/F- New vehicular access to dwelling- approval- 11th April 2007
P/2004/1762/O- site for 2 storey dwelling- approval 7th Sept 2007
P/2010/0629/F- 2 storey dwelling in substitution of P/2004/1762/O- approval 16th Nov 2010*

Planning Policies & Material Considerations:

The site is located within the settlement limits of Camlough and within an Area of Archaeological Potential. Along the NE boundary of the site lies Camlough river corridor Local Landscape Policy Area as defined in the Banbridge, Newry and Mourne Area Plan 2015.

From the DARD strategic flood maps and consultation with Rivers Agency it has been established that part of the site lies within the Q100 yr fluvial flood plain and the site is also within the draft inundation area of the Camlough Lake Reservoir.

Consultations:

TransportNI- No objection subject to conditions

Environmental Health- No objections in principle- consent to discharge required

NIW- statutory response

Rivers Agency- FLD 5- Development in Proximity to Reservoirs applies and the proposed development is within the draft inundation area of the Camlough Lake reservoir.

NIEA Historic Monuments Unit- content with the proposal

NIEA Water Management Unit- no comments, standard conditions and informatives.

Objections & Representations

No. of neighbours notified= 11

Advertised= 16.11.2015

No. of representations received=0

Consideration and Assessment:

There was a previous proposal on this site under ref: P/2010/0629/F for a single dwelling. The red line of the site remains the same, given the issues around flooding on the site the dwelling is to be re-sited to the south east corner outside the Q100 flood plain.

In relation to the flood risk associated with this development the SPPS states that 'development in flood plains should be avoided where possible, not only because of the high flood risk and the increased risk of flooding elsewhere, but also because piecemeal reduction of the floodplains will gradually undermine their functionality.'

Rivers Agency flood hazard map has identified that a large part of the site lies within the Q100 yr fluvial flood plain and within the draft inundation area of Camlough Lake. The revised site layout drawing shows the dwelling and access to be located outside the Q100 flood plain.

The SPPS reinforces that land raising, which involves permanently elevating a site to an acceptable level above the flood plain in order to facilitate development will not be acceptable within the fluvial flood plain, where the displacement of flood water would be likely to cause flooding elsewhere.

An undesignated watercourse flows along the north eastern boundary of the site. A 5 metre maintenance strip has been provided by the applicant for maintenance in line with FLD 2.

Revised PPS 15 introduced a new Policy FLD 5- Development in close proximity to Reservoirs. Rivers Agency has stated that the development is within the draft inundation area of the reservoir. Under FLD 5 new development will only be permitted within a potential flood inundation area if it can demonstrate the condition, management and maintenance regime is appropriate to provide sufficient assurance regarding reservoir safety so as to enable development to proceed, is accompanied by a risk assessment and there are suitable measures to manage and mitigate flood risk. Following the submission of the FRA, Rivers Agency had no reason to disagree with the condition, management and maintenance regime.

The proposal is within the settlement limit where there is presumption in favour of development and the proposal in itself is not so substantial that the effect would be so significant. It is considered sufficient to attach an informative to highlight the concerns to the applicant.

The dwelling is to be finished in a mix of render and Donegal slate nature stone to the front porch area with black concrete flat tiles. The proposal is within the settlement limit and the design is not considered to offend the surrounding character.

The main property potentially impacted upon this development is no. 6 Main St, the applicant's home property. Given the position and orientation of the windows and the separation distances no unreasonable overlooking between the two units will occur as a result of the proposal. The proposal will not cause any loss of light or overshadowing. There should be no issues of conflict between these units.

The proposal has a substantial curtilage and more than adequate private amenity in line with the guidelines as stipulated in Creating Places.

**Recommendation:
Approval**

Conditions:

Time limit, Rivers Agency 5 metre working strip, landscaping

ITEM NO	7		
APPLIC NO	LA07/2015/1306/F	Full	DATE VALID 24/11/2015
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr J McMahon Greenpark 44 Greenpark Road Rostrevor BT34 3HA	AGENT	MRL Architects Ltd MRL House 56 Armagh Road Newry BT35 0DN

LOCATION 114m east-south-east of 83 Clonallan Road
Warrenpoint
Co Down
BT34 3QQ

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

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm
health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm; and
verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings would be prominent features in the landscape, the proposed site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape, the ancillary works do not integrate with their surroundings, the proposed buildings fail to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and 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.
- 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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Application Reference: LA07/2015/1306/F

Date Received: 24th November 2015

Proposal: Farmstead made up of two storey farmhouse with 3 no. agricultural sheds forming central courtyard.

Location: 114m east-south-east of 83 Clonallan Road, Warrenpoint. The site is accessed via a newly constructed farm lane leading directly to the site which is approximately 250m from the roadside (query whether this has planning permission or has been carried out under agricultural permitted development rights).



Site location off Clonallan Road, the works carried out at the access are clearly visible. The aerial image on the right shows that previously, there was no existing access in place

Site Characteristics & Area Characteristics:

The site is accessed off the Clonallan Road which is a narrow road with mature hedges and several sharp bends, all of which adds to the rural character of this area. There is a small orchard to the north of the site and an open sided hay store at the entrance to the site itself. The site is bound to the east by a timber post and wire fence and mature hedge approx. 2m in height. The southern and western boundaries are undefined as the site is a cut out of a larger field.

Site History:

A planning application P/2006/0833/O for a farm workers dwelling at the main farm on Greenpark Road was refused on 11/02/2011. There were 5 No reasons for refusal. These related to the application being contrary to:

1. Policy BH6 of PPS 6 in that the site is within the grounds of a park of special historic interest and the proposal would harm the character of the park.
2. Policy BH11 of PPS6 in that the development would affect the setting of a listed building and would harm the planned demesne and the design is out of keeping with the listed building in terms of scale, form, height, siting.
3. Policy AMP2 of PPS 3 as adequate visibility is not available.
4. AMP2 of PPS 3 as restricted width of access renders it unsatisfactory for increased use.
5. AMP2 of PPS 3 as the existing access is not aligned at 90° to the public road.

Reference	Status	Site Location	Proposal	Decision Issued
P/2005/0111/F	PERMISSION GRANTED	The Gate Lodge, 42 Greenpark Road.	Extension & alterations to dwelling	06.05.2005
P/2006/0833/O	PERMISSION REFUSED	60 metres south-southwest of 44 Greenpark.	Site for farm workers retirement	21.02.2011
P/2005/3052	INVALID APPLICATION	60 metres south-southwest of 44 Greenpark.	Site for farm retirement dwelling	
P/1967/1310	PERMISSION REFUSED	GREEN PARK ROAD ROSTREVOR	Site for housing development	
P/1963/0011	PERMISSION GRANTED	GATE LODGE GREENPARK, ROSTREVOR	PROPOSED EXTENSION AND	
P/1977/1077	PERMISSION REFUSED	GREENPARK ROAD, ROSTREVOR	PROPOSED SITE OF HOUSING	
P/1963/0711	PERMISSION GRANTED	GREENPARK HOUSE, GREENPARK.	CHANGE OF USE FROM FARM	
P/1960/0607	PERMISSION GRANTED	GREEN PARK, DRUMBREAGH,	SITE FOR CONVERSION OF HOUSE	
P/1979/0717	PERMISSION GRANTED	42 GREENPARK, GREENPARK ROAD,	PROPOSED EXTENSION AND	
P/1975/1004	PERMISSION REFUSED	GREEN PARK, ROSTREVOR	PROPOSED SITE OF RESIDENTIAL	
P/1967/1283	PERMISSION GRANTED	GREENPARK GREENPARK ROAD	Change of use to Hotel (LE)	

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.
- Planning Policy Statement 3 Access (PPS3), Movement and Parking Policy AMP2.
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.
- Planning Policy Statement 2 PPS2 – Planning and Nature Conservation

Consultations:

DARD - Department of Rural Development Countryside Management Compliance Branch – notes that there is a farm business ID in existence for more than 6 years and that there has been single farm payments in the last 6 years. This confirms that the farm is both active and established

Transport NI have stated that the proposal is contrary to PPS 3 as adequate forward sight distance is not available. Refusal recommended.

Rivers Agency has stated that a Drainage Assessment is required if the additional hard surfacing exceeds 1000m². I measure the hardstanding/buildings to cover an area of approximately 1500m².

The response also states that the site is not in the 1 in 100 year flood plain. It also states that a working strip should be retained to enable landowners to fulfil their statutory obligations.

NI Water has no objections and recommends a number of standard informatives. Environmental Health – no objection, standard advice.

Loughs Agency – no objections, a number of conditions have been attached that relate to pollution prevention in watercourses, a number of informatives are also proposed.

Objections & Representations

1 neighbour was notified on 24th March 2016. The application was advertised in 5 local papers on 21st December 2016.

One letter of objection has been received. The objection notes that this land is located in the green belt and would be an eye sore. The design is inappropriate given the large amounts of glass. The objector questions the need for the farm complex to support such a small farmstead. The plot of land was sold just over a year ago and immediately a new laneway was created which suggests the sole purpose was for building a house. Issues of roads safety given the two bends in the road. Concerns on the distance of the proposed dwelling from the road have been raised. Wildlife issues have also been raised.

Note: The matter of the new access has been reported to enforcement section for investigation.

Background

The agent provided a covering letter with the application to set out the reasons for this site selection as it is some distance from the main farm holding on Greenpark Road.

The proposal is located on Clonallen Road, approximately 2Km from the main farm on Greenpark Road. The application is for a farm dwelling, apple store and press, machinery shed/workshop, silo and a cattle shed.

- The letter states that it is not possible to site a dwelling at Greenpark Road as 'Greenpark' is on the NI register of Historic Parks.
- The existing sheds at No. 44 Greenpark Road are too small and there is no room for expansion to cater for additional livestock
- The 'out-farm' at Clonallen Road is of substance and there is a requirement for taking care of the livestock by having a presence on the site.
- The other land on the farm maps can be easily served by the farm buildings at 44 Greenpark Road but this application site is some distance away.

The letter also highlights that the farm maps provided refer to two separate business ID's. This is because the land at Clonallen Road (application site) was recently purchased and does not yet appear under the existing farm number. I have contacted the agent about getting up to date farm maps but I understand that these will not be published November 2016 at the earliest.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the Mourne AONB. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS21.

Strategic Planning Policy Statement (SPPS)

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

PPS21 – Sustainable Development in the Countryside

PPS 21 policies CTY 1, CTY 8, CTY 10, CTY 13, CTY14 and 16 apply.

CTY 1 Development in the Countryside, assesses the need for this proposal within the rural area. A number of exceptions are listed and these include 'a dwelling on a farm'. CTY 1 also notes that 'All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage access and road safety.

Criterion a of CTY 10 - Active and Established Farm Business**Criterion a of CTY 10**

DARD have provided a consultation response to state that the business has been established for more than 6 years and that Single Farm Payments (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes have been made in the last 6 years. I am content that the farm is active and established.

*Note: The farm maps provided do not include lands at Clonallen Road under the same farm business ID, the applicant has confirmed that the land was recently purchased and that the new DARD maps will be available around November 2016 showing the entire farm under the same business ID.

Criterion b of CTY 10

A planning history search shows that no other sites have been approved for dwellings on the farm. I am content that no development opportunities have been sold from the farm holding in the last ten years.

Criterion c of CTY 10

The proposed site does not cluster with any farm buildings (criterion c of CTY 10). The 'buildings' (*note: a building should have walls and a roof) located to the NE of the site are ruins and cannot be considered to be an 'established group of buildings' on the holding. The PAC approach is generally that the principal farm buildings should be used for the purpose of clustering, this would suggest that the proposed farm dwelling should be located to cluster with No. 44 Greenpark Road

Existing 'farm buildings' adjacent to the site.

The existing 'building' on the site is an open sided structure, likely to be used for hay storage. Critically the policy and the PAC would note that the dwelling should be sited beside other buildings (plural is my emphasis).

No compelling evidence has been put forward to show that other sites beside the existing farm buildings could potentially at 44 Greenpark Road can be used to satisfy the policy.

Criterion C goes on to state that an alternative site may be considered where there are demonstrable health and safety reasons or verifiable plans to expand the business at the existing group of buildings.

No health and safety reasons or farm expansion plans at No 44 Greenpark Road have been submitted. It appears that the entire holding at Greenpark Road has been discounted because of application P/2006/0833/O.

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

CTY13 – Integration and Design of Buildings in the Countryside CTY14 – Rural Character

These policies assess the impact the proposal will have on the rural area by reason of design, siting, integration, landscaping and overall rural character of the local area. In terms of integration and the rural character the site entrance appears to have already been cleared/constructed. This forms a very noticeable break in the rural nature of Clonallen Road.

The dwelling itself is located some distance from the roadside but it is proposed on the highest part of the site and as such will appear as skyline development when viewed from Clonallen Road. The road level is 78.15 OD while the buildings are proposed at between 77 – 80m OD. No finished floor levels have been provided for the buildings, only for lands surrounding the site.

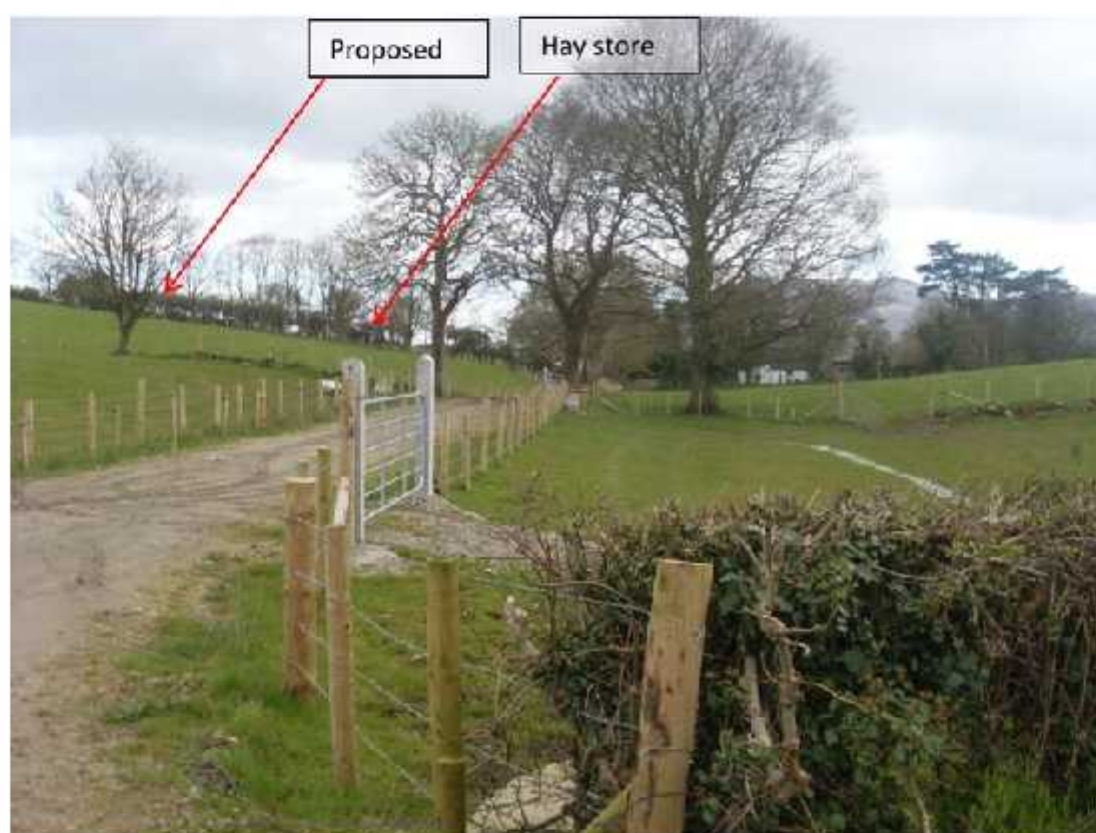
- Apple Store: 6.5m to the ridge, located immediately adjacent to the existing orchard. 19m long and 66m deep. Render finish, blue/black slate roof.
- Dwelling: 9.5m to the ridge, 'L' shaped floorplan. 382m² total floor space. Render finish with natural stone detailing on the front projection block. Blue/black slate roof
- Machinery Shed: 8m to the ridge, main building 14m wide (two small side single storey projections 3m each) 10m deep. Three front doors and a clocktower in the centre of the ridge.
- Cattle Shed: 21.5m wide and 8m deep, 5m – 6.7m height. This is built into the slope of the site and the three external walls are retaining walls. Walls to

be finished in smooth concrete for the first 2-3m and profiled metal sheeting on the upper level and roof.

The site itself is quite open as it is a cut out of a large agricultural field and the existing hedgerows/topography are unable to provide as suitable degree of enclosure. The proposal is for a significant farm house and associated sheds and stores. I do not consider the site to be appropriate for this level of development.

A significant amount of hardstanding is proposed. Rivers Agency has highlighted that a Drainage Assessment would be required if this is over 1000m².

The site is elevated and will not appear to cluster with any other buildings.



View of the site from Clonallan Road, the proposed dwelling would be behind the orchard, but these trees are only 2 – 3m, whereas the proposed apple store (6.5m) and dwelling (9.5m) would appear prominent on the top of the hill.

PPS 2 – Natural Heritage

As the site is within the Mourne AONB and Policy NH 6 - Areas of Outstanding Natural Beauty will apply. The policy 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 number of additional criteria are listed relating to siting, scale and design.

Planning Policy Statement 3: Access Movement and Parking

Transport NI had been consulted and does not consider the proposed access arrangement to be acceptable as the required forward sight distance of 45m is not available.

Recommendation:

There has been a significant amount of correspondence with the agent on this application. The need to provide the correct farm maps has been an ongoing issue.

Following numerous requests for the full farm map information, additional information was provided on 15th September 2016. Yet again farm land has been omitted from the information submitted. Page 3 of 3 is missing which relates to over 8ha of land in the townland of Newtown. As such I cannot assess whether there may be other more appropriate sites on the holding that would cluster with existing buildings as required by Policy CTY 10 or whether there have been development opportunities sold off.

I have no reason to doubt that the applicant has in fact purchased the agricultural land at Clonallan Road and it now forms part of the farm holding (this matter has not been verified by DARD yet due to on going issues with the maps provided).

However, I do not consider the purchase of this agricultural land at Clonallen Road to be a valid reason to permit a dwelling under CTY 10. It appears to be an artificial division of a farm for the sole purpose of obtaining planning permission for a dwelling.(paragraph 5.40 of CTY 10).

I think given the level of hardstanding/buildings a Drainage Assessment would be required but as this application is likely to be refused it is not considered appropriate to request the applicant to be asked to provide this information and be put to additional unnecessary expense.

Regardless of the lack of information on the farm maps, the proposal at Clonallan Road is unacceptable for a number of reasons.

The site does not allow the dwelling to cluster with existing buildings (plural is my emphasis) on the farm. (CTY 10). A safe access has not been shown and Transport NI recommend refusal. (AMP2)

Additionally, I don't consider the proposed site to be appropriate in terms of integration (CTY 13) and rural character (CTY 14) as discussed in the consideration section.

While I have sympathy for the applicant that an application at Greenpark Road was refused in the past, I think it is necessary to contact NIEA to determine whether any other land at Greenpark Road would be acceptable as the reasons for refusal in this case all related to Natural Heritage and Road Safety.

Refusal is recommended.

Reasons for Refusal

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

- other dwellings development opportunities have not been sold off from the farm holding within 10 years of the date of the application
- the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm
- health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm; and
- verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

2. The proposal is contrary to Policy 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.

3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 45 metres is not available, on the public road, at the proposed access in accordance with the standards contained in Development Control Advice Note 15.

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 is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

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

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.

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1306/F.

Date Received: 24 November 2015

Proposal: Farmstead made up of two storey farmhouse with 3 no agricultural sheds.

Location: 114m east-south-east of 83 Clonallon Road, Warrenpoint.

Addendum to Case Officer Report

1.0. This application was brought to the Planning Committee on Thursday 10 November 2016 with an opinion to refuse on the following grounds:

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

- the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm
- health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm; and

- verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

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 is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- 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
- 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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The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 45 metres is not available, on the public road, at the proposed access in accordance with the standards contained in Development Control Advice Note 15.

- 2.0.** The proposal was deferred at the Planning Committee meeting to allow planning officers and the applicant to explore alternative options on the site
- 3.0.** Following the Committee meeting the applicant submitted further drawings showing a re-positioning of the access with Clonallon Road. Transport NI has

confirmed that the revised access arrangement is acceptable. Refusal Reason No 4 no longer applies and is withdrawn. It is therefore apparent that the applicant wishes to pursue the original site despite the other policy reasons for refusal.

- 4.0. Following the Committee Meeting the Planning Department considered the matter further to explore other more suitable sites on the land holding in consultation with NIEA and Transport NI.
- 5.0. NIEA referred to a previous planning application Reference Number P/2006/0833/F on lands at Greenpark Road in the ownership of the applicant. It confirmed that while the site selected at that time was unacceptable there was an alternative site to the rear of the listed building. An internal note on the planning file, dated 14/03/2008, confirmed this.
- 6.0. Transport NI also confirmed at a site meeting on 21 July (see note on file) that it would be possible to provide a satisfactory access to service a farm dwelling at Greenpark Road with a re-alignment of the access details.
- 7.0. The Planning Department advised the agent at an Office meeting at a meeting on Tuesday 3 October and in a note dated 12 October 2017 that while Transport NI has withdrawn its reasons for refusal, the current application remains unacceptable for the reasons stated at the previous Planning Committee. It also advised him of the comments from Transport NI and NIEA and the possibility of an alternative site at Greenpark Road. It confirmed that it intended to return this application to the Planning Committee in November as a refusal. The agent is currently exploring an alternative site with the applicant.
- 8.0. The application site remains unacceptable for stated reasons above.

Refusal.

- 9.0. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policies CTY1, CTY10, CTY 12, CTY13 and Policy CTY14 of Planning Policy Statement 21.**

Case Officer Signature:
Date:
Appointed Officer Signature:
Date:



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1306/F.

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- the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm
- health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm; and

- verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

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 is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- 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
- 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.

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.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 45 metres is not available, on the public road, at the proposed access in accordance with the standards contained in Development Control Advice Note 15.

- 2.0.** The proposal was deferred at the Planning Committee meeting to allow planning officers and the applicant to explore alternative options on the site
- 3.0.** Following the Committee meeting the applicant submitted further drawings showing a re-positioning of the access with Clonallon Road. Transport NI has

confirmed that the revised access arrangement is acceptable. Refusal Reason No 4 no longer applies and is withdrawn. It is therefore apparent that the applicant wishes to pursue the original site despite the other policy reasons for refusal.

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- 6.0. Transport NI also confirmed at a site meeting on 21 July (see note on file) that it would be possible to provide a satisfactory access to service a farm dwelling at Greenpark Road with a re-alignment of the access details.
- 7.0. The Planning Department advised the agent at an Office meeting at a meeting on Tuesday 3 October and in a note dated 12 October 2017 that while Transport NI has withdrawn its reasons for refusal, the current application remains unacceptable for the reasons stated at the previous Planning Committee. It also advised him of the comments from Transport NI and NIEA and the possibility of an alternative site at Greenpark Road. It confirmed that it intended to return this application to the Planning Committee in November as a refusal. The agent is currently exploring an alternative site with the applicant.
- 8.0. The application site remains unacceptable for stated reasons above.

Refusal.

- 9.0. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policies CTY1, CTY10, CTY 12, CTY13 and Policy CTY14 of Planning Policy Statement 21.**

Case Officer Signature:
Date:
Appointed Officer Signature:
Date:

ITEM NO	8			
APPLIC NO	LA07/2016/0104/F	Full	DATE VALID	25/01/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Patrick Hamill 201A Concession Road Crossmaglen Newry BT35 9JD		AGENT	J.A. Murphy 43 New Road Silverbridge Newry BT35 9NB
LOCATION	60 metres Northwest of 201 Concession Road Crossmaglen Newry BT35 9JD			
PROPOSAL	Metal shelter over car-wash			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy PED2 of Planning Policy Statement 4, Planning and Economic Development in that the proposal lies within a rural area and no justification has been put forward to demonstrate how the proposal satisfies any of the policy criteria.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to criteria (a), (k) and (m) of Policy PED9 of Planning Policy Statement 4, Planning and Economic Development.
- 3 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.



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**Newry, Mourne
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District Council

Application Reference: LA07/2016/0104/F

Date Received: January 25th 2016

Proposal: Metal Shelter over Car Wash

Location: 60m NW of 201 Concession Road, Crossmaglen

Site Characteristics & Area Characteristics:

The site consists of a small lay-by on the southern side of Concession Road that is currently used by a car wash business; currently there is a portakabin, a container, a shed and a concrete ramp on the site as well as various items of equipment and detergent canisters. The site is open to view along this stretch of Concession Road with a small area of grass in between the two vehicle entrances.

The site is located in a rural area approximately 2 miles east of Cullaville; to the rear of the site is a commercial yard that appears to be used for the storage and/or sale of diggers and excavators. No 201 Concession Road is situated to the south east of the site, with No 205 set directly behind it on the top of a small hill 130 metres away.

In response to a written request for further details from the Planning Department, the applicant's agent has provided a statement that according to the applicant the business has been operating from this location for around 20 years; copies of electricity bills dating from June 2010 have been provided. A check of Google Street View shows the business to have been in situ in a photo dated April 2011.

A car wash falls in to Use Class B2 Light Industrial of the Planning (Use Classes) Order (Northern Ireland) 2015

Site History:

The site was the subject of an Enforcement Case run by the then Planning Authority in 2006, P/2006/0065/CA, the case was closed as it proved unable to determine when the business had first begun operating.

Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 4 Planning and Economic Development.

Consultations:**Transport NI** No objections**Environmental Health** No objections provided that all plant and equipment used in connection with the premises should be situated, operated and maintained to prevent the transmission of noise, vibration and odours to nearby dwellings.**Objections & Representations**

No representations have been received in relation to this application.

Consideration and Assessment:**Strategic Planning Policy Statement**

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, in relation to Economic Development Industry and Commerce; it states that settlements will continue to be the preferred location for such enterprises. Paragraph 6.87 relates to proposals in the countryside, it refers to *“appropriate redevelopment and expansion proposals for industrial and business premises will offer the greatest scope for sustainable economic development in the countryside.”*

This paragraph is less prescriptive than the existing policy for the expansion of established economic development uses in the countryside and therefore this takes precedence over the SPPS.

Banbridge/Newry and Mourne Area Plan 2015.

The site is located in the rural area outside of any settlement limit, no other policies of the plan are relevant.

PPS21 Policy CTY1 Development in the Countryside

The policy sets out a number of types of non residential development that may be acceptable in the countryside subject to all relevant criteria being addressed. Proposals for economic development uses are delegated to PPS 4, any proposal which fails to meet the criteria of the relevant policy automatically fails CTY1.

PPS4 Planning and Economic Development Policy PED2

The policy sets out a number of categories for economic development uses in the countryside which are to be assessed under subsequent policies. The proposal does not fall within any of the categories listed.

Policy PED 3 Expansion of an Established Economic Development in the Countryside

The business has not been established by any previous planning approval, therefore it cannot be considered as an established building. The Council wrote to the applicant on October 21st 2016 requesting the submission of a CLUD to establish this site and no such CLUD has been submitted.

Policy PED 9 General Criteria

As well as all other relevant policy criteria, proposals are required to satisfy the following:-

"(a) it is compatible with surrounding land uses;
 (b) it does not harm the amenities of nearby residents;
 (c) it does not adversely affect features of the natural or built heritage;
 (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
 (e) it does not create a noise nuisance;
 (f) it is capable of dealing satisfactorily with any emission or effluent;
 (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
 (h) adequate access arrangements, parking and manoeuvring areas are provided;
 (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
 (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
 (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
 (l) is designed to deter crime and promote personal safety; and
 (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape."

The most relevant criteria are (a), (k) and (m), in relation to Criterion (a) the site is located in a rural area beside a busy road, it is highly visible from traffic using this road and represents a land use which is more typical of urban areas, the overall thrust of PPS4 is that such uses should be prevented from being in rural area. Criteria (k) and (m) are similar as they relate to the visibility of the proposal in the countryside, the site has no boundary treatments and is open and exposed to view, this results in it being highly prominent in the local area and there are no satisfactory measures to assist integration.

The proposal fails three of the general criteria set out in PED9 in that the proposal is for a use that is more appropriate in an urban area, it is highly prominent in the area and there are no satisfactory measures to assist integration into the landscape. As the proposal does not pass any of the criteria of PPS4 it automatically fails the provisions of CTY1.

Therefore refusal is recommended for the reasons outlined below.

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy PED2 of Planning Policy Statement 4, Planning and Economic Development in that the proposal lies within a rural area and no justification has been put forward to demonstrate how the proposal satisfies any of the policy criteria.
2. The proposal is contrary to the Strategic Planning Policy Statement and to criteria (a), (k) and (m) of Policy PED9 of Planning Policy Statement 4, Planning and Economic Development.

3. 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.

Case Officer

Authorised Officer

ITEM NO	27			
APPLIC NO	LA07/2017/0957/O	Outline	DATE VALID	19/06/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Gerard Callan 11 Annaghgad Road Crossmaglen Newry BT35 9JG		AGENT	James A Murphy 43 New Road Silverbridge Newry BT35 9NB
LOCATION	70 metres North West of 12a Annaghgad Road Crossmaglen Newry BT35 9JG			
PROPOSAL	New dwelling and garage on infill site			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
1	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.			
2	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Newry Road.			
3	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.			



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0957/O

Date Received: 19.06.2017

Proposal: The proposal seeks Outline Permission a new dwelling and garage on infill site

Location: 70 metres North West of 12a Annaghgad Road, Crossmaglen, Newry, BT35 9JG

Site Characteristics & Area Characteristics:

The site includes a rectangular field that abuts the public road with thick hedging/trees to the roadside and rear boundaries. The area is rural in character with a ribbon of development notable along this side of the road around the application site.

Site History:

N/A

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3 / DCAN 15.
Planning Policy Statement 6
Building on Tradition

Consultations:

Transport NI – No objections subject to the RM application being in compliance with the attaches RS1 form.
Historic Environment Division – No objections.

Objections & Representations

1 neighbour notified on 07.07.2017 and the application was advertised on 05.07.2017. No objections or representations received.

Consideration and Assessment:

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections to the proposal with regard to the Area Plan.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8. The policy requires the proposed development to be within an otherwise substantial and continuously built up frontage. This is defined by a line of 3 or more buildings, which in this case is achieved.

However, the policy also states the gap should be small enough to only hold a maximum of 2 houses while remaining respectful to the existing development pattern in terms of size, scale, siting and plot size. It is important to note that the adjacent agricultural buildings do not benefit from planning permission and therefore cannot be included as buildings to one side of the gap. Therefore the gap is taken between buildings (as defined by the PAC) 10b and 12a Annaghgad Road. This amasses approximately 140m which is well beyond what could be considered a small gap large enough to accommodate only 2 dwellings. Further to this the average plot size for the frontage is approximately 34m which would account for at least 4 dwellings located within this gap.

The proposal therefore does not meet the exception listed in CTY 8 as the gap is large enough to comfortably accommodate more than 2 dwellings. This is instead contrary to CTY 8 in that it represents an extension of ribbon development along Newry Road.

Additionally there are no over-riding reasons why this dwelling essential at this location. As a result the application fails to meet the policy criteria for CTY1 and CTY8.

The proposed siting is consistent with the policy requirements of CTY13 however with regard to CTY 14 it would add to a ribbon of development and result in suburban style build-up when viewed with the existing and approved building, particularly to the East of the site. The proposal is contrary to policy CTY14.

Sewage arrangements are minimal at Outline however a condition could be added to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards
Transport NI has no objections to the proposal with regard to the above policies.

Planning Policy Statement 6

Historic Environment Division has no objections with regard to the above policy criteria in terms of the designated Archaeological Site and Monument in the area.

Recommendation: Refusal**Refusal Reasons:**

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Newry Road.

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

Case Officer:**Authorised Officer:**

ITEM NO	9			
APPLIC NO	LA07/2016/0733/F	Full	DATE VALID	03/06/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Robert Hollywood 6 Upper Road Shanroe Mullaghbawn Newry BT35 9XL		AGENT	ERES Limited Mourne House 41-43 Downshire Road Newry BT34 1EE

LOCATION Approximately 80M West of No. 34 Church Road
Forkhill
Armagh

PROPOSAL Erection of agricultural sheds & slurry tank

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 the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - it is not necessary for the efficient use of the active and established agricultural holding;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 and the applicant has not provided sufficient information to confirm that
 - there are no suitable existing buildings on the holding or enterprise that can be used;
 - the proposal is sited beside existing farm buildings;
 - it has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
- 4 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.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting and scale of the proposal is unsympathetic to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0733/F

Date Received: 31st May 2016

Proposal: Erection of agricultural sheds & slurry tank

Location: The site is identified as approximately 80m west of No. 34 Church Road, Forkhill. It sits outside the development limits of Forkhill and is approximately 11.8 kilometres south west of Newry.

Site Characteristics & Area Characteristics:

The site is an agricultural field with defined boundaries. The topography of the site increases from the South West to North East before dropping again at the frontage with Church Road. The surrounding landscaping is undulating with Crosslieve Mountain to the rear of the site (Southwest). The site is inside the Slieve Gullion Area of Outstanding Natural Beauty, it is within 2km of a Site of Local Nature Conservation Importance NC 03:97 (SLNCI) (Crosslieve Pond Fen), within 7.5km of a Special Area of Conservation (SAC) (Slieve Gullion) and Areas of Special Scientific Interest (ASSI) (Slieve Gullion, Levallymore, Cashel Loughs, Lurgan Lough Loughaveely, Carrickstickan and Cam Lough).

A residential dwelling sits in the adjoining field to the south of the application site with further residential dwellings on the east side of Church Road and north of the site.

Site History:

There is no planning history relevant to this application site.

Planning Policies & Material Considerations:

The Strategic Planning Policy Statements (SPPS), The Banbridge / Newry and Mourne Area Plan 2015, Planning Policy Statement 2 (PPS2), Planning Policy Statement 3 (PPS3), Planning Policy Statement 21 (PPS21) and Building on Tradition design guide.

Consultations:

There were four consultations issued for this application, these have been outlined below.

- SES – following re-consultation with further information SES were satisfied with the proposal (16/02/2017).

- Transport NI – No objection subject to conditions. (07/03/2017)
- NIEA – No concerns subject to conditions. (04/08/2017).
- Environmental Health – No objection, recommended 75 metre minimum setback distance from residential dwellings. (27/06/2016)
- DAERA - Confirmation of farm business ID and SFP/LFACA / Agri Environment schemes (20/06/2016).

Objections & Representations

There were four neighbour notifications sent out on 20th June 2016. The application was advertised in the local press on the 24th June 2016. There were two representations received.

- Resident was concerned with the separation distance of residential property from the closest agricultural building proposed by this application. Measuring the separation distance on the drawings provided confirms that both proposed agricultural sheds are setback more than 75 metres from the residential dwelling at No. 34 Church Road.
- A nearby property owner was concerned with potential water contamination affecting his fish nursery, the noise of agricultural machinery and odour from livestock imposed on a lakeside cabin used during the day and for overnight accommodation and the potential for vermin around the property resulting from the development of agricultural sheds. The lakeside cabin / holiday chalet has been identified by the property owner as sitting SW of the buildings proposed and within 75 metres, however a search on our system does not reveal any approval ever being granted for a holiday chalet and as such we do not classify it as a residential property. The Water Management Unit has considered the impacts of the proposal on the surface water environment and is content with the proposal subject to the applicant referring and adhering to standing advice and any relevant statutory permissions being obtained. Natural Environment Division (NED) has requested further information to enable a full assessment of the potential impact of the proposal on Crosslieve Pond Fen site. No approval for this development will be issued until NED are satisfied with the proposal.

Consideration and Assessment:

In relation to non-residential development in the countryside PPS21 CTY1 states that planning permission will be granted for non-residential development in the countryside in the case of agricultural and forestry development in accordance with Policy CTY12 which states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) It is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) In terms of character and scale it is appropriate to its location;
- (c) It visually integrates into the landscape and additional landscaping is provided as necessary;
- (d) It will not have an adverse impact on the natural or built heritage; and

(e) It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell, and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings
- The proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- It is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons.

The SPPS para 6.73 states that 'New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from the existing buildings will only be acceptable in exceptional circumstances.'

Principle of Development

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes agricultural development on an active and established agricultural holding if it is in accordance with Policy CTY12. For the purposes of this policy the determining criteria for an active and established business is that set out under Policy CTY10.

CTY10 requires a farm business to be currently active and established for at least 6 years. Claiming Single Farm Payment is the main means used to determine if the farm is active. DAERA have confirmed that the farm business has been active and established for more than 6 years and payments have been claimed within the past 6 years. The agent outlined there is 11 beef cattle and 9 heifers within the applicant holdings at present; a photocopy of the applicants herd book was provided and upon review of the stock movements and disposal there appears to be more than 20 animals remaining.

A review of the DARD farm maps submitted with this application outlines that total area of land owned and controlled by the application is 9.14 hectares and this is separated into 22 fields along Church Road, Upper Road, Glendesha Road and Quilly Road. The farm business is registered to 6 Upper Road, Mullaghbawn on which sits a dwelling, garage and outbuildings. There are agricultural buildings further NW of No. 6, consisting of a stone, storey and a half building and an ancillary building used for the storage of farm tools which are both part of the farm holding. These two buildings sit within the curtilage of the dwelling at No. 4 Upper Road. A

check of land registry maps confirms that the dwelling (No.4) is within ownership of the Hollywood family.

The distance from the farm dwelling and existing farm buildings to the proposed application site is approximately 0.8 miles and takes several minutes by car.

Rented Accommodation.

The agent has indicated that the applicant does not have any sheds available for the storage of animals at the applicants main farm holding (No. 6 Upper Road) and has previously rented a third party neighbours sheds for the storage and handling of animals but this opportunity does not exist anymore. This has been confirmed by a letter from the third party neighbour. It has been outlined that without approval for the farm building as proposed by this application the applicant will have no alternative but to rent buildings (if available) which will be a significant financial burden.

Exception

The exception to the requirements of CTY12 is applied as this proposal is for an alternative site away from farm buildings. While there are existing farm buildings along the Upper Road, the agent considers these inappropriate and the works required to develop near these building to be excessive.

Upon inspection of the existing farm buildings and land around them, the Planning Department consider an opportunity exists to develop at this location to meet the needs of the applicant. We acknowledge that to facilitate development at this location additional works would be necessary however it is considered sufficient room exists next to the existing agricultural buildings to accommodate either an expansion to these existing sheds or potentially a new building.

Essential for the efficient functioning of the business and Health and Safety Reasons

The agent has stated the following reasons the new sheds at the proposed location are essential.

- The sheds are required to provide buildings to satisfy animal welfare legislation.
- The financial burden of renting farm buildings is inappropriate and unsustainable for the applicant and renting buildings off a third party causes a farm bio-hazard potentially resulting in contamination and disease transfer between herds.
- There will be benefits from keeping animals and feedstock adjacent to one another. Without the need to transfer bales to a different locations the farm holding becomes more efficient by achieving maximum productivity with minimum wasted effort or expense.
- Capturing slurry and spreading at one location is good farming practice, reduced carbon footprint and current expenditure.

Upon consideration of the agents reasons outlined above for justifying new sheds and an alternative location, the Planning Department are not satisfied these demonstrate that they are essential for the efficient functioning of the business. There is an opportunity to develop / expand at the existing farm buildings to provide sheds for livestock. The existing farm buildings are located a relative short distance

(0.8 miles) from the proposed application site and it is not considered this travel distance will impact significantly on the efficiencies and expenditure of the farm business. To conclude on this, the Planning department consider that it has not been satisfactorily demonstrated that that renovation, alteration or re-development opportunities exist and that a new farm building away from the existing farm buildings is essential for the efficient functioning of the farm business. The application site is included within an AONB and within short distances from designated sites and the potential impact of this proposal on natural heritage is considered in a section below.

Should it be accepted that this proposal meets the exceptional case test and the principle of development is accepted to allow the development of farm sheds away from existing farm buildings, below provides a summary of the proposal against PPS 2, PPS3 and PPS21.

PPS2 – NH1, NH2, NH3, NH5 and NH6

The site is within 7.5 kilometres of a European Site, Slieve Gullion SAC, 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 an SAC. Further, planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Confirmation provided by SES outlines that 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 any features of any European site.

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on or damage to known priority habitats. This site is within 2 kilometres of the Crosslieve Pond Fen Site of Local Natural Conservation Importance (SLNCI) and Natural Environment Division requested a SCAIL modelling on the emissions expected from the cattle shed and slurry store. NED in their consultations response had no concerns on the proposal impact on designated sites and other natural heritage interests and on the basis of the information provided had no concerns subject to conditions.

The visual impact of the proposal is also an important consideration that needs to be addressed particularly within this AONB. The siting and scale of the proposed sheds and the new access and laneway is not considered sympathetic to the special character of the AONB. Creating a new access will cause the loss of existing mature hedging and create a visual break whilst travelling along both directions of this road. The proposed reinstatement of some of the hedging removed along the eastern boundary will eventually reduce the visual impact however this will take some years to mature. It is considered the nature and scale of this proposal does not contribute to the creation of a quality environment and will if developed detract from the visual amenity of this area.

PPS3 – Access, Movement and Parking and DCAN 15 – Vehicular Access Standards.

Transport NI was consulted on this proposal and are content subject to conditions being met.

CTY 13 and CTY 14

Critical views of the proposed site are from Church Road when travelling northwest and southeast. The sheds will have a ridge height of 8 metres above the ground level, however due to the topography within the site the ground floor level of the shed will sit approx. 4 metre below the highest point within the application site which is located in the foreground between the proposed position of the sheds and Church Road to the northeast. The sheds will have no immediate backdrop due to the falling land level further southwest; however Crosslieve Mountain further west of the application site provides a backdrop.

It is not considered the sheds would appear prominent considering their position, the topography within the site and the existing natural screening along the northwest and south eastern boundaries of the site and the position of the dwelling at No. 34 Church Road. The sheds would be designed with olive green agricultural cladding and purlins to assist with integration. The proposed design is typical of modern agricultural buildings. It is not considered the design is inappropriate to the locality or the surrounding buildings.

The ancillary works comprising of a new access and lane are not considered to integrate with their surroundings. The rise of land levels for approx. 50m within the application site from the road frontage (travelling east to west) results in the proposed 5 metre wide lane becoming a prominent feature particularly when travelling along Church Road towards the site from the south. While we acknowledge CTY 13 encourages new access to run alongside existing hedgerows, we note no landscaping measures have been proposed to aid with the integration of this new lane.

While the sheds proposed will visible when traveling along Church Road, they won't be prominent due to their setback from the road and topography within the site. The new access and laneway proposed are however considered prominent in the landscape and would adversely impact on the rural character of this area.

Recommendation:

Refusal

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21,

Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- it is not necessary for the efficient use of the active and established agricultural holding;
- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;

and the applicant has not provided sufficient information to confirm that;

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the proposal is sited beside existing farm buildings;
- it has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.

4. 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.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting and scale of the proposal is unsympathetic to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	23			
APPLIC NO	LA07/2017/0823/O	Outline	DATE VALID	26/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Adrian McParland 24A Newry Road Belleek Armagh BT35 7PG		AGENT	ERES Limited Mourne House 41-43 Downshire Road Newry BT34 1EE
LOCATION	Adjacent and 30m South-west of no.20 Newry Road Belleek Armagh BT35 7PG			
PROPOSAL	Site for dwelling and garage (Policy CTY8)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0
1	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.			
2	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy 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 Newry Road.			
3	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which 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: LA07/2017/0823/O

Date Received: 14.04.2017

Proposal: The proposal seeks Outline Permission for a site for a dwelling and garage (Policy CTY8)

Location: Adjacent and 30m South-west of no.20 Newry Road, Belleek, Armagh, BT35 7PG

Site Characteristics & Area Characteristics:

The site includes an agricultural parcel of land and existing private laneway that abuts the main Newry Road and lies adjacent to No. 20 Newry Road. The site, which rises to the North, is located in the countryside where a dispersed pattern of development exists. The site also borders a TPO designation and LLPA (BL05)

Site History:

P/2007/1378/O

The Deer Park, Belleeks - Immediately north of no's 6-24, Newry Road, Belleeks, Newry.

Site for hotel and ancillary accommodation with health spa and 9-hole golf course
EIA – deemed refusal: 10.02.2009

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Building on Tradition

Consultations:

Transport NI – No objections subject to the RM application being in compliance with the attaches RS1 form.

NI Water – Generic.

Objections & Representations

5 neighbours notified on 08.06.2017 / 10.07.2017 and the application was advertised on 14.06.2017. Objection received from Linda Reel. Below are a summary of the issues raised.

1. Ownership issues, right of way and septic tank easement at the proposed site.
2. Septic tank and soakaway should be included in the application.
3. Pre application discussion should have taken place.
4. Objector should have been consulted with regard to fowl sewage disposal.
5. Should joint owners name not be on application?
6. No 20a should be notified.
7. Electricity cables cross over part of site.
8. Environmental impact and damage to existing sewer pipes.
9. Devalue adjacent property.
10. Traffic impact on the entrance.
11. Concerns with building over a septic tank.
12. Tarmac may cause damage to fence of No. 20.

Consideration and Assessment:

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections to the proposal with regard to the Area Plan.

Consideration has been given to the LLPA TPO. The proposed site is not considered to adversely impact the views of Deerpark LLPA and meets the policy criteria of CVN 3. The proposal will not have a detrimental impact on the nearby TPO's that exist at Deerpark.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8. The policy requires the proposed development to be within an otherwise substantial and continuously built up frontage. No.18, the building immediately N.E. of No.18 and No. 20 all represent 3 buildings along a common frontage.

However, the policy also states the gap should be small enough to only hold a maximum of 2 houses while remaining respectful to the existing development pattern in terms of size, scale, siting and plot size. The gap between buildings measures approximately 157m. 3 buildings could be accommodated in this gap with a generous plot size of approximately 52m which is well beyond the plot sizes of the row of dwellings to the East of the site. Whilst No.18 occupies a substantially larger and irregular plot size, out of keeping with the existing development pattern – the average plot size is still 57m even when No.18 is considered.

The proposal therefore does not meet the exception listed in CTY 8 as the gap is large enough to comfortably accommodate more than 2 dwellings and the plot size is significantly larger than the average for the area. This is instead contrary to CTY 8 in that it represents an extension of ribbon development along Newry Road.

Additionally there are no over-riding reasons why this dwelling essential at this location. As a result the application fails to meet the policy criteria for CTY1 and CTY8.

The proposed siting is consistent with the policy requirements of CTY13 however with regard to CTY 14 it would add to a ribbon of development and result in suburban style build-up when viewed with the existing and approved building, particularly to the East of the site. The proposal is contrary to policy CTY14.

Sewage arrangements are minimal at Outline however a condition could be added to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards

Transport NI has no objections to the proposal with regard to the above policies.

Council response to objections.

1. Ownership issues and easements are civil issues between the associated parties and not a material consideration for this application.
2. A septic tank and soakaway would be included in the full plans but is not a requirement for Outline permission.
3. There is no requirement for a pre application discussion for a single dwelling.
4. There is no foul sewage details at Outline stage.
5. There is no requirement for the owners name to be on the application form in terms of applying. With regard to ownership certificates, the onus is on the applicant to fill this in correctly. In any case permission does not confer title.
6. No. 20a was notified on 10.07.2017
7. Electricity cables crossing a site is not justification for refusal. If necessary cables can be moved.
8. A consent to discharge would be required from the Environment Agency prior to the commencement of development.
9. The de-valuation of property is not a material consideration.
10. Transport NI has no objections to the traffic impact on the proposed entrance of the site.
11. Building over a septic tank is not an issue for this application. If approval was granted on land holding a septic tank then the onus is on the developer to seek an alternative building solution if a septic tank was hindering development.
12. Damage to property through building work will be a civil issue between both parties.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy 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 Newry Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

Case Officer:**Authorised Officer:**

ITEM NO	11			
APPLIC NO	LA07/2016/1632/O	Outline	DATE VALID	07/12/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Jason Fegan 9 Forestbrook Avenue Rostrevor BT34 3BX	AGENT		
LOCATION	Lands 45m north west of No. 12 Upper Knockbarragh Road Warrenpoint BT34 3DL			
PROPOSAL	Proposed Farm Dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

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

the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm

verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm

2 The proposal is contrary to 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 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.

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 create a ribbon of development 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:

LA07/2016/1632/O

Date Received:

07/12/2016

Proposal:

Proposed farm dwelling

Location:

Lands 45m North West of No.12 Upper Knockbarragh Road, Warrenpoint, BT34 3DL

Site Characteristics & Area Characteristics:

The site is located approximately 3.1miles from Warrenpoint in rural uplands overlooking Carlingford Lough to the South and which is surrounded by mountain land to the east and west, which form part of Mourne Area of Outstanding Natural Beauty (AONB.) In the immediate vicinity, there are a number of dwellings in the immediate vicinity, including No.12, a modest bungalow to the south and No.14 a contemporary two storey dwelling further north.

The site itself comprises a roadside field used for agriculture which slopes upwards gradually to the north and which is delineated by mature indigenous hedgerow on all four boundaries, which is further supported by mature trees along the road side and northern boundaries. There is an existing field gate access directly off Upper Knockbarragh Road close to the laneway of No.12. In addition, there is an existing electricity pole towards the centre area of the field.

Site History:

Application reference	Proposed Development	Status
P/1992/0850	Site for retirement dwelling	application withdrawn
Additional history on the farm holding:		
P/2006/1717/F (field 2)	29 Upper Knockbarragh Road - extension to rear of dwelling	Permission granted 12/01/2007
P/1999/1116/F (field 2)	29 Upper Knockbarragh Road - erection of replacement dwelling	Permission granted 11/01/2000

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015 (BNMAP2015)
- PPS2 'Natural Heritage'
- PPS 3 'Access, Movement and Parking'
- PPS 21 'Sustainable Development in the Countryside'
- 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside
- 'Dwellings in the Mournes' A Design Guide

Consultations:

<u>TNI:</u>	No objections, subject to conditions (13/01/2017)
<u>Environmental Health:</u>	No objections in principle. This department recommends that the proposed dwelling is situated a minimum of 75m from farm buildings. (04/01/2017)
<u>NI Water:</u>	No objections, standard informatives. (03/01/2017)
<u>DAERA :</u>	Farm Business ID 623035 has been in existence for more than 6 years and has not claimed subsidies in the past year (17/01/2017)

Objections & Representations

- 1 Neighbouring property notified (No.12 Upper Knockbarragh Road) 29/12/2016 (statutory expiry date 12/01/2017)
- Advertised in 3 local press publications (statutory publication end 20/01/2017)
- 0 objections / representations received

Consideration and Assessment:

The site is located out with settlement development limits as identified by the Banbridge / Newry and Mourne Area Plan 2015. It is also within the designated Mourne AONB. This proposal seeks outline permission for a dwelling on a farm. As there is no specific policy within BNMAP relative to this site and given there is no significant change to the policy requirements for dwellings on farms following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Principle of Development

The proposed farm dwelling is made against farm business ID 623035. DAERA note in their consultation response dated 17/01/2017 that the applicant is not a formal member of this farm business. The associated P1C form notes that the applicant is the land owner of the field and it has been signed by both the applicant and the respective farm business owner, as required. PPS21 Policy CTY1 states that a

number of developments are acceptable in principle in the countryside, which includes farm dwellings if they are in accordance with Policy CTY10. There are three criteria to be met:

Criterion (a) requires that the farm business is currently active and has been established for at least 6 years:

DAERA in their consultation response dated 17/01/2017 confirm that the respective farm business has been in existence for more than 6 years but has not claimed subsidies in the past year, the initial test for 'activity.' Evidence was received on 12/04/2017 to demonstrate that the farm business is currently active, including the following:

- Correspondence from DAERA veterinary testing department dated 06/10/2016, 05/09/2016, 14/10/2016, 03/09/2015;
- Correspondence from DAERA Agri-food inspection branch dated 2014;
- Invoices from the British Limousin Cattle Society Ltd dated 19/10/2016, 08/12/2016, 16/03/2010;
- Farm Quality Assurance Certification dated August 2009;
- DAERA Herd list details 01/09/2009, NFSCo CIC membership invoice dated 31/03/2017.

Following receipt of this information, I am satisfied that farm business ID 623035 is currently active and criterion (a) is met.

Criterion (b) seeks to confirm that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application:

The planning history as listed above demonstrates that the above criterion is met.

Criterion (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm:

The established group of farm buildings in this case include No. 29 Upper Knockbarragh Road (adjacent / west of field 2) and an existing agricultural shed located on the opposite side of Upper Knockbarragh Road on field 1 of the farm maps. (There are no previous planning records for this shed, however spatial imagery demonstrates that this building was present in December 2008. The farm business owner should be advised to apply for a Certificate of Lawfulness to ascertain the legal status of this building.) The subject site is located approximately 965m South East of this building group along Upper Knockbarragh Road. There are no buildings associated with farm business ID 623035 on this site with which to group a future dwelling. Whilst a dwelling could visually link with buildings associated with No.12 Upper Knockbarragh Road, Policy CTY10 does not permit grouping with buildings linked to a third party farm holding.

The applicant was made aware of the above concerns early on and advised that this policy criterion can be met through an alternative site on the farm holding and was

directed to fields 1 or 2 by way of guidance. The applicant explained that land ownership issues prevent this as feasible solution as fields 1,2,4 and 7 are taken in conacre and are not currently in the ownership of either the applicant or the farm business owner. CTY10 c) makes provision for alternative sites on the farm where there are no other sites available at another group of farm buildings and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group to prevent this possibility. No information to this effect has been submitted to justify this alternative site in these circumstances, the issue here is land ownership for which CTY10 makes no provision for and is not a material planning consideration.

The applicant was made aware of this and given the opportunity to withdraw this application and come in with an alternative siting. The applicant sought advice from an agent at this stage of the application who has agreed to assess the current application with the information available. As this is the case, the current application fails to meet criteria c) of CTY10.

Where the proposal meets all of the criteria of CTY10, it must also meet the requirements of CTY13, CTY14 and CTY16. For the purposes of completion and a full assessment, these are assessed below.

Design, Integration and Rural Character

The site benefits from mature screening along its northern boundary which at present provides a high degree of screening when travelling south along Upper Knockbarragh Road. When travelling North, the existing road side boundary provides a degree of screening also. A single storey dwelling could potentially be integrated into this site (and PPS3 Policy NH6 met through a sensitive design) however it would not be visually linked or sited to cluster with an established building group on the farm holding, which is contrary to policy CTY13 criterion (c.) In addition, this development as proposed would create a ribbon of development with the existing buildings No.10, No.12, which is contrary to policy CTY14 (criterion d.) and should continue to be refused.

Access, Movement and Parking

Construction of a new access onto Upper Knockbarragh Road is proposed to service the dwelling. Transport NI has no objections in principle to the proposal, subject to conditions. In terms of PPS3, there are no concerns with the proposal. Policy CTY10 criterion c) requires access to be obtained from an existing lane where practicable. There is no access existing at this location therefore the access details would need to be assessed further against policies CTY13 and CTY14 at Reserved Matters stage.

Sewerage / Service Provision

The proposal includes disposal of foul sewage via a septic tank and soak away. This could be achieved within the sites red line boundary and is subject to obtaining consent from NIEA Water Management Unit. NI Water has no objections to the proposal. Given the existing dwellings along this road frontage, it is envisaged a dwelling could connect to the existing services, subject to consent. Policy CTY16 is not offended by the proposal.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - The proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
 - health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm
 - verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm
2. The proposal is contrary to 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 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.
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 create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

ITEM NO	12			
APPLIC NO	LA07/2017/0180/F	Full	DATE VALID	03/02/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Derek & Rachel Elmore		AGENT	Bernard Dinsmore Chartered Architect 24A Duke Street Warrenpoint BT34 3JY
LOCATION	Directly opposite and East of Nos 1 and 1a Alexander Drive Warrenpoint			
PROPOSAL	Proposed 1 No detached dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	6	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to Policy QD 1 (Criteria a & c) of Planning Policy Statement 7 (PPS 7) : Quality Residential Environments, Policy LC1 (Criteria a & b) of the Addendum to PPS7 : Safeguarding the Character of Established Residential Areas, Planning Control Principle 1 of Planning Policy Statement 12 (PPS12) : Housing in Settlements, and Policies SP2 and DES2 of the Planning Strategy for Rural Northern Ireland in that it would result in overdevelopment of the site and will not create a quality and sustainable residential environment.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0180

Date Received: 03 February 2017

Proposal: 1 detached dwelling

Location: The site is located on Alexander Drive, off the Springfield Road and within the settlement limits of Warrenpoint.

Site Characteristics & Area Characteristics:

The site is located to the east of Alexander Drive (a cul de sac) and is generally flat. It contains a flat roofed single storey garage building with concrete to the front as well as a yard area which is fenced/walled off from the street. The yard is overgrown and currently appears to be used for the storage of vehicles. The site adjoins an area of open space to the south of Alexander Drive and a two storey residential property, 16 Springfield Road, to the north. To the east the site backs onto outbuildings/a garden area to the rear of 18 Springfield Road and Slieve Foy Place. The area is generally residential, and made up of two storey detached and semi-detached dwellings.

Site History:

P/2005/1648/F, Site for storey and a half townhouse, Permission refused
Refusal reasons:

- The proposal is contrary Policies SP2 and DES2 of Department's Planning Strategy for Rural Northern Ireland in that the proposed development would, if permitted, result in over development of the site, which is too restricted to permit the erection of a dwelling of reasonable design and dimensions and with adequate amenity space.
- The proposal is contrary to Policy QD1 of Planning Policy Statement 7 - Quality Residential Developments in that the proposed development would, if permitted, result in over-development of the site which would have an adverse impact on the residential amenity of 16 Springfield Drive due to overlooking, overshadowing and loss of light.

- The proposal is contrary to Policy AMP2 of Planning Policy Statement 3 - Access, Movement & Parking in that the development would, if permitted, prejudice the safety and convenience of road users since provision cannot be made clear of the highway for the parking and turning of vehicles which would be attracted to the premises.

P/2007/0623/O, Site for dwelling, Permission refused

Refusal reasons:

- The proposed development is contrary to criteria H of Policy QD 1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that this proposal, if permitted would be adversely affected through overlooking and consequent loss of privacy.
- The proposed development is contrary to policy QD1 of PPS 7 in that it would, if permitted, result in over development of the site, which is too restricted in depth to permit the erection of a dwelling of reasonable design and dimensions and with adequate amenity space.

P/2008/0528/O, Site for dwelling, detached garage and off street parking, permission granted, 05 September 2008 – this approval included the current application site which would be used for parking and a detached garage under the approved scheme.

Planning Policies & Material Considerations:

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

PPS2 – Natural Heritage

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

Planning Policy Statement (PPS) 12 – Housing in Settlements

Planning Policy Statement (PPS) 7 – Quality Residential Environments

Planning Policy Statement (PPS) 7 (Addendum) - Safeguarding the Character of Established Residential Areas

DCAN 15 - Vehicular Access Standards

DCAN 8 – Housing in Existing Residential Areas

Creating Places: Achieving quality in residential environments

Living Places Urban Stewardship and Design Guide for Northern Ireland

Planning Strategy for Rural Northern Ireland (DES2 and SP18)

Consultations:

Loughs Agency – no objections

Transport NI – no objections

NI Water – no objections

DAERA/NIEA, Water Management Unit – no objections

Objections & Representations

Nine neighbour notification letters were issued on 6 March 2017.

The application was advertised in local papers on 22 February 2017.

5 letters of objection and one representation have been received in relation to the proposal.

The issues raised are summarised below.

23 Sleive Foy Place

No objection to the proposal but notes there is a retaining wall between the two properties which should not be damaged.

An objection letter was received from the residents of 2,4,3,5 and 6 Alexander Drive using a shared template. The points raised are:

Road safety – narrow single lane road, 2x3 bed dwellings currently under construction, further development unacceptable, blind corner onto Springfield Road – additional vehicles will increase risk of accident

Parking – current parking issues affecting access e.g. for bin lorries, emergency vehicles and use of footpaths (risking safety). Example provided of a resident who could not access lift to hospital as car couldn't gain access to driveway. Service vehicles unable to gain access affecting standard of living.

Out of character – scale and use out of character with surroundings/surrounding houses and compared to size of buildings currently on site, overdevelopment, inappropriate for size of the plot, inadequate vehicle access and turning space, oppressive impact on outlook and privacy of existing dwellings, cramped appearance

In addition, to the objections raised in the template letter submitted, the residents of 2,4,3,5 and 6 Alexander Drive also raised additional points of objection. Any objections not already mentioned above are summarised below:

- Too large, will block light for other properties, too close to the road making passing impossible, site suitable for single storey/current use
- Residents of no. 3 note their driveway is constantly used for turning which detrimentally impacts the driveway
- Sufficient parking should be provided, two stories impinges on light and privacy of Alexander Drive.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located within the settlement limit for Warrenpoint (WB01) and within the Mourne AONB, as set out in BNMAP. There are no specific policies in the plan that are relevant to the determination of the application so the application will be considered under the operational policies of the SPPS, PPS12 and PPS 7, the Rural Planning Strategy for Northern Ireland and related guidance. Access, parking and road safety are considered under PPS 3 and DCAN 15. The impact on the AONB will be assessed under PPS 2.

The proposal is for a two storey dwelling. It is considered that the proposal constitutes overdevelopment of the site and is therefore contrary to planning guidance.

The proposal is out of keeping with the character of the area. Other dwellings in the area are predominantly detached or semi-detached. A detached dwelling is proposed on the site. However, as a result of the restricted size of the site, the proposed dwelling is smaller than other dwellings in the area and with less provision for outdoor space. Although the garden space (approximately 42m²) meets the minimum criteria in Creating Places of 40m², this is much more restricted than other gardens along Alexander Drive. For example, two dwellings were recently approved under planning reference P/2013/0781/F. When the side gardens are included (as these could be enclosed and made private), both dwellings have around 67 square metres of amenity space which is close to the Creating Places average requirement of 70 square metres. The amenity space provided as part of this proposal falls far short of this and the ratio of built form to garden is not reflective of the surrounding area.

The restricted size of the site has also affected the overall design of the proposal, for example, the front elevation contains two small bathroom windows and the proposed dwelling is within 1 metre of the boundary to the rear (east of the site). The overall appearance of the dwelling will appear out of keeping with others in the street which has more generous outside space and more regular symmetrical window patterns. Due to its massing and appearance, the proposed dwelling would generally appear too big for this restricted site.

I am satisfied that the house has been designed so that an unacceptable degree of overlooking is unlikely to occur. Given the orientation of the site some loss of light and overshadowing may occur to 16 Springfield Road, but given the separation distances I am satisfied that an unacceptable degree of overshadowing or loss of light would not occur.

BNMAP

The site is located within the development limit of Warrenpoint. The Housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this however, other operational planning policies such as PPS 12, 7, 7(addendum) and the PSRNI must also be taken into account. The site is also within the Moumes and Slieve Croob Area of Outstanding Natural Beauty. Therefore the application will be assessed against PPS2.

SPSS and PPS 12

The SPSS promotes good design and place making in new developments. PPS 12 sets out the following planning control principles which are considered further below:

- increased housing density without town cramming;
- good design;
- sustainable forms of development; and
- balanced communities.

The proposal is therefore contrary to Planning Control Principle 1 of PPS 12 which advises that:

"When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents."

PSRNI Policies DES2 & SP18

The proposal is contrary to Policy SP 18 Design in Towns and Villages in that the scheme has not achieved a high standard of siting and design and the proposal does not relate satisfactorily to its townscape setting.

The proposal is contrary to Policy DES 2 Townscape as it would not make a positive contribution to townscape and is not sensitive to the character of the area surrounding the site in terms of design and scale.

PPS 7

The proposal is contrary to policy QD1 of PPS 7, in that it would constitute town cramming and would result in unacceptable damage to local character, environmental quality and residential amenity and fails to meet the following criteria of QD1:

- (a) the development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) adequate provision is not made for public and private open space and landscaped areas as an integral part of the development.

PPS 7 addendum

The area is considered to be an Established Residential Area as defined in the addendum to PPS 7. Therefore policy LC 1 of the addendum applies. The proposal fails to meet the following criteria of LC1:

- (a) the proposed density is significantly higher than that found in the established residential area;
- (b) the pattern of development is not in keeping with the overall character and environmental quality of the established residential area; and

PPS3 — Access, Movement & Parking & DCAN15 - Vehicular Access Standards

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The proposed dwelling will have direct access onto Alexander Drive with two in-curtilage parking spaces. Transport NI have assessed the access proposal and have no objections, subject to conditions.

PPS2 - Natural Heritage

Policy NH6 applies to development within Areas of Outstanding Natural Beauty. It is considered that the proposal would not impact on the overall character of the AONB.

Objections

- As discussed above, I agree with objectors comments that the proposal is not in keeping with the character of the area and is overdevelopment of the site.
- The impact on residential amenity has been assessed above and I do not consider that there would be any unacceptable loss of residential amenity as a result of this proposal.
- Objectors also raised issues in relation to access and parking however Transport NI have assessed the access and parking provision and found that it meets policy requirements.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy QD 1 (Criteria a & c) of Planning Policy Statement 7 (PPS 7) : Quality Residential Environments, Policy LC1 (Criteria a & b) of the Addendum to PPS7 : Safeguarding the Character of Established Residential Areas, Planning Control Principle 1 of Planning Policy Statement 12 (PPS12) : Housing in Settlements, and Policies SP2 and DES2 of the Planning Strategy for Rural Northern Ireland in that it would result in overdevelopment of the site and will not create a quality and sustainable residential environment.

Case officer:

Authorised officer:

ITEM NO	33		
APPLIC NO	LA07/2017/1168/F	Full	DATE VALID 04/08/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr Thomas McDonald 26 Edenappa Road Jonesborough BT35 8HU	AGENT	Bernard Dinsmore RIBA 24a Duke Street Warrenpoint BT34 3JY
LOCATION	200m North of 11 Carewamean Road Carrickbroad Dromintee Newry Co Armagh		
PROPOSAL	Change of house type to that approved under P/2004/0123/O and P/2006/2102/RM		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	0	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposed dwelling is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality.

ITEM NO	15			
APPLIC NO	LA07/2017/0563/O	Outline	DATE VALID	13/04/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr John Morgan 9 Tamary Road Ballyvally Mayobridge BT34 2RT		AGENT	CD Consulting 75 Creagh Road Tempo BT94 3FZ
LOCATION	Land 20m North of 24 Ballyvally Mayobridge BT34 2RT			
PROPOSAL	2 dwellings with detached garages to rear			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a valid infill opportunity as the gap could accommodate three dwellings based on the existing plot sizes and the proposal would, if permitted, result in the addition of ribbon development along Ballyvally Road.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, and the proposed buildings rely primarily on the use of new landscaping for integration, and therefore would not visually integrate into the surrounding landscape.
- 4 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 buildings would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings, would add to a ribbon of development and the impact of ancillary works would damage rural character and would therefore further erode the rural character of the countryside.



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District Council

Application Reference:

LA07/2017/0563/O

Date Received:

13/04/2017

Proposal:

Two no. dwellings with associated detached garages to the rear

Location:

Lands 20m north of 24 Ballyvally Road, Mayobridge, Co. Down, BT34 2RT

Site Characteristics & Area Characteristics:

The site is located approximately 0.5 miles South East of Mayobridge in a rural area which is undesignated and which has come under threat from single houses, some of which are suburban in character and range from bungalow to two storey in design. The site forms part of a larger field, with the road side area contained within the red line boundary. The site is slightly sloping upwards in a southern direction, with the wider field area rising steeply from the centre area towards the rear boundary. The site is bound by low lying hedgerow along the roadside and southern boundaries, with the southern boundary, with timber ranch fencing demarking the northern boundary. There is no eastern boundary currently, with the site amalgamated into the wider field area. There is an existing small river course approximately 7m from the northern corner of the site, which is separated by the laneway access to No.18 Ballyvally Road.

Site and relevant surrounding history:

Site:			
P/2008/1323/F	Overhead single phase line on wooden poles (06/06231),	permission 09/12/2008	granted
No.20 Ballyvally Road:			
P/2008/0073/F	Change of house type	permission 23/07/2008	granted
P/2005/2515/RM	Erection of dwelling and detached garage	permission 14/03/2007	granted
P/2002/1781/O	Site for dwelling and detached garage	permission 17/12/2002	granted
No.18 Ballyvally Road:			

P/2006/2184/F	Erection of Replacement Dwelling and detached domestic Garage	permission 13/05/2008	granted
No's 24, 24A, 24B Ballyvally Road:			
P/1981/0081	Erection of dwelling	permission 08/03/1983	granted
P/1986/0717	Extension / improvements to dwelling	permission	granted 11/09/ 1986
P/1997/0665	Change of use from dwelling to self-catering holiday Cottage	permission 03/09/1997	granted
P/1996/0090	Conversion of stores to Dwelling	Permission 31/07/1996	granted

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015 (BNMAP)
- PPS3 'Access, Movement and Parking'
- PPS6 'Planning, Archaeology and the Built Environment'
- PPS15 'Planning and Flood Risk'
- PPS 21 'Sustainable Development in the Countryside'

Consultations:

Transport NI:

No objections, subject to conditions (27/09/17)

DfI Rivers Agency:

Policies FLD1, FLD2 and FLD3 apply to this proposal – conditions attached (23/08/17)

DfC Historic Environment Division: Historic Monuments:

On the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS6 archaeology requirements. (16/08/17)

NI Water:

No objections, standard informatives attached (11/09/17)

Objections & Representations

- 5 Neighbouring properties notified 14/08/2017 (No's 20, 22, 24,24A Ballyvally Road.) No.18 was notified following site inspection 05/09/2016 (statutory expiry period 19/09/2017)
- Advertised in 3 press publications (Statutory publication period expired 12/06/2017)
- 0 objections or representations received

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The subject site is located in a rural area with no additional designations, as identified by the BNMAP 2015. In addition, there is a designated Rath located approximately 275m NW of the site. HED: HM has concluded there would not be any detrimental impact to this Rath as a result of this proposal assessed against the archaeology requirements of PPS6. A primary material consideration in this assessment is PPS21, the determining policy for development in the countryside. The SPPS and PPS21 allow for the development of a small gap site in an otherwise substantial and continuously built up frontage, provided it meets the policy criteria of Policy CTY8.

To be classed as an exception under policy CTY8, the development must comprise a small gap site in an otherwise substantially and continuously built up frontage (i.e. 3 or more buildings along a road frontage without accompanying development to the rear) and respect the existing pattern of development along the frontage in terms of size, scale, siting and plot sizes.

The subject site is considered in its current scenario: To the north west of the site, No. 20 qualifies as one building with road frontage; there is then a private laneway which provides access to No.18 (and adjacent river), followed by the subject site. To the south east of the site, there is an adjacent private laneway access to farm buildings, followed by No's 24B and 24 (which share the same access) and 24A which all qualify as buildings with road frontage. In this context, No's 22, 24 & 24B therefore qualify as 3 buildings along the road frontage without accompanying development to the rear.

CTY8 stipulates that the 'gap' should also be sufficient to only accommodate up to a maximum of two houses and respect the existing development pattern along this frontage in terms of size, scale, siting and plot sizes. For clarification, the 'gap' is considered as the gap between buildings (in this context No.20 and No.24B Ballyvally Road) in line with the interpretation of the Planning Appeals Commission in their recent appeal reference 2016/A0066.

- Siting - As this is an outline proposal, details of siting will be assessed at a later stage. A siting condition will be placed on this decision to ensure any development is in keeping with the existing building line.
- Size and scale - The site currently sits between an existing storey and a half dwelling to the north west (No.20) and two bungalow dwellings to the south east (No.24B, 24). No 24A is two storey in character and not visible from the road side. To ensure any dwelling on this site would be in keeping with the existing

character, single storey would only be acceptable provided the additional policy tests are met.

- Plot Size - The overall plot depth is comparable with that of No's 20, 24B and 24. The average plot width along the existing frontage is approximately 40m, with Plot widths varying from 58m to 28m (including No's 24B and 24 which sit within a shared plot.) In this existing settlement pattern, the gap which is approximately 121m is considered to be big enough to accommodate 3 dwellings. This existing pattern of development is not considered to merit a substantial and continuously built up frontage, with the existing gap providing a visual break in the developed appearance of this locality which helps to maintain the rural character which is under threat.



Above: view from Ballyvally Road looking north

The site does not therefore meet the merits of an exception as a *small gap site* (my emphasis) against the criteria of policy CTY8 and development on this site would further add to the existing ribbon along Ballyvally Road.

Policy CTY13 considers the integration and design of buildings in the countryside. Whilst the site benefits from mature trees along the adjacent laneway to the South between No.24B, the low lying roadside hedge and timber ranch fencing provide little screening to the site when travelling south along Ballyvally Road, with the site relatively exposed to public view. This hedgerow will also require to be removed to

provide the required visibility splays (2.4m x full frontage setback.) Development on this site would primarily rely on new landscaping to provide a suitable degree of integration, with the site lacking long established natural and mature boundaries.



Above: View looking south taken from access lane to No.18 Ballyvally Road across the site.

Policy CTY14 considers whether new development would cause a detrimental change to or further erode the rural character of the area. The proposed development fails to meet the tests of policy CTY8 as a gap site. In this context, the development would further erode the character of this area by adding to the ribbon of development already present.

Policy CTY16 ensures the site can facilitate non-mains sewerage without creating or adding to a problem of pollution. Drainage details should be provided at a later stage and is subject to obtaining consent to discharge from NIEA.

The proposal involves the construction of a new access onto Ballyvally Road. This is acceptable to Transport NI and in line with the policy requirements of PPS3, subject to conditions, in the interests of road safety.

Recommendation: Refusal

Summary of recommendation:

- Site does not qualify as a small gap site / exception to Policy CTY8 as it is large enough to accommodate three dwellings;
- Site lacks mature natural boundaries to provide a suitable degree of integration.
- Site provides an important visual break in a rural area already under threat from ribbon development. The development would further erode the character of this area by extending this ribbon.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement;
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a valid infill opportunity as the gap could accommodate three dwellings based on the existing plot sizes and the proposal would, if permitted, result in the addition of ribbon development along Ballyvally Road.
3. 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 lacks long established natural boundaries / is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed buildings rely primarily on the use of new landscaping for integration; and therefore would not visually integrate into the surrounding landscape.
4. 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 buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the buildings would, if permitted add to a ribbon of development; the impact of ancillary works would damage rural character; and would therefore further erode the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	17			
APPLIC NO	LA07/2017/0687/F	Full	DATE VALID	09/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Steven & Diane Campbell 17 The Brambles Kilkeel BT34 4FH		AGENT	Emma Speers Architects 33 Dunnaval Road Kilkeel BT34 4JT
LOCATION	30m North of 94 Greencastle Road Kilkeel BT34 4DE			
PROPOSAL	Infill site for new dwelling and garage in existing cluster (amended plans)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy 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 cluster is not associated with a focal point and is not located at a cross-roads.
- 3 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage.
- 4 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would , if permitted create or add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.



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District Council

Application Reference: LA07/2017/0687/O

Date Received: 22.05.2017

Proposal: Infill site for new dwelling and garage in existing cluster.

Location: 30m north of 94 Greencastle Road, Killeel, BT34 4DE

Site Characteristics & Area Characteristics:

The application site is located off the Greencastle Road, Killeel. This area is rural in character with a number of outbuildings and rural dwellings. The site is located 30m north of 94 Greencastle Road. The application site as outlined in red can be accessed via a private laneway off Greencastle Road. The site is of rectangular shape with a mobile home located along the northern boundary of the site. The topography of the land sees the site slope downwards from eastern to western boundaries.

The boundaries are defined by a stone wall ranging from 2-3m in high along the northern, southern and eastern boundaries with 2½m high hedgerow along the western boundary. The application site is located outside any settlement development limits as designated within the Banbridge, Newry and Mourne Area Plan 2015.



Application site

Site History:

P/2013/0071/O

Site for a Replacement Dwelling and Domestic Garage
Permission Refused- 19.04.2013

P/1998/1106

Site for dwelling

Permission Refused- 15.12.2013

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

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

AMP 2- Access to Public Roads

AMP 3- Access to Protected Routes

AMP 7 Car Parking and Servicing Arrangements

PPS 21- Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY2a – New Dwellings in Existing Clusters;

CTY 8- Ribbon Development

CTY13- Integration and Design of Buildings in the Countryside;

CTY14- Rural Character

CTY16 – Development Relying on Non-Mains Sewage

Supplementary Planning Guidance:

Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations:

Transport NI- Has requested for additional information and have yet to make a decision on this application.

Environmental Heath- The proposed site is located with 75m of working farm buildings which are not associated with the applicant if this planning application.

NI Water- Has no objections to the proposal

Objections & Representations

5 Neighbours was notified on 25.05.2017 and 14.07.2017 and the application was advertised on 15.05.2017 and 17.07.2017. No objections or representations received.

Principle of Development

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), in so far as material to the application and to any other material considerations. Section 6(4) states that the determination must be

made in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed site is in the open countryside as designated by the Development Plan and therefore the application falls to be considered under PPS21 and paragraph 6.73 of the SPPS. Policy CTY 1 of PPS21 identifies a range of types of development which in principle are considered to be acceptable in the countryside. One of these is a dwelling within an existing cluster of buildings in accordance with Policy CTY2a. Policy CTY2a indicates that planning permission will be granted for a dwelling at an existing cluster of development subject to six criteria being met. Most of the criteria are replicated in the SPPS.

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings. Officers consider that the cluster consists of four dwellings no. 94 Greencastle Road (and the two outbuildings associated) no.92 Greencastle Road, no.90 Greencastle Road and no.90a Greencastle Road. Officers consider the proposed development complies with criteria 1 of CTY2a

The second criterion requires that the cluster appears as a visual entity in the local landscape. Officers consider that the cluster consists of four dwellings no. 94 Greencastle Road (and the two outbuildings associated) no.92 Greencastle Road, no.90 Greencastle Road and no.90a Greencastle Road. Officers consider from the different viewpoints along Greencastle Road the cluster appears as a visual entity in the local landscape, thus meeting the second criteria.

The third criterion requires a new dwelling to cluster with a focal point, such as a social/ community building/facility, or is a cross-roads. The area does have an associated focal point or is located at a cross-roads therefore proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The boundaries of the site are well enclosed and could offer a suitable degree of enclosure to allow a dwelling to integrate into the landscape. The proposal is bounded on the eastern side by no.92 Greencastle Road, with the southern side bounded with no. 94 Greencastle Road. Therefore the proposal meets the fourth criteria.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. Officers consider that due to its siting the proposed development would be absorbed into the existing cluster and it would meet the fifth criterion.

The sixth criterion requires that the development would not adversely impact on residential amenity. No.92 Greencastle Road is considerably elevated above the application site. The proposal has taken into consideration any potential impact on no.92 Greencastle Road with roof lights proposed along the eastern elevation.

Regarding no.94 Greencastle Road, the proposed development would be located on similar level. However the proposed dwelling would have a separation distance of approximately 27m from dwelling to dwelling with existing and proposed garage between the dwellings. Officers consider that the existing 2m high stone would provide sufficient screenage and would prevent any overlooking. The proposed development has been carefully oriented to not adversely impact the amenities of both neighbouring dwellings. However the proposal fails to meet all six criteria test of CTY2a and CTY1.

CTY8- Ribbon Development

The agent has provided additional information to support the principle of development against CTY8 of PPS 21, which states 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.

The application site is positioned to the rear of no.94 Greencastle Road. Officers do not consider the application to have a frontage on to Greencastle Road. Whilst the site is large enough only to accommodate one dwelling comfortably it does not sit between buildings as there are no properties immediately north of application and sharing the same frontage and therefore does not constitute a gap site within an otherwise substantial and continuously built up frontage.

The application site has a frontage to an existing lane west of the site, however it fails to meet the criteria of a built up frontage. The mobile home located along the northern boundary of the site is not a permanent structure and is therefore cannot be considered. The agent has made reference to a dwelling currently under construction to the north of no.92. However upon site visit there was no evidence of any substantial works commenced this cannot be considered as part of the built up frontage and therefore the proposal fails to meet the policy test of CTY 8 and CTY 1.

Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.

In the opinion of Officers the proposal would not appear unduly prominent in the landscape and it is well enclosed along its boundaries by existing mature hedgerow

and stone wall allow a building to integrate into the landscape. The application site could suitably accommodate a dwelling without primarily relying on new landscaping for integration.

Impact on Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, for the aforementioned reasons within CTY2a and CTY8, any dwelling would in the opinion of Officers would significantly alter or harm the rural character of the area.

Environmental Health

Environmental Health has stated that the proposed site is located with 75m of working farm buildings which are not associated with the applicant of this planning application. The applicant should be requested to consider relocation of the proposed dwelling to achieve a minimum separation distance of 75 metres from the farm buildings, where possible.

Impact on road safety and parking

The application proposes to use the access of the Greencastle Road. Transport NI has raised concerns regarding rear of sightlines and footway to be widened to accommodate proposed sightline. The applicant has submitted plans but failed to submit sufficient plans to address the concerns raised by Transport NI with further amendments needed. However upon assessing this application it has been determined that there is no principle for a dwelling.

Conclusion

Refusal

Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads.

3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage.

4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	

ITEM NO	20		
APPLIC NO	LA07/2017/0791/F	Full	DATE VALID 23/05/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	MC Developments Ltd 56 Slatequarry Road Cullyhanna Newry BT35 0PW	AGENT	Blackgate Developments Ltd 17 Ummercam Road Silverbridge Newry BT35 9PB

LOCATION Land at and to the rear of No. 12 & No. 14 Jonesborough Village
Edenappa
Jonesborough
Newry
Co. Down
N. Ireland
BT35 8HR

PROPOSAL Private Housing Development consisting of the demolition of No. 12 Church Hill, Jonesborough and the erection of 5 No. dwellings (1 detached & 4 semi-detached), road improvement works, landscaping and associated site works. (Amended entrance)

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	4	0	0	0	0	0	0	
0					Addresses		Signatures	
					0		0	

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that the development would, if permitted:
 - harm the townscape character of the area by failing to respect the existing linear pattern of development along the frontage of Jonesborough Village;
 - disrupt the built form along the street-scene;
 - result in a dominance of hard-surfacing;
 - adversely impact on views along the street as a result of the suburban form of the re-development scheme proposed in the back-lands; and
 - harm the living conditions of the residents at 8-18 Jonesborough Village by reason of adverse impact to amenity brought about by this tandem and piecemeal development as well as the introduction of pedestrian and vehicular traffic to the rear of existing dwellings.
2. The overall proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS7: Policy QD1 (Criteria a, c, g, h and i), PPS7 (Addendum) Policy LC1, PPS12: PCP1 and 2 of PPS12 in that:
 - it will result in adverse visual impact causing fragmentation of an unbroken linear road frontage;
 - is a piecemeal development which will provide access to other undeveloped back land sites setting an unacceptable precedent for future development;
 - is dominant and uncharacteristic to the existing settlement pattern;
 - it is an overdevelopment of the site due to its restrictive size and is unable to provide sufficient private open space or separation distances to avoid impact to amenity; and
 - it will also introduce vehicular and pedestrian traffic to the rear of existing dwellings which will have direct impact due to noise, general disturbance, overlooking.

- 3 3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH 6 of the Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within an Area of Outstanding Natural Beauty and the development is not sympathetic to the character and appearance of the AONB.
- 4 4. The proposal is contrary to SPPS paragraph 4.11 in that development would if permitted harm the living conditions of residents at Jonesborough Village due to the level of activity associated with the development by reason of noise and general nuisance.
- 5 The proposal is contrary to PPS 3 in that it would if permitted prejudice the safety of pedestrian movement along Jonesborough Village.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0791/F

Date Received: 23.05.17

Proposal: Private Housing Development consisting of the demolition of No. 12 Jonesborough Village, Jonesborough and the erection of 5 No. dwellings (1 detached & 4 semi-detached), road improvement works, landscaping and associated site works.

Location: Land at and to the rear of No. 12 & No. 14 Jonesborough Village Edenappa, Jonesborough, Newry

Site Characteristics & Area Characteristics:

Site is located on vacant land located to the rear of an existing terrace within the settlement of Jonesborough.

Site History:

LA07/2016/1512/F - Proposed gable wall alterations, internal alterations and additional floor space extension to rear and first floor and construction of new roof with integrated dormer windows. No 14 Jonesborough Village, Church Hill. Granted (Adjacent and SW)

P/2008/0094/F - Proposed construction of housing development and associated site work. To the rear of No 24 Jonesborough Village. Granted (SE of site)

P/2005/0651/F - Extension and alterations to existing dwelling. 14 Jonesborough Village, Co. Armagh. Granted (Adjacent and SW)

P/1994/0281 - Erection of dwelling. Rear of No. 20 Jonesborough Village, Newry. Granted

P/1983/0951 – Extension and improvement to dwelling. 12 Jonesborough Village, Newry

Planning Policies & Material Considerations:

Banbridge Near and Mourne Area Plan 2015: Site is within the development limits of Jonesborough on unzoned land

SPPS and PPS2

Site includes the demolition of a building along the main arterial route through the village resulting in the loss of part of the linear street frontage of the village which is of importance to the character and appearance of the locality.

PPS3, DCAN 15 and Parking Standards – Whilst parking is sufficiently accommodated within the scheme, the access to the development will compromise the safety of pedestrian users within the vicinity

PPS6: HED Buildings and Monument have raised no major objections to proposals

SPPS, PSRNI, PPS7: QD1, PPS 7 (Addendum) PPS8 and PPS12 (PCP1, 2), Creating Places and DCAN 8

Site Context/ Characteristics:

The existing pattern of development is characterised by an existing roadside terrace fronting onto a main arterial route through the village. Proposals will involve the demolition of an existing mid-terrace dwelling to facilitate a new road access to serve the housing development. Proposals fail to respect the existing context and will create a 'gaping' hole in an unbroken linear street frontage, exposing the gables of properties Nos. 10 and 14 which will create an unattractive vista on approach in either direction. Proposals will create fragmentation and piecemeal development resulting in back land development which is uncharacteristic to the existing pattern of development at this specific location and in turn will allow access to other undeveloped back land sites. (See appeal 2009/A0039)

Layout:

The creation of a new road access to serve the proposed housing development will 'punch' through the existing undisturbed street frontage to provide a continuous road access which will create an unattractive vista along the street scape, which will not only have a detrimental visual impact but the access will sit higher than existing roadside dwellings at its highest point. The introduction of a road access to serve 5 dwellings to the rear of existing properties will result in activity by both vehicles and pedestrians to the rear of these properties that previously didn't exist with particular adverse impact upon the amenity of No. 10 (road immediately abuts the boundary).

Proposed dwellings at plots 1 - 3 have habitual rooms that overlook onto land to the SW and NE. No. 4 of the development has habitual rooms which will face onto the rear gardens of proposed dwellings 1 - 3. Due to the restricted nature of the site the proposed development has insufficient distance to its respective boundaries and will inevitably cause an adverse impact upon the residential amenity of existing residents as well as future occupiers of the development. Paragraph 7.16 of 'Creating Places' requires a minimum distance of around 10 metres between the rear of new houses and the common boundary and a separation distance greater than 20 metres

between dwellings to minimise overlooking. Proposals have a separation distance ranging from 4m -16m within the scheme which are well below the requirements set out in Creating Places.

Archaeology and Built Heritage

HED Buildings and Monuments have raised no major concerns

Public/ Private Open Space/ Landscaping/ Hard Standing

Private open space in the form of rear gardens has been allocated to each of the dwellings however the majority of garden sizes are less than the recommended parameters of garden space provision of Creating Places (para 5.19). The sizes of gardens do not allow future opportunity for expansion within the plot to facilitate for example a domestic store, garage or extension to the property.

Furthermore the arrangement of gardens are within close proximity to the boundary of existing properties which will result in direct overlooking and loss of privacy to both future and existing occupiers.

The development is dominated by hard standing, roadway with in-curtilage parking which gives a very 'hardened' aspect which will have a detrimental visual impact particularly when viewed from the main thoroughfare and when entering the development.

Local Neighbourhood Facilities

The site is located within the development limits of Jonesborough within walking distance of local neighbourhood facilities

Movement/ Parking

Although the layout does not contribute to the quality of the residential development it nevertheless incorporates linkage to the existing footpath encouraging sustainable patterns of movement. Sufficient parking has been provided to accommodate development. The access crossing over the existing footway will nevertheless compromise the safety of pedestrian users within the vicinity

Form, Materials and Detailing:

Whilst it is acknowledged the external finishes to be used are sympathetic to its location the scale and form of proposed dwellings are not reflective of the existing built form immediately adjacent (Nos. 8 -20) resulting in new buildings towering over the existing as well as the proposed dwelling (LA07/2016/1512/F) this is particularly evident on approach from the NE

Privacy/ Impact to Amenity

The residential development includes the creation of a new access which will introduce and generate activity due to vehicular and pedestrian activity to the rear of these properties which will create adverse impact to the amenity of existing residents

due to noise, general nuisance and disturbance. The location of dwellings and areas of private open space are also poorly set out and will result in adverse impact upon the amenity of future occupants as well as existing neighbours.

Security from Crime

Whilst habitual rooms are located to front and rear of proposed dwellings allowing some informal surveillance within the scheme, however the close proximity to neighbouring lands and turning head area exposes the development. Therefore the overall layout and design of dwellings do not necessarily enhance security from crime at this location and exposes the entire development to unsecure and unsafe living conditions.

Density

The number of units on the application site is comparable to other development within the settlement. Despite this the increase of density at this location will nevertheless have a detrimental impact upon the established street scape having an adverse impact upon the local character, amenity and will erode the visual appearance of the locality to its detriment. The scale, form and layout does not respect that of adjacent housing and does not safeguard the privacy of existing/ future residents.

PCP3: Sustainable Forms of Development

Site is located within the defined limits of the settlement of Jonesborough where a promotion of development is encouraged within these areas.

HS4: House Types and Sizes

Different house types are provided within the scheme in line with HS4 of PPS12

Land Use

Land use is in keeping with surrounding uses

LC1: Protecting Local Character, Environmental Quality and Residential Amenity

Proposals are not for the redevelopment of existing buildings or the infilling of a vacant site nor has all of the criteria set out in QD1 of PPS 7 been met. The pattern of development is out of keeping at this particular location which is characterised by a linear unbroken street frontage

In consideration of the above proposals fail to meet the Strategic Planning Policy Statement as well as PPS7: Policy QD1 criteria a, c, g, h and i of QD1, LC1 of PPS7 (Addendum), DES 2 of the PSRNI and PPS12: PCP1 and 2

Consultations:

Transport NI – **Have expressed concerns**

Environmental Health (07.06.17) – Within 75m of a working farm which are not associated with the applicant

HED:

Buildings - On the basis of the revised information an argument against the proposal could not be sustained under Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and SPPS 6.12, however HED would conditions on any approval.

Monuments - Content

NIW (11.04.16) – Public, foul and surface water sewer with 20m and available capacity at WWTW

Objections & Representations

12 neighbours notified

Advertised June and July 2017 (Amended address)

2 Objections (10 Church Hill Jonesborough and 18 Jonesborough Village)

- Impact to structural integrity, gable of No. 10 will be exposed
- Radius/curvature of new entrance is significantly intrusive and changes/reduces the layout directly outside front door
- No details of finished rear boundary/ height or extent of vegetation planting
- Unable to ascertain if the development included alteration to No. 14
- Impact to linear village. No mention of No. 14 in proposals
- Impact of vehicular activity to nos. 10 and 16

Consideration of Objections

- Impact to structural integrity is outside the remit of the planning authority
- The radius / curvature of the new entrance appears to be on a public footway which will require consent from Transport NI. The objector has not present evidence that this land is within their ownership/ control
- Boundary details although not provided could be made conditional of a decision notice
- Proposals do not involve alteration of No. 14 within this current scheme and was subject to a separate application which has not yet been implemented (LA07/2016/1512/F) this has been queried with the agent and amended plans sought
- There will be adverse impact to the linear village, this has been considered within the report above

- The impact of vehicular and pedestrian activity to neighbours have been considered

Consideration and Assessment:

The overall proposals fail to meet the Strategic Planning Policy Statement, PPS7: Policy QD1 criteria a, c, g, h and i of QD1, PPS7 (Addendum) Policy LC1, PPS2, PPS12: PCP1 and 2 of PPS12 and DES 2 of the PSRNI in that development will result in adverse visual impact causing fragmentation of an unbroken linear road frontage, is a piecemeal development which will provide access to other undeveloped back land sites setting an unacceptable precedent for future development. Proposals are an overdevelopment of the site due to its restrictive size is unable to provide sufficient private open space or separation distances to avoid impact to amenity, proposals will also introduce vehicular and pedestrian traffic to the rear of existing dwellings which will have direct impact due to noise, general disturbance, overlooking. For these reasons and reason set out in the report above the application is contrary to policy and it is recommended to refuse the application.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that the development would, if permitted:

- harm the townscape character of the area by failing to respect the existing linear pattern of development along the frontage of Jonesborough Village;
- disrupt the built form along the street-scene;
- result in a dominance of hard-surfacing;
- adversely impact on views along the street as a result of the suburban form of the re-development scheme proposed in the back-lands; and
- harm the living conditions of the residents at 8-18 Jonesborough Village by reason of adverse impact to amenity brought about by this tandem and piecemeal development as well as the introduction of pedestrian and vehicular traffic to the rear of existing dwellings.

2. The overall proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS7: Policy QD1 (Criteria a, c, g, h and i), PPS7 (Addendum) Policy LC1, PPS12: PCP1 and 2 of PPS12 in that:

- it will result in adverse visual impact causing fragmentation of an unbroken linear road frontage;
- is a piecemeal development which will provide access to other undeveloped back land sites setting an unacceptable precedent for future development;

- is dominant and uncharacteristic to the existing settlement pattern;
- it is an overdevelopment of the site due to its restrictive size and is unable to provide sufficient private open space or separation distances to avoid impact to amenity; and
- it will also introduce vehicular and pedestrian traffic to the rear of existing dwellings which will have direct impact due to noise, general disturbance, overlooking.

3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH 6 of the Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within an Area of Outstanding Natural Beauty and the development is not sympathetic to the character and appearance of the AONB.

4. The proposal is contrary to SPPS paragraph 4.11 in that development would if permitted harm the living conditions of residents at Jonesborough Village due to the level of activity associated with the development by reason of noise and general nuisance.

5. The proposal is contrary to PPS3 in that it would if permitted prejudice the safety of pedestrian movement along Jonesborough Village

Case Officer

Authorised Officer

Photographs







ITEM NO	21
APPLIC NO	LA07/2017/0798/F
	Full
DATE VALID	26/03/2017
COUNCIL OPINION	REFUSAL
APPLICANT	Phelim Burns 11 Cregganbane Road Crossmaglen BT35 9DU
AGENT	Gary McArdle 26 Newry Road Forkhill BT35 9RN
LOCATION	185m North East of 6A Cregganbane Road Cregganbane Glebe Crossmaglen BT35 9DU
PROPOSAL	Proposed Agricultural Storage Shed

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

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding; it would have an adverse impact on the natural heritage and would result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise by reason of odour, noise and flies. The proposal is also contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal is not sited beside existing farm buildings.
- 2 The Strategic Planning Policy Statement for Northern Ireland and policy NH3 of Planning Policy Statement 2: Natural Heritage, in that there is insufficient information to confirm the proposal is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of nearby ASSIs.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0798/F

Date Received: 26.03.2017

Proposal: Full permission for a proposed Agricultural Storage Shed

Location: 185m North East of 6A Cregganbane Road, Cregganbane, Glebe, Crossmaglen

Site Characteristics & Area Characteristics:

The site which is set back from the public road and accessed by a private laneway is broadly rectangular in shape and includes an agricultural field that contains a cattle crush. A redundant dwelling is notable on the adjacent field.

Site History:

N/A

Planning Policies & Material Considerations:

The Strategic Planning Policy Statement for Northern Ireland
Banbridge Newry and Mourne Area Plan 2015
Planning Policy Statement 21
Planning Policy Statement 3
Planning Policy Statement 2

Consultations:

Statutory	Transport NI - Downpatrick Office	No objections
Advice and Guidance	Env Health Newry Mourne And Down District Council	Recommend separation distance of 75m from nearest non associated dwelling.
Statutory	NIEA	Further information required
Non Statutory	NI Water	No objections, standard response.

Objections & Representations

3 neighbours notified on 08.06.2017 and 16.06.2017 and the application was advertised on 14.06.2017. No objections or representations received.

Consideration and Assessment:

The site is located within the rural area as depicted in the Area Plan. There are no specific objections to the proposal with regard to the Area Plan.

Planning Policy Statement 21 – Policy CTY 12.

The DEARA consultation response has confirmed the agricultural has been established for 6 years and is currently active.

- (a) The agent has stated the development is necessary for the efficient use of the farm business to provide housing of plant, equipment, feedstock and the keeping of livestock. However evidence has not been submitted to show this building is necessary for the efficient use of the holding or where currently livestock and machinery etc is housed. This information was not requested due to the principle of a shed at this site being unacceptable to the Council.
- (b) In terms of character and scale, the proposal is not considered to offend this policy.
- (c) The proposal is considered to visually integrate in the landscape.
- (d) Further information is required so that Natural Environment Division can undertake SCAIL modelling. In the absence of this information NED has advised the proposal is contrary to PPS2: Natural Heritage and Habitats. Drainage and Water section also require further information to make a fully informed response. This information was not requested due to the principle of a shed at this site being unacceptable to the Council.
- (e) Environmental Health has advised a separation distance of at least 75m from dwellings not involved with the agricultural holding. Dwelling Nos 6 and 8 both fall within that distance. The issue is the keeping of livestock at this shed and a condition to restrict the use of livestock is considered unreasonable and unenforceable for an 'agricultural shed'. With this in mind the proposal is considered to have a detrimental impact on the amenity of adjacent neighbours due to odour, noise and flies.

The proposal is therefore contrary to parts (a), (d) and (e) of policy CTY 12.

The agent has stated there are no other farm buildings on the holding capable of the function applied for. Whilst the design and materials are considered acceptable the proposal is not sited beside existing farm buildings. Only a crush and redundant dwelling is notable at the site – no other farm buildings.

The proposal is not considered to offend policies CTY8, CTY13 or CTY14.

Planning Policy Statement 2: Natural Heritage.

As the application is within 7.5km of 5 ASSI's policy NH 3 is applicable. In the absence of the information necessary to carry out SCAIL modelling the proposal is contrary to policy NH3 of PPS2.

Planning Policy Statement 3

Transport NI has confirmed it has no objection to the proposal with regards PPS3.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding; it would have an adverse impact on the natural heritage and would result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise by reason of odour, noise and flies. The proposal is also contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal is not sited beside existing farm buildings.

2. The Strategic Planning Policy Statement for Northern Ireland and policy NH3 of Planning Policy Statement 2: Natural Heritage, in that there is insufficient information to confirm the proposal is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of nearby ASSIs.

Case Officer:**Authorised Officer:**

ITEM NO	22						
APPLIC NO	LA07/2017/0808/F	Full	DATE VALID	25/05/2017			
COUNCIL OPINION	REFUSAL						
APPLICANT	EDB Construction 2A Seavers Road Newry BT35 8NA			AGENT			
LOCATION	Lands between The Sacred Heart Grammar School and Newry High School Ashgrove Avenue Newry.						
PROPOSAL	Removal of condition 2 on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing.						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions			
	0	0	0	0			
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	
1	The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and designated zoning NY50 of the Banbridge / Newry and Mourne Area Plan 2015 in that the key site requirement states that a minimum of 16 dwellings shall be provided for social housing.						



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

Application Reference: LA07/2017/0808/F

Date Received: 30th May 2017

Proposal: Removal of Condition 2 on planning approval P/2011/1067/F

Location: The site is identified as Lands between The Sacred Heart Grammar School and Newry High School Ashgrove Avenue, Newry.

Site History:

Planning Permission was granted on the application site under planning ref P/2011/1067/F for the "Erection of residential development (comprising 2 No. Detached dwellings, 28 No. semi-detached dwellings, 9 No. terraced dwellings (in 3 blocks) and 8 No. apartments (in 4 blocks) – 47 No. units in total, to include 16 NO. social housing units)". Condition No. 2 of this planning approval states:

"Of the 47 No. units hereby permitted, a minimum of 16 No. residential units shall be provided for social rented housing and shall only be managed and maintained by a housing association which is registered and regulated by the Department of Social Development as a social housing provider. Prior to the commencement of the development, the developer shall inform the Department in writing which residential units will be provided was social rented housing."

Reason: To meet an identified social rented housing need in this area.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015

Consultations:

NI Housing Executive – the reason states:

As 31 March 2016, we identified a projected housing need to 2020 of 698 social housing for Newry city. We fully support the need for this scheme to help address unmet social housing need in this area.

Response dated - 25th July 2017

Objections & Representations

There were 15 neighbour notifications issued for this proposal. The application was advertised in the local press on 15th June 2017. There were no representations received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Page 69-75 sets out the strategic approach for the provision of housing in settlements.

Page 73 of the SPPS sets out how Local development Plans will facilitate a reasonable mix of housing.

Housing Needs Assessment / housing Market analysis (HNA/HMA) - provides an evidence base that must be taken into consideration in the allocation, through the development plan, of land required to facilitate the right mix of housing tenures including open market and special housing needs such as affordable housing⁴¹, social housing, supported housing and travellers accommodation. The HNA will influence how LDPs facilitate a reasonable mix and balance of housing tenures and types. The Northern Ireland Housing Executive, or the relevant housing authority, will carry out the HNA/HMA.

Affordable Housing *- The HNA/HMA undertaken by the Northern Ireland Housing Executive, or the relevant housing authority, will identify the range of specific housing needs, including social/affordable housing requirements. The development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing. This will not preclude other sites coming forward through the development management process.

**Draft PPS 22 'Affordable Housing' was published for public consultation in June 2014 at the same time as DSD's draft 'Developer Contributions for Affordable Housing' policy. DSD are currently taking forward research which both Ministers will consider before finalising any future policy on Affordable Housing.*

It is clear from the provisions of the SPPS that housing allocations are based in a wide range of information, market analysis and input from numerous stakeholders. In relation to the Social Housing the NIHE will have significant input onto the final figures agreed for the number of units required over a plan period.

Banbridge / Newry and Mourne area Plan 2015

The proposed application site is identified in the Banbridge/ Newry and Mourne Area Plan as providing 16 No. social housing units and as a committed site under designation NY50. In relation to social housing in Newry the plan states that key site requirements to meet social housing need have been attached to the following sites – NY50 East of Newry High School, Ashgrove Avenue (16 No. dwellings).

Zoning NY50 has three key site requirements. The first relates to the provision of 16 No. dwellings be provided for social housing.

The applicant has provided a letter detailing that following negotiation with Apex housing association, at a time of budgetary constraints it is not financially possible that they can provide any social housing on this site at this time. Further, as the Department of Social Development set allowances for social housing developments, all other housing associations are competing on a level playing field and therefore no other association would be able to secure or offer any more funding than Apex at this time.

The NIHE have clearly programmed the 16 units agreed to be built at East of Newry High School Ashgrove Avenue in the future requirement for Newry. The consultation response supports this view.

Contrary to BNMAP – Zoning NY 50 which requires a minimum of 16 units for social housing.

NIHE strongly objects to the removal of the condition

Recommendation:

Refusal

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and designated zoning NY50 of the Banbridge / Newry and Mourne Area Plan 2015 in that the key site requirement states that a minimum of 16 dwellings shall be provided for social housing.

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

ITEM NO	24			
APPLIC NO	LA07/2017/0868/F	Full	DATE VALID	30/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Daniel King Ivy Lodge 117 Concession Road Crossmaglen BT35 9JE		AGENT	Lakeview Design Ltd 30 Carrickcloghan Road Camlough BT35 7HG
LOCATION	40m NW of 117 Concession Road Crossmaglen			
PROPOSAL	Replacement dwelling for remains of existing structure located in an agricultural yard.			
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 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 building has been designed and used for agricultural purposes; and
 - the access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.

- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking in that the proposal involves the intensification of an access onto a protected route and it is not considered an exception to the policy.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0868/F

Date Received: 3rd May 2017

Proposal: replacement dwelling for remains of existing structure located in an agricultural yard.

Location: Concession Road

The site is located the rear of no. 117 an existing dwelling. Within the yard in of the building that is to be replaced, there are two large relatively new sheds. The building highlighted to be replaced is a large two storey building. The window openings have been blocked up with the side gable facing into the yard having been removed. To the opposite gable there is an external stone staircase. The original roof has been removed with the side elevation raised with concrete block to provide a monopitch sheeted tin roof. East of the building and just beyond the application site lies a single storey building of stone construction with a natural slate roof.

The site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

n/a to the building to be replaced- LA07/2016/0727/F- dwelling on a farm-approved west of the application site.

Objections & Representations

No. of neighbours notified=7

No representations received= 0

Advertise expiry= 6th July 2017

Consultations

TransportNI- no objections sub to conditions

NIW- statutory

EH- no objections

Consideration and Assessment:

The proposal is for a replacement dwelling within a countryside area therefore will be assessed Policy CTY 3 of PPS 21.

Upon site inspection the building is sited within an existing yard. From the detail characteristics of the site above the building to be replaced does not in my opinion exhibit the essential characteristics of a dwelling. The building is two storey in height and of a stone construction. The building had 2 doorway openings on the elevation facing into the yard, one of which has been blocked up. Internally the first floor has been removed and the window openings on both the front and rear elevations have been blocked up. The external staircase to the gable would suggest the previous use was as a barn. The policy clearly states buildings designed and used for agricultural purposes, such as sheds or stores are not eligible for replacement under the policy. The gable end facing into the yard has been altered to create a larger two storey opening. The building is currently used as a general store.

The building to be replaced given its current appearance does not exhibit the essential characteristics of a dwelling.

The proposal is for an off site replacement. The applicant has not demonstrated reasoning for an off site replacement in line with CTY 3.

The proposed replacement dwelling in terms of design is considered acceptable and appropriate for the site and its locality. The overall size of the new dwelling would not have a visual impact significantly greater than the existing building.

The applicants choice of site for an off site replacement is considered more prominent than the site of building to be replaced. However, the siting set back from the public road with the backdrop of buildings and natural screening accompanied by the roadside vegetation will ensure that the proposal is not a prominent feature in the landscape. The proposal will utilise the existing topography with the dwelling to be placed within a small dip in the landscape.

The proposal uses the existing landform and natural features of the land to aid integration of the dwelling.

The proposal is for a replacement dwelling and therefore will not be visually linked or sited to cluster with an established group of buildings on a farm.

The proposal sited in front of existing buildings when viewed from the Concession Road will not result in a build-up of development. The proposal respects the traditional pattern of settlement exhibited in the area and does not create or add to ribbon of development. The dwelling and associated works will not cause a detrimental change to, or further erode the rural character of the surrounding area.

Although, TransportNI are content with the access arrangements, this is only on the basis that the proposal is for a genuine replacement as the access in onto a protected route.

As the proposal is not considered to comply with the criteria of the CTY 3 the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking. The proposal will involve the intensification of an access onto a protected route and it is not considered an exception to the policy.

Recommendation:

Refusal

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ITEM NO	28			
APPLIC NO	LA07/2017/0964/O	Outline	DATE VALID	16/06/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mrs Olga Fitzpatrick 19 Moygannon Road Moygannon Warrenpoint BT34 3EA		AGENT	
LOCATION	Adjacent to and rear of No. 19 Moygannon Road Moygannon Warrenpoint BT34 3EA			
PROPOSAL	Proposed new dwelling (under policy CTY 2a)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy 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 cluster is not associated with a focal point and is not located at a cross-roads and would have an adverse impact on residential amenity.
- 3 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted would result in a suburban style build-up of development when viewed with existing and approved buildings.
- 4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users with width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Departments Development Control Advice Note 15.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0964/O

Date Received: 26.07.2017

Proposal: Proposed new dwelling (Policy CTY 2a) within an existing cluster of dwellings.

Location: Adjacent to and rear of no.19 Moygannon Road, Warrenpoint, BT34 3EA.

Site Characteristics & Area Characteristics:

The application site is located off the Moygannon Road, Warrenpoint. This area is rural in character with a number of outbuildings and rural dwellings. The site is located adjacent and too the rear of 19 Moygannon Road. The application site as outlined in red can be accessed via a private laneway. The site is of rectangular shape and currently forms part of the private garden of no.19 Moygannon Road. The topography of the land is fairly level however mature hedgerow is located towards the eastern elevation from which there is a steep increase upwards towards the eastern boundary.

Mature hedgerow is located along the northern and southern boundaries, with a 1 ½m high wooden fence along the eastern boundary. The western boundary opens on 19 Moygannon Road. The application site is located outside any settlement development limits as designated within then Banbridge, Newry and Mourne Area Plan 2015.



Application site

Site History:

No relevant site history.

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

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

AMP 2- Access to Public Roads

AMP 3- Access to Protected Routes

AMP 7 Car Parking and Servicing Arrangements

PPS 6- Planning Archaeology and Built Heritage

PPS 21- Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY2a – New Dwellings in Existing Clusters;

CTY 8- Ribbon Development

CTY13- Integration and Design of Buildings in the Countryside;

CTY14- Rural Character

CTY16 – Development Relying on Non-Mains Sewage

Supplementary Planning Guidance:

Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations:

Transport NI- Have recommended that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users with width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Departments Development Control Advice Note 1.

Rivers Agency- Has no objections to the proposal

Historic Environment Division (HED) - Has no objections to the proposal.

NI Water- Has no objections to the proposal

Objections & Representations

4 Neighbours was notified on 09.08.2017 and was advertised on 26.06.2017. One letter of objection was received from no.17 Moygannon Road.

Principle of Development

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), in so far as material to the application and to any other material considerations. Section 6(4) states that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed site is in the open countryside as designated by the Development Plan and therefore the application falls to be considered under PPS21 and paragraph 6.73 of the SPPS. Policy CTY 1 of PPS21 identifies a range of types of development which in principle are considered to be acceptable in the countryside. One of these is a dwelling within an existing cluster of buildings in accordance with Policy CTY2a. Policy CTY2a indicates that planning permission will be granted for a dwelling at an existing cluster of development subject to six criteria being met. Most of the criteria are replicated in the SPPS.

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings. Officers consider that the cluster consists of four dwellings no.19 Moygannon Road, no.21 Moygannon Road (and the three Outbuildings associated), no.19a Moygannon Road (and the two Outbuildings associated) and no.17 Moygannon Road (and the three Outbuildings associated). Officers consider the proposed development complies with criteria 1 of CTY2a.

The second criterion requires that the cluster appears as a visual entity in the local landscape. Officers consider that the cluster consists of four dwellings no.19 Moygannon Road, no.21 Moygannon Road (and the three Outbuildings associated), no.19a Moygannon Road (and the two Outbuildings associated) and no.17 Moygannon Road (and the three Outbuildings associated). Officers consider from the different viewpoints along Moygannon Road the cluster appears as a visual entity in the local landscape, thus meeting the second criteria.

The third criterion requires a new dwelling to cluster with a focal point, such as a social/ community building/facility, or is a cross-roads. The area does not have an associated focal point or is located at a cross-roads therefore proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The boundaries of the site are well enclosed and could offer a suitable degree of enclosure to allow a dwelling to integrate into the landscape. The proposal is bounded on the western side by no.19 Moygannon Road, with the southern side bounded with no. 94 Moygannon Road. A private laneway separates between the application site and no.19a Moygannon Road along the eastern side and no, 21 Moygannon Road along the northern side of the elevation. Therefore the proposal meets the fourth criteria.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. Officers consider that due to its siting the proposed development would be absorbed into the existing cluster and it would meet the fifth criterion.

The sixth criterion requires that the development would not adversely impact on residential amenity. The particulars of the design and layout of the site are not

determined until the Reserved Matters stage. Therefore the impact cannot be determined until then. However the applicant has submitted a concept plan showing the size, scale and location of proposed dwelling. Officers consider that any proposed development would have an impact on the adjoining properties most notably no.19 Moygannon Road in terms of loss of sunlight or overshadowing. In addition officers consider that any proposed dwelling would result in loss of amenity. The proposal therefore does not comply with this policy test.

In summary the proposal fails to meet all six criteria indicated in Policy CTY 2a as outlined above. For this reason the principle of development is considered unacceptable.

Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.

In the opinion of Officers the proposal would not appear unduly prominent in the landscape and it is well enclosed along its boundaries by existing mature hedgerow and stone wall allow a building to integrate into the landscape. The application site could suitably accommodate a dwelling without primarily relying on new landscaping for integration.

Impact on Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, officers consider that any proposed dwelling would result in a suburban style build-up of development when viewed with existing and approved buildings.

Impact on road safety and parking

The application proposes to use the access via a private laneway of the Moygannon Road. Transport NI have recommended that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users with width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Departments Development Control Advice Note 1.

Objection Letter

The owner/occupier of no.17 Moygannon Road has objected to the proposed development. The person has raised concerns regarding the principle of 'cluster of houses', health and safety with traffic and design of the dwelling. Officers have

assessed the application against the relevant policy and have determined that the application is contrary to Policy CTY2a of Planning Policy Statement 21 and contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2. The particulars of the design and layout of the site are not determined until the Reserved Matters stage. The applicant has submitted plans of design and layout however this is for information only and cannot be considered. Officers consider that the material planning objection letter received have been fully considered.

Conclusion

Refusal

Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads and would have an adverse impact on residential amenity.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted would result in a suburban style build-up of development when viewed with existing and approved buildings.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users with width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Departments Development Control Advice Note 1.

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	

ITEM NO	30			
APPLIC NO	LA07/2017/1115/F	Full	DATE VALID	24/07/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Gerard & Tracey Winters 35 Archdale Bessbrook Newry BT35 7NN		AGENT	AMC Loss Assessors & Surveyors Upper Faughart Dundalk Co. Louth

LOCATION 33 Tyrone's Ditches Road
Poyntzpass

PROPOSAL Proposed replacement dwelling (Change of house type to previously approved application LA07/2016/1400/F).

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 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 design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
- 2 The proposal is contrary to The Strategic Planning Policy for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.



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Application Reference: LA07/2017/0808/F

Date Received: 30th May 2017

Proposal: Removal of Condition 2 on planning approval P/2011/1067/F

Location: The site is identified as Lands between The Sacred Heart Grammar School and Newry High School Ashgrove Avenue, Newry.

Site History:

Planning Permission was granted on the application site under planning ref P/2011/1067/F for the "Erection of residential development (comprising 2 No. Detached dwellings, 28 No. semi-detached dwellings, 9 No. terraced dwellings (in 3 blocks) and 8 No. apartments (in 4 blocks) – 47 No. units in total, to include 16 NO. social housing units)". Condition No. 2 of this planning approval states:

"Of the 47 No. units hereby permitted, a minimum of 16 No. residential units shall be provided for social rented housing and shall only be managed and maintained by a housing association which is registered and regulated by the Department of Social Development as a social housing provider. Prior to the commencement of the development, the developer shall inform the Department in writing which residential units will be provided was social rented housing."

Reason: To meet an identified social rented housing need in this area.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015

Consultations:

NI Housing Executive – the reason states:

As 31 March 2016, we identified a projected housing need to 2020 of 698 social housing for Newry city. We fully support the need for this scheme to help address unmet social housing need in this area.

Response dated - 25th July 2017

Objections & Representations

There were 15 neighbour notifications issued for this proposal. The application was advertised in the local press on 15th June 2017. There were no representations received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Page 69-75 sets out the strategic approach for the provision of housing in settlements.

Page 73 of the SPPS sets out how Local development Plans will facilitate a reasonable mix of housing.

Housing Needs Assessment / housing Market analysis (HNA/HMA) - provides an evidence base that must be taken into consideration in the allocation, through the development plan, of land required to facilitate the right mix of housing tenures including open market and special housing needs such as affordable housing⁴¹, social housing, supported housing and travellers accommodation. The HNA will influence how LDPs facilitate a reasonable mix and balance of housing tenures and types. The Northern Ireland Housing Executive, or the relevant housing authority, will carry out the HNA/HMA.

Affordable Housing *- The HNA/HMA undertaken by the Northern Ireland Housing Executive, or the relevant housing authority, will identify the range of specific housing needs, including social/affordable housing requirements. The development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing. This will not preclude other sites coming forward through the development management process.

**Draft PPS 22 'Affordable Housing' was published for public consultation in June 2014 at the same time as DSD's draft 'Developer Contributions for Affordable Housing' policy. DSD are currently taking forward research which both Ministers will consider before finalising any future policy on Affordable Housing.*

It is clear from the provisions of the SPPS that housing allocations are based in a wide range of information, market analysis and input from numerous stakeholders. In relation to the Social Housing the NIHE will have significant input onto the final figures agreed for the number of units required over a plan period.

Banbridge / Newry and Mourne area Plan 2015

The proposed application site is identified in the Banbridge/ Newry and Mourne Area Plan as providing 16 No. social housing units and as a committed site under designation NY50. In relation to social housing in Newry the plan states that key site requirements to meet social housing need have been attached to the following sites – NY50 East of Newry High School, Ashgrove Avenue (16 No. dwellings).

Zoning NY50 has three key site requirements. The first relates to the provision of 16 No. dwellings be provided for social housing.

The applicant has provided a letter detailing that following negotiation with Apex housing association, at a time of budgetary constraints it is not financially possible that they can provide any social housing on this site at this time. Further, as the Department of Social Development set allowances for social housing developments, all other housing associations are competing on a level playing field and therefore no other association would be able to secure or offer any more funding than Apex at this time.

The NIHE have clearly programmed the 16 units agreed to be built at East of Newry High School Ashgrove Avenue in the future requirement for Newry. The consultation response supports this view.

Contrary to BNMAP – Zoning NY 50 which requires a minimum of 16 units for social housing.

NIHE strongly objects to the removal of the condition

Recommendation:

Refusal

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and designated zoning NY50 of the Banbridge / Newry and Mourne Area Plan 2015 in that the key site requirement states that a minimum of 16 dwellings shall be provided for social housing.

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

ITEM NO	31			
APPLIC NO	LA07/2017/1138/F	Full	DATE VALID	27/07/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Bernard Morgan 73 Newtown Road Killeen Newry BT35 7PP		AGENT	Collins and Collins 2 Marcus Street Newry BT34 1AZ
LOCATION	Adjacent to and immediately South East of No.1 Newtown Court Newtown Road Cloghogue Newry Co Down BT35 8GX			
PROPOSAL	Erection of Agriculture Buildings			

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 the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - it is not necessary for the efficient use of the active and established agricultural holding;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 and the applicant has not provided sufficient information to confirm that
 - there are no suitable existing buildings on the holding or enterprise that can be used;
 - the proposal is sited beside existing farm buildings;
 - it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
- 3 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 building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the 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.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/1138/F

Date Received: 19.07.17

Proposal: Erection of Agriculture Buildings

Location: Adjacent to and immediately South East of No.1 Newtown Court
Newtown Road, Cloghogue, Newry

Site Characteristics & Area Characteristics:

Site comprises the western portion of a much larger agricultural field situated at the end of a cul-de-sac accessed via a private lane from Newtown Road. By way of Area Plan definition the site itself is located in the open countryside to the south of Newry City and is also within an Area of Outstanding Beauty as designated within the Banbridge/ Newry & Mourne Area Plan 2015.

Site History:

P/2013/0290/F – Dwelling on a farm. Land 40m SE of 20 Newtown Roads. PAC Refused. Dismissed by the PAC

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015:

PPS3, DCAN 15 and Parking Standards - Transport NI have raised no objection in comments dated 30.08.17

SPPS, PPS21 (CTY 1, CTY12 and CTY13)

DAERA in their consultation response dated 07.08.17 confirm that the farm business has been in existence for over 6 years and single farm payments have been claimed which is an indicator of an active and established farm holding.

The agent in correspondence has set out that the shed is needed for the expansion of the farm business and will be used for storage purposes for animal welfare, animal

feed and farm machinery. The principle farm holding is at No.73 Newtown Road where there are a number of existing agricultural buildings and where such items are currently being stored. The farm business map date stamped 19.07.17 (DAERA marked date 14.02.11 – Page 2 of 2) shows land which is owned and claimed by the applicant, apart from existing buildings there is sufficient room within the existing complex in which to expand. There is no convincing argument put forward by the applicant/agent for the need to relocate elsewhere nor has it been adequately demonstrated that the development is necessary for the efficient use of the agricultural holding.

The application site comprises the western portion of a much larger roadside agricultural field which is critically viewed from the adjacent A1. It is proposed to locate the agricultural building midway along the southern boundary of the site and this proposed siting is within the most open and exposed portion of the field lacking natural vegetative boundaries, backdrop or any other means in which to screen or provide enclosure thus development will appear prominent in the local landscape and will require significant landscaping in order to adequately integrate.

There is no impact to natural or built heritage. The character and scale is typical of agriculturally designed buildings appropriate to its rural location.

Environmental Health have raised no concern with regard to impact to amenity provided the building is used for storage and farm machinery as specified by the agent.

There are already existing buildings at the principle farm holding at No.73 Newtown Road which are currently being used for the storage of farm machinery, silage etc. Whilst the applicant has stated that the shed is required as part of expansion plans there has been no verifiable plans presented to show this or any credible evidence of any expansion within the business to necessitate the need for additional farm buildings outside of the principle farm holding. Given the scale of such proposals, there is no reason why it could not be located at the principle farm holding approximately one mile away or that existing buildings at the holding could be utilised nor has it been adequately demonstrated that there are no existing renovation, alteration or redevelopment opportunities within the holding to facilitate proposals.

It must also be noted that the proposal is not sited beside existing farm or forestry buildings. There are two containers on the site which cannot be considered to be permanent buildings or to be of an agricultural nature. On the proposed plan, the containers are described as existing agricultural buildings, however it is not accepted that these constitutes buildings and they are not permanent or attached to the ground. Therefore they cannot constitute as lawful buildings to site the proposal with. Additionally, it should also be noted that this matter has already been assessed by the Planning Appeals Commission (PAC) in May 2016 when a farm dwelling was refused for the applicant on the same site. The PAC Commissioner stated that "whilst the appellants acknowledges that the two containers on the appeal site are not technically buildings, no evidence was presented to confirm that they are immune from enforcement and I agree with the LPA that they do not constitute lawful buildings with which to group a farm dwelling."

The proposed building is located away from the existing farm buildings with no exceptional or justifiable reasons given that proposals are essential for the efficient functioning of the business or there are demonstrable health and safety reasons to locate elsewhere. Proposals fail to fully meet the requirements of planning policy.

Consultations:

Transport NI (14.08.17) - No objections

Environmental Health (01.08.17) In close proximity to residential dwellings. Should the shed be used for storage and farm machinery the department would not object

DAERA (07.08.17) - No objection

Objections & Representations

16 Neighbour notifications

No objections received

Advertised August 2017

Consideration and Assessment:

Proposals fail the requirements of planning policy, there is no overriding reason why proposals are necessary for the reasons set out above.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- it is not necessary for the efficient use of the active and established agricultural holding;

- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;

and the applicant has not provided sufficient information to confirm that

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the proposal is sited beside existing farm buildings;
- it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

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 building is a prominent feature in the landscape;
- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- the proposed building relies primarily on the use of new landscaping for integration;
- the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop

Photographs



Farm Land at Low Road with buildings



Existing buildings at No.73 Newtown Rd



Existing buildings at No.73 Newtown Rd



Existing buildings at No.73 Newtown Rd



No. 73 Newtown Road

ITEM NO	36		
APPLIC NO	LA07/2017/1442/F	Full	DATE VALID 25/09/2017
COUNCIL OPINION	APPROVAL		
APPLICANT	Newry, Mourne and Down District Council Council Offices	AGENT	Estates Department (NMDDC) Council Offices Haughey House Greenbank Industrial Estate Newry BT34 2QU
Haughey House	Greenbank Industrial Estate Newry BT34 2QU		
LOCATION	Warrenpoint Bowling Green Clonallon Park Warrenpoint Co. Down BT34 3RP		
PROPOSAL	Proposed extension and upgrades to existing bowling pavilion to include new changing rooms and new external cladding		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	0	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/1442/F

Date Received:

25/09/2017

Proposal:

Extension and upgrades to existing bowling pavilion to include new changing rooms and new external cladding

Location:

Warrenpoint Bowling Green, Clonallon Park, Warrenpoint, Co.Down, BT34 3RP

Site Characteristics & Area Characteristics:

The site forms part of Clonallon Public Park which is located within the settlement limits of Warrenpoint, approximately 0.5 miles north east of the Town Centre. This area comprises a mix of residential and community uses, with St. Dallan's Primary School and the Church of Mary Queen of Peace located opposite Clonallon Park, which is surrounded by established residential developments to the East. The area for consideration includes the existing Bowling Pavilion, which is elevated in the South Eastern area of Clonallon Park and located close to the rear boundary between Berkeley Grove housing development to the East.

Relevant site history:

P/2005/0657/F: Erection of Changing Facility (Clonallon Bowling Green), permission granted 21/06/2005

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS2 'Natural Heritage'
- PPS8 'Open Space, Sport and Outdoor Recreation'
- Technical Supplement 5 'Open Space, Sport and Outdoor Recreation' BNMAP2015

Consultations:

NI Water - Standard informatives (17/10/2017)

Objections & Representations

- 12 Neighbouring properties notified 05/10/2017 (statutory expiry 19/10/2017)
- Application advertised in 3 press publications (statutory publication expiry 26/10/2017)
- 0 objections or responses have been received to date (24/10/2017.)

Consideration and Assessment:

This application seeks full planning permission for the extension and upgrade of the existing bowling pavilion, to include new changing rooms and the addition of external cladding.

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The subject site is located within the settlement limits of Warrenpoint / Burren (WB01), Mourne AONB (AONB2) and forms part of a designated Major Area of Open Space (Clonallon Park WBEOS01) as identified by the BNMAP 2015. Since there is no significant change to the policy requirements for sporting facilities following the publication of the SPPS, the retained policy of PPS8 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS, in line with the Open Space, Sport and Outdoor Recreation Technical Supplement.

The existing building comprises a low pitched roof block measuring 9.6m in width by 14.2m with additional access to the front and rear including an accessible ramp and railings along the front (western) elevation. The building height is 4.15m from ground level.

In brief, the proposal seeks to extend the primary building block by 0.9m to the south and 9.7m to the east to provide two new changing rooms, a smaller multi-purpose room and accessible ramp to the rear. In terms of siting, a separation distance of 16m would remain to the existing eastern boundary fence, the closest boundary to any neighbouring properties. Externally, it is proposed to strip the existing plywood / weather-proof coating and replace it with grey brown Tegral Cedral cladding over the southern elevation which fronts onto the green and partially over the front (western) and rear (eastern) elevations. In terms of openings, the southern elevation is to incorporate a section of full length glazing overlooking the Bowling Green, with the addition of six small openings to either side of this panel at upper level. New window openings and replacement doors are proposed as shown:



As per the BNMAP2015, Policy OS1 will apply to all areas of existing open space. This proposal will not result in a loss of existing open space or land zoned for its provision within Clonallon Park. PPS8 outlines the criteria to be met for proposals linked to sporting facilities. Given the scale and extent of the above extension, there would be no detrimental impact to neighbouring amenity. The proposal would result in planning gain through the provision of a fully accessible community building. There would be no impact upon surrounding features of importance, including the Church of Mary Queen of Peace given the separation distance and siting patterns. The design and materials proposed are sympathetic with the surrounding environment. There are no proposed changes to the existing use of the facility and no expected increase in traffic as a result of the modest extension and upgrades.

Recommendation: Approval

Summary recommendation:

Proposal is supported by the SPPS in principle and is in keeping with the requirements of PPS8. No impact on neighbouring amenity expected or the setting of surrounding features of importance. No objections or representations received.

Condition:

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.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	37		
APPLIC NO	P/2009/1336/F	Full	DATE VALID 26/10/2009
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr JC Campbell C/O Agent	AGENT	Milligan Reside Larkin 56 Armagh Road Newry BT35 6DN
LOCATION	68 to 72 & 74 Shore Rd Rostrevor BT34 3AA		
PROPOSAL	Proposed new 70 bed nursing home together with 41 no. 2 & 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking) - Economic Impact Assessment received		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	101	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0
1	The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), and (g), in that the applicant has failed to demonstrate that the proposal would create a quality residential development; adequate provision has not been made for private open space and landscaped areas as an integral part of the development; and the design of the development does not draw upon the best local traditions of form, material and detailing.		
2	The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that: The proposed density is significantly higher than that found in the established residential area; and The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.		
3	The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.		
4	The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.		
5	The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.		



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**Newry, Mourne
and Down**
District Council

APPLICATION REF: P/2009/1336/F

DATE RECEIVED: 29 October 2009

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.

LOCATION: The site is located within the settlement limit of Rostrevor Village on the southern extremity of the village. It fronts onto the Shore Road on its western boundary with the public access to Kilbroney Forest Park, on its northern boundary.

SITE CHARACTERISTICS AND AREA CHARACTERISTICS:

The site, which covers an area of 1.273 hectares, appears as an outlier to the main village core. The site is largely open with good views to the forest to the rear.

A portion of the site contains an existing car showroom and garage, Campbell's Garage, and 2 detached dwellings in single family occupation. The remainder, containing a tennis court, is largely open space. The garage complex consists of a flat roofed 2 storey structure in uniform white rendered finished. The dwellings are largely 2 storey, one, on the north eastern boundary point, in brick finish and the southern unit in render.

There is an existing 2 storey detached dwelling, (Number 50 Shore Road) just beyond the north west corner of the site. It is located 1 – 3 metres from the boundary

of the application site, which is formed by a rendered ivy clad wall, approximately 6 ft in height. This dwelling has a row of 7 first floor windows on its south eastern elevation to the application site, overlooking the wall.

There is a low single storey cottage, (No 56), beyond the north east corner of the application site, accessed by the entrance drive to Kilbroney Forest Park. There are a number of detached houses in individual plots beyond the southern site boundary, accessing onto Shore Road.

The site rises generally from the Shore Road towards the forest just beyond its eastern boundary. Its boundaries are landscaped. It appears very open, situated as it is, on the shores of Carlingford Lough. As a consequence there are distant views of it from nearby Warrenpoint. The views become more pronounced in the vicinity of the Rosses Point monument, a nearby public amenity area.

The site is adjacent to Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI), and is adjacent to Rostrevor Wood Special Area of Conservation (SAC) and Area of Scientific Interest (ASSI). It is within the Mourne and Slieve Croob Area of Outstanding Natural Beauty.

SITE HISTORY:

P/2008/0558. Proposed Residential development. Shore Road, Rostrevor
Determined 13/06/2008.

P/2006/0458/F. Construction of new access to dwelling (to include closure of existing access) Oakwood House, 71 Shore Road, Rostrevor. Determined 12/12/2006.

P/2005/0303/F. Refurbishment of existing dwelling 56 Shore Road, Rostrevor.
Determined 02/08/2005.

P/2002/0296/F. car showrooms and workshop together with refurbishment of existing building Shore Road, Rostrevor. Determined 16/07/2002.

P/2000/1418/F. Extension to dwelling. 52 Shore Road, Rostrevor. Determined 04/10/2000.

CONSULTATIONS:

Transport NI: No objections subject to planning conditions.

NI Water: No objections subject to planning conditions.

Rivers Agency: No objection subject to planning informatives.

DCAL Inland Fisheries & Waterways: Loughs Agency should be consulted.

Loughs Agency: No objections subject to planning conditions.

N&MDC Environmental Health: No objections subject to planning conditions.

NIEA (Water Management Unit): No objection subject to conditions.

NIEA (Natural Heritage) (Land Resource Management): The site is adjacent to Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI) and is adjacent to Rostrevor Wood Special Area of Conservation (SAC) and ASSI. NIEA has undertaken a Habitats Regulations Assessment (HRA) Stage 2 Appropriate Assessment on this proposal. It has concluded there will be no likely significant effects on the integrity of the site. Standard conditions and informatives to be attached to the Decision Notice.

NIEA (Historic Buildings Unit): has key concerns regarding the scale, massing and height of the development. Advise that the former tram shed at Rostrevor Quay is the subject of a listing query.

NIEA (Historic Monuments Unit): The historic landscape of the adjacent Historic Park and Demesne is afforded protection under BH 6 of PPS 6 and it would have concerns to any development that would have an adverse impact upon the setting of this registered demesne. It has concerns regarding the scale, massing and height of the development.

The application site is located in an area of historic interest within Rostrevor and once was the site of the Great Northern Hotel, approx 250 metres to the west of the site is the conservation area of Victoria Square and Shore Road (RR08) within which is a number of listed buildings.

Rostrevor Harbour is adjacent to the site which is recorded in the Industrial Heritage Records and there is a large brick chimney on the site may have been associated with the hotel.

HMU are of the opinion that, due to the location of the application site within this locally important historic landscape, would recommend that the design of the proposed development reflect the detail from the Great Northern Hotel which once occupied the site and from the historic character of the buildings in this vicinity.

No archaeological objection in principle to the development provided:

- There is a revised design to the buildings which front on to the Shore Road, more in keeping with those in the vicinity and drawing upon details of the Victorian character of the area. The buildings should front on to the Shore Road
- The chimney within the application site is retained to ensure that the proposed development into the historic landscape of the Registered demesne of The lodge and the conservation area to the west.

Ministerial Advisory Group: In summary, while the panel agree with the principle of the proposal it pointed to the need for re-design and reducing the scale of development on the site with more open space.

OBJECTIONS & REPRESENTATIONS

Details of the application were advertised on 13 November 2009 and 14 nearest neighbours were notified on 30 October 2009.

Two letters of objection were received. Amended details were advertised on 8 June 2012 and 14 nearest neighbours were notified on 25 May 2012. Concerns were again expressed by a previous objector at an office meeting on 20 June 2012.

The main issues raised were:

- scale, density and height of the proposal which is out of character with this coastal location and setting of great natural beauty;
- proximity and height of proposed building and its impact on privacy, light and solar panels;

- architecture is out of keeping with traditional buildings in the immediate vicinity; and
- increase in traffic levels.

PLANNING POLICY MATERIAL CONSIDERATIONS

The relevant prevailing policy context is provided by:

- **the statutory area plan**, the Banbridge, Newry and Mourne Area Plan 2015;
- **regional planning policy documents**: the Strategic Planning Policy Statement, (SPPS); PPS 2: Natural Heritage, PPS 3: Access, Movement and Parking, PPS 3 (Clarification): Access, Movement and Parking, PPS 6: Planning, Archaeology and The Built Heritage, PPS 7: Quality Residential Environments, PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas, PPS 8: Open Space, Sport and Outdoor Recreation, PPS 12: Housing in Settlements. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that the policy provisions of the documents listed above, amongst others will be retained until each council adopts its own Plan Strategy.
- **supplementary planning guidance**, which includes: DCAN 8: Housing in established areas; DCAN 9: Residential and Nursing Homes; DCAN 10: Environmental Impact Assessment; DCAN 15 Vehicular Access Standards; and 'Creating Places, Achieving Quality in Residential Developments'.

Banbridge, Newry and Mourne Area Plan 2015. The site is within the settlement limit of the village of Rostrevor as designated in the statutory area plan. It is on a white land site, not zoned for any specific purpose. Applications within designated settlement limits must comply with relevant regional planning policy.

In summary, the application proposes a high density development consisting of a total of 51 apartments and a 70 bed nursing home on a site consisting of 1.273 hectares. The Planning Department has carefully assessed the proposal in the context of the planning policy context above and considers that it is contrary to a number of relevant planning policies.

PPS 7: Quality Residential Environments, PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas. , PPS 12: Housing in Settlements,

Policy QD 1 of PPS 7 states, amongst other things, 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 residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas'.

Policy QD 1 of PPS 7 also requires that all proposals for residential development will be expected to conform to a number of specified criteria.

The application site is located in an edge of village setting and a sensitive landscape, as detailed above. The character of the established residential area is derived from single houses in sizeable individual curtilages. Notwithstanding the existing car showroom within the site, the predominant character of the immediate area is one of low density development, predominantly residential in type and scale.

It is considered that the proposal is contrary to Policy QD 1 of PPS 7 in that it will not create a quality and sustainable residential environment. The proposal will result in unacceptable damage to the local character, environmental quality and residential amenity in the area. This is due to the fact that:

- The proposed scale of development is totally out of keeping with the existing character of the area which derives largely from individual houses in individual curtilages.
- The proposed development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced area. The scale, massing and overall form of the development, based as it is on an double fronted apartment layout around a central courtyard incorporating underground car parking is not in keeping

with this low density edge of village location within an AONB, adjacent to a designated Demesne.

The proposal involves 7 major buildings which, when read together, will fill almost the entire frontage of the site. The resulting visual impact of the proposal is one of continuous mass with no visual break in the overall facade along the site frontage when viewed from the Shore Road frontage and indeed from wider views around Carlingford Lough.

The overall massing is also accentuated due to: the proximity of the development to the Shore Road; the absence of appropriate landscaping; the overall height of the proposed units; and the fact that the blocks to the rear project above the ridge height of the blocks fronting the Shore Road and will be seen between the visual gaps in the buildings fronting onto Shore Road. The proposed development also takes up the application site almost in its entirety with limited distances to all site boundaries.

If implemented, this proposal would be totally out of keeping with its edge of village context. It will appear as an inappropriate mass of development in an area of low density development, an unnatural appendage in this small village setting. It is over development of the site.

- The proposed combination of materials based on a combination of brick, cladding and render does not draw on the character and appearance of the surrounding area. The predominant finishes are predominantly uniform and in render.
- Adequate provision has not been made for open space and landscaped areas as an integral part of the development.

The proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of grassed amenity space on the periphery of the site boundary.

It is considered that insufficient open space and landscaping has been provided to create an attractive, sustainable and varied residential environment. This was also highlighted in a review of the proposal by the Ministerial Advisory Group.

- the design and layout will create conflict with adjacent land uses. It will result in an unacceptable adverse effect on existing properties in terms of dominance, overlooking, loss of light and overshadowing. The proposed scheme incorporates a block of residential units ranging in levels between 16.35, 17.60 to 20.45 metres. These are proposed between approximately 3.5 and 6.5 metres from the north western boundary of the site and within approximately 8.5 to 9 metres of an existing property. As mentioned above there are 7 existing windows at first floor on the existing elevation facing the site. This falls far short of the required separation distances as contained in planning policy guidelines, as contained, for example in 'Creating Places' and is unacceptable in planning terms.

The proposed development will also impact on the residential amenity of an existing single storey dwelling to the rear of the application site beyond its north eastern boundary in terms of dominance and overshadowing.

PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas.

Planning Control Principle 1 of PPS 12 Housing in Settlements

Policy LC 1 of the Addendum to PPS 7, 'Safeguarding the Character of Established Residential Area' states that in established residential area, planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites.....to accommodate new housing, where all criteria set out in QD 1 of PPS 7 and all additional specified criteria are met. These include:

- The proposed density is not significantly higher than that found in the established residential area; and
- The pattern of development is in keeping with the overall character and environmental quality of the established residential area....

It states that the Department will not permit proposals for new housing development in established residential areas where there this would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. New residential developments should therefore be sensitive in design terms to people living in the existing neighbourhood and be in harmony with local character.

Planning Control Principle 1 of PPS 12 Housing in Settlements states that when considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.

The character of the established residential area is one of individual houses in sizeable single curtilages. The density of the established residential area, in the vicinity of the application site, reflects the edge of village location. It is predominantly low density and varies between 5 to 10 dwellings per hectare. The proposed scheme is based on 3 elements within the site: assisted living units, apartment development and nursing home. The scheme proposes 10 assisted living units and 41 apartments on a portion of the site amounting to approximately 0.80 hectares. The proposed density for this residential element is approximately as follows.

10 assisted living units on 0.20 hectares – 50 per hectare;

41 apartments on 0.60 hectares – 70 per hectare

A total of 51 units on the total site area of 1.273, discounting the nursing home, represents a proposed density of 40 units per hectare.

The Planning Department considers that this level of development is wholly inappropriate within this edge of village, sensitive location on the shores of Strangford Lough. It does not reflect what is currently on the site, or, as has been suggested in support of the application, what has occupied the site in the past. It is also in contrast with the established residential area.

It is considered that this proposal, due to the reasons outlined above, would be detrimental to the local character, environmental quality and residential amenity of

the established residential area. It is also considered that it would not be sensitive in design terms to people living in the existing neighbourhood nor would it be in harmony with the area.

In this regard, the proposal is therefore contrary to Policy QD 1 of PPS 7, Policy LC 1 of the Addendum to PPS 7 and Planning Control Principle 1 of PPS 12.

Strategic Planning Policy Statement for NI (SPPS)

It is also considered to be contrary to Para 6.137 of the SPPS, 'increased housing density without town cramming', which states that in established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. This proposal fails to do so for the reasons already stated.

PPS 2: Natural Heritage and PPS 6: Planning, Archaeology and the Built Heritage.

The application site is located within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. Policy NH 6 of PPS 2 relates to development within Areas of Outstanding Natural Beauty. It states that planning permission will be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all of the specified criteria are met. It is considered that the proposal is contrary to Policy NH 6 of PPS 2, in that its scale size and design are not sympathetic to the AONB, for the reasons outlined above, and does not respect local architectural styles and patterns.

Policy BH 6 of PPS 6 states that the Department will not normally permit development which would lead to the loss of or cause harm to the character, principal components or setting of parks, gardens and demesnes of special historic interest.

The application site is located on the edge of the early 19th century Historic Park, Garden and Demesne known as The Lodge, designated in the Banbridge, Newry and Mourne Area Plan. NIEA Historic Monuments Unit has confirmed no objections on the basis that there is a revised design to the buildings which front onto Shore

Road more in keeping with those in the vicinity and drawing upon details of the Victorian Character of the area.

In its present form the proposed scheme is contrary to BH 6 of PPS 6 in that the proposed design and layout of the development, as outlined above, is not in keeping with the historic landscape of the Registered Demesne, 'The Lodge'.

PPS 3: Access, Movement and Parking, PPS 3 (Clarification): Access, Movement and Parking.

Transport NI has confirmed no objections to the proposed access arrangements and road layout on the basis that the layout will remain un-adopted.

Future car parking provision is based on the number of proposed units.

PPS 8: Open Space, Sport and Outdoor Recreation.

The proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of grassed amenity space on the periphery of the site boundary.

RECOMMENDATION:

Refusal.

It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

Refusal Reasons:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), (g) and (H), in that
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - adequate provision has not been made for private open space and landscaped areas as an integral part of the development;
 - the design of the development does not draw upon the best local traditions of form, material and detailing; and

- the design and layout would create conflict with adjacent land uses in terms of overlooking, loss of light and overshadowing.
2. The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that:
 - The proposed density is significantly higher than that found in the established residential area; and
 - The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
 3. The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality; nor does it safeguard the amenity of existing residents.
 4. The proposed development is contrary to Policy BH 6 of Planning Policy Statement 7 (PPS 7) in that it would, in its current form, be detrimental to the overall quality and setting of this historic landscape and the adjacent Registered Demesne by virtue of the scale, density and form of the proposed development.
 5. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.

Case Officer Signature:

Date:

Appointed Officer Signature

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

APPLICATION REF: P/2009/1336/F

DATE RECEIVED: 29 October 2009

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.

LOCATION: Shore Road, Rostrevor.

Addendum to Case Officer Report

This application was previously brought before the Planning Committee on Wednesday 31 August 2016 with a recommendation to refuse for the reasons set out in the Case Officer's Report. The Meeting agreed to defer the application to allow Planning Officers to meet with the applicant, for discussion to take place between the applicant and the objectors and to facilitate a site visit by the Committee members.

A site meeting took place on Wednesday 2 November 2016 involving, the applicant, his agents and members of the Planning Department. The Planning Department clarified the major planning issues to be addressed.

The Planning Department has contacted the objectors. The objectors have confirmed that the applicant has not requested a meeting with them.

A site visit took place on Tuesday 15 November 2016, attended by members of the Planning Committee.

Following the site meeting the applicant submitted amended plans on 30 November and an amended P1 application form and proposal description on 21 December 2016 for consideration. A Planning Statement was also submitted, on 9 February 2017, in response to the Planning Department's recommendation to refuse.

The application has now been amended, from the previous description above, to read 'proposed new 70 bed nursing home together with 41 no 2 and 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking).

The proposed layout has been amended to exclude the sheltered housing and communal facilities of 10 apartments. The layout remains the same in all other aspects.

OBJECTIONS & REPRESENTATIONS

Details of the amended proposal were re neighbour notified on 24th February 2017 and re-advertised on 8 and 10 March 2017. A further 7 objections, over and above those previously raised and referred to in the case officer's report and at the previous meeting of the Planning Committee, have been received. The issues raised include:

- Extensive list of concerns raised at previous planning meeting remain unaddressed;
- Welcome scaling down of project but other issues have not been addressed;
- View of Lough from adjacent right of way towards Fiddlers Green would be completely obstructed by the development;

- Inappropriate scale, height and density of development at this location and rural character of the village;
- Buildings too close to native oak forest;
- Contrary to the Council's tourism policy;
- Young people need individual houses not apartments;
- Development does not blend with the natural environment; and
- Project could be more acceptable with scaling down, creative architectural planning and use of wood.

A representation was received from Forest Service On 6 April 2017 referring to existing rights of way at the northern end and through the application site. It also requested that any construction work be undertaken outside of a Root Protection Area associated with the adjacent Rostrevor Forest.

STATUTORY CONSULTATIONS

The Planning Department issued further consultations, on 23 February and 3 March 2017, to DAERA (Marine Fisheries and Archaeology and Built Heritage) and to NIEA (Historic Buildings Unit and Historic Monuments Unit), now NIEA Historic Environment Division, (HED). DAERA Marine Fisheries confirmed no objections subject to planning conditions on 14 March 2017. A joint response from HED, dated 5 April 2017, has confirmed no objections in relation to impact on listed building and archaeological policy requirements.

PLANNING ASSESSMENT

The Planning Department has re-assessed the amended proposal and the additional information referred to above in the context of relevant prevailing policy context, as outlined in the case officer's report.

It is considered that while the amended proposal has addressed one of the concerns previously expressed by the Planning Department in relation to the adverse impact on adjacent dwellings due to overlooking, loss of light and overshadowing, it does not represent a genuine attempt to address the broader fundamental planning issues, as previously expressed to the applicant and to the Planning Committee.

Notwithstanding the proposed reduction in the Scheme to omit the sheltered housing complex it is considered that the amended proposal remains contrary to Policy QD 1 of PPS 7 in that it will not create a quality and sustainable residential environment.

- The only significant difference between the scheme previously presented to the Planning Committee and the one now under consideration is a proposed reduction in the area of the application site to omit the sheltered housing block of 10 apartments. In all other aspects the proposal is identical to that previously assessed. The scale, density and height of the amended scheme remains unacceptable.
- The applicant has also submitted additional aerial type views of the proposed development to highlight the areas of open space within the site in an attempt to minimise the overall massing of the development. These however are not an accurate portrayal of the local and wider critical wider views of the site which would appear on the ground. The proposal, in its present form, still involves 5 major buildings which, when read together, will fill almost the entire frontage of the reduced planning application site. The resulting visual impact of the proposal from critical views would remain one of a continuous mass with no visual break in the overall facade along the application site frontage when viewed from the Shore Road frontage and indeed from wider views around Carlingford Lough.

While it is acknowledged that the omission of the sheltered complex will create a visual break between the existing development and the proposed nursing home, this is insufficient to address the previously expressed planning concerns, as outlined above and in the case officer's report. Indeed it is considered that the approval of this application would make it extremely difficult to resist further development on the 'gap site' that has been created through the omission of the sheltered housing units.

The proposed underground car park remains as part of the proposal. The need to provide car parking facilities underground to service the proposed level of development can be taken as another indication of the

overdevelopment of this site. This type of development, which would more properly be found within an inner city location, is totally inappropriate within an edge of village context and within such a sensitive location.

The fact remains that if implemented, this proposal would be totally out of keeping with its edge of village context. It will appear as an inappropriate mass of development in an area of low density development, an unnatural appendage in this small village setting. The proposal remains one of inappropriate over development of the site.

As a result it is considered that the proposal, as amended, will result in unacceptable damage to the local character, environmental quality and residential amenity in the area for the reasons stated in the case officers report above. It remains contrary to Policy QD 1 of Planning Policy 7 criteria (a) in that the applicant has failed to demonstrate that the proposal would create a quality residential development. It is also considered that the proposal, as revised, would also be contrary to DES 2 of the Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and, as discussed below, use of materials.

- There has been no real attempt to address the Planning Department's previously stated concerns about the proposed form of the development and the combination of brick, cladding and render which do not draw on the character and appearance of the surrounding area. The prevailing form of development is of low elevation, low density development. The predominant finishes in the local area are predominantly uniform and in render. Contrary to the stated view of the agent, in the Planning Statement, it is considered that the high density nature and height of of the proposed scheme coupled with the inappropriate combination of materials would create an inappropriate suburban form and appearance of development on this edge of village location within this sensitive and protected landscape setting. The proposal therefore remains contrary to Policy QD 1 of Planning Policy 7 criteria (g) in

that the design of the the development does not draw on the best local traditions of form, materials and detailing and also Policy DES 2 of the Rural Strategy.

- Adequate provision has not been made for open space and landscaped areas as an integral part of the revised development proposal.

The agent claims, in the Planning Statement, that the Planning Department's concerns around the amount of open space to be provided are unfounded. It is important to emphasise, in response, that the Planning Department accepts that the amount of proposed open space would be sufficient to satisfy prevailing policy requirements, in particular Policy OS 2 of PPS 8. However the location and distribution of that open space is inadequate to create an attractive, sustainable and varied residential environment as required by Policy QD 1 of PPS 7. This Policy requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. It states that where appropriate planted areas of discrete groups of trees will be required along site boundaries to soften the development.

In this case, the proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of 'left over' grassed amenity space on the periphery of the site boundary. It is considered that the layout and location of the proposed areas of open space is unacceptable in planning policy terms due, largely, to the over development of the site. This was also highlighted in a review of the proposal by the Ministerial Advisory Group.

It should be noted that by reducing the red line to exclude the dwelling house and curtilage at No 52 Shore Road, the proposal has now excluded an area of open space that could have been used to create an attractive residential environment, as required by policy.

- The agent, in the Planning Statement, has sought to establish that the character of the immediate area in the vicinity of the application site is defined purely by the existing commercial use on the JC Campbell site and not by the adjacent residential land uses. This is an attempt to suggest that the requirements of Policy LC 1 of the Addendum to PPS 7 do not apply. This is clearly incorrect. The Planning Department is strongly of the view that the principle land use in the immediate area, within this sensitive edge of village setting, is not purely commercial but includes a long established residential element, not just on the edge of the application site but in the immediate vicinity.

In this context the Planning Department is strongly of the view that Policy LC 1 of the Addendum to PPS 7 clearly applies to this application.

Notwithstanding the omission of the sheltered housing block of 10 apartments, the revised scheme remains contrary to this policy, for the reasons above and as outlined in the case officer's report. In summary, the Planning Department considers that the level and density of development, as proposed in the revised scheme, remains wholly inappropriate within this edge of village, sensitive location on the shores of Strangford Lough. It does not reflect what is currently on the site, or, as has been suggested in support of the application, what has occupied the site in the past. It is also in contrast with the established residential area.

- The agent, in his Planning Statement has also sought to establish that the provisions of Planning Policy Statement 12 Housing and Settlements are not relevant to this application. This is clearly incorrect. Para 3 in fact states that this PPS is a material planning consideration in dealing with individual planning applications. The Planning Department remains of the opinion that the revised proposal remains contrary to PPS 12, for the reasons stated above and in the case officer's report.
- The agent, in his Planning Statement has also sought to establish that the provisions of the Strategic Planning Policy (SPPS) are not relevant to this application. This is clearly incorrect. The provisions of the SPPS are clear in that where the SPPS introduces a change of policy direction and/or provides a

policy clarification that would be in conflict with a retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. Where the SPPS is silent or less prescriptive on a particular planning policy matter then retained policies this should not lessen the weight to be afforded to the retained policies. In this instance the Planning Department policy provisions of PPS 7 which relate to density of development have been retained. It is also clear that the policy provisions of the SPPS relating to housing density, as referred to in the case officer's report, are not in conflict with the provisions of PPS 7. In fact the policy previously referred to in the case officer's report reinforces the central message in PPS 7 which is that inappropriate developments, such as this one, should be resisted, i.e Para 6.137 of the SPPS states that in established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality...'

The Planning Department remains of the opinion that this revised proposal fails when assessed against this policy, for the reasons already stated.

- The application site is located within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. Policy NH 6 of PPS 2 relates to development within Areas of Outstanding Natural Beauty. It states that planning permission will be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all of the specified criteria are met. It is considered that the revised proposal remains contrary to Policy NH 6 of PPS 2, in that its scale size and design are not sympathetic to the AONB, for the reasons outlined above and in the case officer's report and does not respect local architectural styles and patterns.
- In terms of the impact on the setting of the adjacent parks, gardens and demesnes of special historic interest, 'The Lodge', the relevant statutory authority, Historic Environment Division, has now confirmed no objection in relation to this issue.

The previously stated reason for refusal, i.e. contrary to BH 6 of PPS 6, no longer applies.

RECOMMENDATION:

It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

REFUSAL REASONS:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), and (g), in that
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - adequate provision has not been made for private open space and landscaped areas as an integral part of the development; and
 - the design of the development does not draw upon the best local traditions of form, material and detailing.
2. The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that:
 - The proposed density is significantly higher than that found in the established residential area; and
 - The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.
4. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the

particular locality and does not respect local architectural styles and patterns, local materials or design.

5. The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



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District Council

APPLICATION REF: P/2009/1336/F

DATE RECEIVED: 29 October 2009

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.

LOCATION: Shore Road, Rostrevor.

2nd Addendum to Case Officer Report

This application was returned to the Planning Committee on Wednesday 26 April 2017 with a recommendation to refuse for the reasons set out in the Case Officer's Report. This followed a site visit by members of the Planning Committee on Tuesday 15 November 2016 and the submission of amended plans, proposal description and a Planning Statement by the applicant.

The Meeting agreed to overturn the recommendation and approve the application on the grounds that:

'refusal reasons had been addressed and this development would enhance economic benefit in the village of Rostrevor and add to the vibrancy of the community that already existed'.

The Council received a Judicial Review pre-action protocol letter, on 7 June 2017, from an objector to the proposal, following the Planning Committee meeting and prior to the issuing of the formal approval notice. This raised a number of points of concern including the absence of a economic impact assessment or appraisal of the proposal to measure how the proposed development would enhance economic development in the village of Rostrevor.

Following the receipt of legal advice, the application has been returned to the Planning Committee for reconsideration. The applicant has submitted an Economic Impact Assessment (EIA) of the proposal in support of the application. The Planning Department has now considered the EIA as part of its assessment of this application.

The Planning Department has sought to facilitate a meeting to enable discussions between the applicant and the objectors as referred to at a previous meeting of the Planning Committee on 31 August 2016. The objectors had previously confirmed that the applicant has not requested a meeting with them. To date it has not been possible to convene a meeting at a time to suit all parties ahead of the Planning Committee meeting.

OBJECTIONS & REPRESENTATIONS

Nearest neighbours and previous objectors were re-notified following the receipt of the Economic Impact Assessment on 29 September 2017.

A further 42 objections, over and above those previously received, have been received to date. The issues raised include:

- Inappropriaite scale, design and density of development for a small village and AONB;
- Dense apartment blocks too close to native Kilbroney Oak Forest, one of the oldest oak forests in Ireland, a Special Area of Conservation and National Nature Reserve protected by EU and national law; Underground car park will impact on root system of oak trees;

- Adverse impact on environment;
- No objection to change from commercial to residential but the design and scale is too big and is better suited to urban regeneration than to this area of outstanding natural beauty;
- A more appropriate residential development sensitive and in keeping with the surrounding developments in the area would undoubtedly gain the support of the community;
- Tourist industry need buildings that attract. The tram sheds and parts of the old railway line could form part of a tourist attraction.
- Need an Environment and Social Impact Assessment as well as Economic Impact Assessment;
- Buildings Units should be affordable to local residents;
- Cannot financially quantify an ancient oak forest;
- There are other more appropriate places for apartments of this nature, not beside seafront and an ancient oak forest and this crucial place for tourism, beauty and environmental legacy.
- Traffic issues and lack of Traffic Impact Assessment;
- No need for nursing home facilities
- The approval will skew the figures for available living accommodation in Rostrevor and have a detrimental impact on the future planning for affordable and social housing in the upcoming area plan.
- The figures in the Economic Assessment are subjective and no comparisons are made with existing similar nursing homes where commercial constraints have a major impact in staffing levels.

PLANNING ASSESSMENT

The Planning Department has considered the additional information submitted within the Economic Impact Assessment (EIA) as part of its re-assessment of the proposal.

The EIA is based purely on an assessment of the benefits that might accrue from the proposed development now submitted for planning approval. There is no mention or assessment of the benefits that might accrue from different scenarios, as is common practice for such an exercise. These might include a do-nothing scenario, or a

scenario based on a scheme designed to fit with the previously stated planning requirements, as advocated by the Planning Department.

The EIA points to significant turnover and employment benefits for the Newry, Mourne and Down economy during the construction and operational phases, i.e. a total £23.37 m Gross Value Added; 1326 job years and £27.71 m in wages over 20 years. The EIA also points to £5.14m in new residents wages.

It is not disputed that the implementation of this proposal could lead to enhanced employment opportunities and other economic benefits for the area. That said, a similar scheme, sensitively designed to address the concerns already highlighted by the Planning Department, could bring enhanced shorter and longer term benefits to the local and wider council area. The benefits associated with such a scheme would be substantially greater in terms of the level of impact on the natural environment, the local setting within this AONB, the attractiveness of the area and the associated benefits to the tourist industry. Such a scheme would be more sustainable.

The EIA also concludes that the proposal will be in line with key strategic documents, including the Council's new Community Development Plan in relation to the need for family accommodation; dwellings to facilitate the elderly and smaller households; housing need in the Rostrevor area and a requirement for 2 bedroom dwellings.

Any future requirement for elderly or smaller family homes would be more appropriately provided for, in the main, by detached and semi detached units within conventional and suitably designed housing layouts, close to amenities. While apartments are attractive to a certain section of the population, the provision of 40 2-3 bed apartments in 2, 4 – storey, apartment blocks, on the outskirts of a village, will not cater for this type of housing need.

While the proposed 70 bed nursing home may address a need for this type of care it is felt that the absence of any clear explanation of the existing local need for this type of facility has meant that this need has not been proven. There are existing nursing homes in the area catering for this need.

It must also be noted that the additional 40 residential units, if approved at this location, would form part of the committed housing supply for the village. This will be a material consideration for the forthcoming Local Development Plan and its future housing allocation to Rostrevor for the period of the new plan, normally 15 years.

The role of planning is to balance the need for development against the need to protect our natural environment. The Planning Department considers that the application site could accommodate a suitably designed scheme appropriate to its location, natural context and setting. In terms of this particular proposal, the case for such a scale of development at this location, within this highly sensitive and protected area, has not been established by the applicant.

The Planning Department remains of the view that this proposal is inappropriate when assessed against prevailing planning policy and for the reasons previously stated. It is considered that the cost to the local area of this proposal, in terms of its negative impact on the sensitive and protected natural setting of Rostrevor and the character of the established residential area would significantly outweigh any of the economic benefits, suggested in the EIA, that may accrue.

The Planning Department feels that the information provided in the EIA does not provide sufficient grounds to set aside the valid planning issues highlighted in the totality of the case officer's report. Greater weight should be attached to the environmental and social issues highlighted in the report than to the EIA.

For all of these reasons, it is considered that the Economic Impact Assessment does not provide a sufficient basis to recommend this proposal for approval. More weight should be attached to the strong and valid planning policy based reasons advanced for its refusal.

RECOMMENDATION:

It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

REFUSAL REASONS:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), and (g), in that
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - adequate provision has not been made for private open space and landscaped areas as an integral part of the development; and
 - the design of the development does not draw upon the best local traditions of form, material and detailing.
2. The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that:
 - The proposed density is significantly higher than that found in the established residential area; and
 - The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.
4. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.
5. The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

Appointed Officer Signature:
Date:
Senior Officer Signature:
Date:

ITEM NO	38						
APPLIC NO	P/2014/0186/F		Full	DATE VALID	21/02/2014		
COUNCIL OPINION	REFUSAL						
APPLICANT	Gibson (Banbridge) Ltd 1 Kilmacrew Road Banbridge BT32 4ES			AGENT			
LOCATION	400 metres east of 24 Cambane Way Newry in the townland of Carnbane						
PROPOSAL	Infilling of field with approximately 25,000m3 of clay, stones, topsoil, crushed concrete and bricks to overcome regular flooding by providing levels to progress water run off.						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions		
	0	0	0		0		
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	
1	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.						
2	The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2 in that the development would, if permitted, prejudice the safety and convenience of road users since it proposes to use an existing access at which visibility splays of 2.4 metres by 100 metres cannot be provided to an adequate standard contained in Development Control Advice Note 15.						



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**Newry, Mourne
and Down**
District Council

Application Reference: P/2014/0186/F

Date Received: February 24th 2014

Proposal: Infilling of field with approximately 25,000m³ of clay, stones, topsoil, crushed concrete and bricks to overcome regular flooding by providing levels to progress water run off.

Location: 400 metres east of 24 Carnbane Way Newry in the townland of Carnbane

Site Characteristics & Area Characteristics:

Site consists of a grazing field located on the northern side of Craigmores Way, the field slopes sharply down from the north east towards the south west, it is accessed from Carnbane Way by a private laneway which continues on towards the north west and serves a private dwelling, the site is only visible from Carnbane Way from a short stretch to the south west and only the upper part is visible. The field is bounded by mature hedges with some mature trees, however the hedges are quite low and there are clear views of the site from along the laneway. There is no planning history on the site itself.

The site is located just outside of the development limit of Newry, to the west of the site is a veterinary pharmaceuticals factory. The fields to the north and south of the site have been approved for infilling to overcome flooding under applications P/2012/0518 and P/2012/0440 respectively.

Application seeks FPP for the infilling of the field with approximately 25,000 cubic metres of clay, topsoil, crushed concrete and bricks to overcome flooding by providing levels to progress water runoff, the proposal also includes the installation of drainage pipes to channel water into an existing drainage point into the Newry River which lies to the east.

The application was subjected to a determination under Regulation 10(1) of the Planning (EIA) Regulations (NI) 2012 on April 9th 2014 following its receipt. The determination was that the application did not need to be accompanied by an environmental statement.

Site History:

There is no history on the site itself

Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

PPS 3 Access, Movement and Parking

PPS 11 Planning and Waste Management

PPS 21 Sustainable Development in the Countryside

Consultations:

NIEA Natural Heritage Advises that the area is comprised of improved grassland with hawthorn hedgerows and ash trees on the boundaries, no evidence of protected species was found and the site is considered to be of low nature conservation value. Recommends that all tree and boundary vegetation should be retained and protected during the works.

NIEA Land and Resource Management Requests clarification of the material to be deposited to ensure it is inert as well as a Hydrological Risk Assessment and details on the management of surface water run off. Additional information has addressed this issue as NIEA's response of September 7th 2015 confirms.

Roads Service Recommends refusal on the grounds of intensification of an access on to a protected route. An amended plan was submitted but Roads Service's response of January 12th 2015 stated that their objections still applied. While there are exceptions for the creation or intensification of accesses onto protected routes set out in the Addendum to PPS 3, none of them appear to apply in this instance and the proposal does not comply with the exception outlined in the SPPS.

Objections & Representations

No representations have been received in relation to this application.

Consideration and Assessment:**Strategic Planning Policy Statement**

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, in relation to waste management the policy largely restates the provisions of the retained policy.

Banbridge/Newry and Mourne Area Plan 2015.

The site is outside of the development limits of Newry as shown in the Banbridge/Newry and Mourne Area Plan 2015, it is shown as being within a Local Landscape Policy Area designated NY 118, the relevant section from the plan statement reads;

Designation NY 118

Local Landscape Policy Area
Cloughanramer Road

A LLPA is designated as identified on Map No. 3/02a Newry.

Those features or combination of features that contribute to the environmental quality, integrity or character of these areas are listed below:

- * Moore Lodge, a locally important building set on a rising landform and prominent in the local landscape;
- * Archaeological sites and monuments, their views and settings;
- * Area of nature conservation interest including hedgerows, specimen trees and scrubland

Moore Lodge is located to the north west of the site, the main views of it are from Carnbane Way and from Cloghanrahmer Road, there are no views of the application site and Moore Lodge together from a public viewpoint.

Planning Policy Statement 11 Planning and Waste Management

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

- * the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;
- * the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;
- * the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;
 - * the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;
 - * the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;
 - * adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;
 - * wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;
 - * the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.
- * the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;
- * the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;
 - * the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;

* In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

It will be necessary for the the applicant to demonstrate that the infilling constitutes the BPOE option for dwelling with the waste material in question.

PPS 3 Access, Movement and Parking, Clarification of Policy AMP 3 Access to Protected Routes

The site accesses on to the A22, a protected route, the relevant section of AMP 3 reads;

"Other Dual Carriageways, Ring Roads, Through-Passes and By-Passes All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance."

The proposal is contrary to this policy and doesn't meet the exception outlined in the SPPS as it would involve the intensification of an access during the infilling, however this may only be for a short period while the infilling is carried out.

Recommendation:

The proposal is acceptable from a planning viewpoint in relation to impacts on biodiversity or drainage, the proposal is contrary to the protected routes policy and the visibility splays are inadequate.

Therefore refusal is recommended.

Refusal Reasons:

The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2 in that the development would, if permitted, prejudice the safety and convenience of road users since it proposes to use an existing access at which visibility splays of 2.4 metres by 100 metres cannot be provided to an adequate standard contained in Development Control Advice Note 15.

Case Officer

Authorised Officer