

# **Addendum 2**

## **LA01/2020/0683/O**

### **1.0 Update**

- 1.1 An email was received on 17<sup>th</sup> August 2023 from the applicant's Planning Consultant. The email contained a letter in support of the application and other information which has previously been received by the Planning Authority and has been considered in detail in the Committee report, namely a Legal letter, Cost Estimate for a new laneway, the consultation response letter from Historic Monuments Unit for application B/2009/0036/F and a copy of the decision notice B/2009/0036/F. The information submitted is available to view on the portal entitled DOC 05 Supporting information.

### **2.0 Consideration**

- 2.1 The points raised in the supporting information are identified below followed by the Council's consideration.
- 2.2 The supporting letter states that an alternative site is not available to cluster with the existing group of buildings on the farm in fields 4 & 5.  
For detailed consideration refer to paragraph 8.5 of the Committee report. In addition, the Planning Department would advise that the applicant is in control of fields 4 and 5 therefore subject to all other policy and material planning considerations there is a possibility of an alternative site available which would be visually linked or sited to cluster with the established group of buildings on the farm.
- 2.3 The supporting letter states that the applicant does not enjoy adequate express rights of access on the lane accessing the farm group for the purposes of a new dwelling; This has been considered at paragraph 8.7 of the Committee report.
- 2.4 Cost implications of constructing a new lane; This has been considered at paragraph 8.7 of the Committee report.

- 2.5 Regarding paragraphs 2.3 – 2.4 above, property ownership issues are not considered exceptional reasons to depart from policy CTY10. PAC reference 2016/A0214, as quoted in the Committee report, did not accept lack of ownership / control of the laneway and land to improve visibility splays as reasons to approve a site that did not visually link or cluster, as the issues were not one of safety but rather land ownership that may or may not be resolved with relevant landowners.
- 2.6 The supporting letter raised comments under the title Health and safety which stated that the lane is restricted in width, is in poor physical condition and is used by farm machinery. Photographs were included of a tractor and van on the lane. Health and Safety and the above-mentioned issues have been considered at paragraph 8.6 of the Committee report. In addition, the existing lane currently serves as access to 3 existing dwellings, 1 approved dwelling site and other farm land and farm buildings without health and safety issues being raised. The amplification of CTY10 requires appropriate and demonstrable evidence to be submitted from a competent and independent authority such as the H&S executive or EH. No such information has been forthcoming.
- 2.7 The supporting letter stated that the usage of the existing lane would require visibility splays within the setting of the Rough Fort. Any potential application using the existing lane would be subject to all material planning considerations which would include the provision of visibility splays and the protection of the integrity of the Rough Fort.
- 2.8 The supporting letter stated that critical viewpoints have not been given and that there are 2 defined boundaries that the site is set back and located in a hollow. Critical viewpoints are to the north at the proposed entrance on Moneyrannel Road and to the south on the shared lane. Both of the critical views were identified in the Committee report.
- 2.9 The supporting letter advises that a concept plan has been previously submitted and that the ridge height and dwelling size can be conditioned. Integration and Rural Character is considered at paragraphs 8.10-8.14 of the Committee report and concludes that the proposal is contrary to policies CTY13 and 14.

- 2.10 The supporting letter states that planning application B/2009/0036/F for an agricultural barn and associated farmyard is a material planning consideration; that the submitted Archaeological and Cultural Impact Assessment concludes that there will be no impact on the setting of this monument and that HED had no objection to B/2009/0036/F which has a greater visual impact than a proposed single storey dwelling. Planning application B/2009/0036/F was granted permission on 28<sup>th</sup> September 2011 and has expired. This application was processed by a different planning authority namely the DOE. The agricultural building subject of the 2009 application was not approved in the same location as the subject site. The agricultural building was 190 metres from the Rough Fort immediately adjacent a mature hedge. The subject site is approximately 110 metres from the Rough Fort and is 18 metres from the boundary hedge. The applicant's Archaeological & Cultural Heritage Impact assessment DOC 03 REV 01 states at paragraph 2.2 that a 2 storey dwelling is proposed. The subject application is not comparable to the expired application B/2009/0036/F.
- 2.11 The supporting letter also states that the Council has failed to properly weight / assess material planning considerations. Section 45 (1) of the Planning Act (NI) 2011 requires that all applications must have regard to the local development plan, so far as material to the application and all other material considerations. The Planning Authority has considered all material considerations in this case including the development plan, planning policy, the Scheduled monument and the supporting information provided by the applicant/agent. The case put forward by the applicant while material is not determining as the site would fail to visually link or cluster with an established group of buildings on the farm, would fail to integrate and would impact on the integrity and intrinsic character of the setting of a regionally important scheduled monument.

### **3.0 Recommendation**

- 3.1 That the committee note the contents of this Addendum and agree with the recommendation to refuse the application in accordance with paragraph 1.1 of the planning Committee Report.