



December 6th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 7th December 2016** at **10:00 am** in the **Boardroom, District Council Offices, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor W Clarke

Vice Chair: Councillor J Macauley

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

Agenda

1. Apologies.

2. Declarations of Interest.

Minutes for Adoption

3. Minutes of the Planning Development Committee Meeting held on Wednesday 23 November 2016. (Attached).

Planning Minutes 23 November 2016.pdf

Page 1

For Discussion/Decision

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

Addendum list - 07-12-2016.pdf

Page 14

Development Management - Planning Applications for determination

5. LA07/2015/0620/0 - Robert Burgess - dwelling house and garage - between 62 and 64 Ballynahinch Road, Saintfield. (Case Officer report attached).

Rec: REFUSAL

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

LA07-2015-0620-0 Robert Burgess.pdf

Page 16

Item 5 - submission of support (Burgess).pdf

Page 23

6. LA07/2015/0885/0 - Patrick Murray - infill site for 2 dwellings - between 171 and 173 Carrickmannon Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from David Burgess (agent) and Patrick Murray (applicant) in support of the application. (**Submission attached**).

[LA07-2015-0885-O Patrick Murray.pdf](#)

Page 25

[Item 6 - submission of support \(Murray\).pdf](#)

Page 34

7. LA/07/2016/0700/F- Neill Jackson - dwelling on farm with retention of temporary living accommodation during construction of new dwelling in substitution of approval R/2012/0337/0 - 11 Bawn Lane, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights had been received from Neill Jackson (applicant); Armour Jackson (farmer) and David Burgess (agent) in support of the application **but the Planning Department has advised that this application is being removed from the schedule for further consideration.**

[LA07-2016-0700-F Neil Jackson.pdf](#)

Page 47

8. LA07/2015/0965/F - East Down Amateur Boxing Club - retrospective change of use (from former poultry house) for retention and approval for current use as amateur boxing club and gym - building No. 2 79 Downpatrick Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights had been received from Sean Bell, Chairman of the Club, in support of the application **but the Planning Department has advised this application has been removed to allow further consideration of Roads concerns.**
- Councillor Harvey has advised of his support for this application.
- Councillor Curran has advised of his support for this application.

[LA07-2015-0965-F East Boxer Amateur Boxing Club.pdf](#)

Page 57

9. LA07/2015/1224/F - Mrs E Fitzsimons - proposed conversion with extension of vernacular stone outbuilding to farm dwelling - 53a Saintfield Road, Crossgar, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Mr Gerry Tumelty, agent, in support of the application, accompanied by Mr Fitzsimons, husband of the applicant. (**Submission attached**).

[LA07-2015-1224-F Mrs E Fitzsimons.pdf](#)

Page 64

[Item 9 - submission of support \(Fitzsimons\).pdf](#)

Page 72

10. LA07/2015/1326/F - Mr B Boyd - retrospective permission for amendments to previous approval R/2014/0235/F to include an extension to the existing micro-distillery with elevation changes, visitor area, public bar, bottling area/storage, cafe, sales area, toilets, mezzanine floor for offices, treatment plant and associated works with access onto Church Road and 3 passing bays along Church Road - 360m south of Rademon House, 60 Ballynahinch Road, Crossgar. (Case Officer report attached).

Rec: APPROVAL

[LA07-2015-1326-F Brendan Boyd.pdf](#)

Page 75

11. LA07/2016/0434/F - Mr & Mrs Paul Flanagan - dwelling and garage - adjacent to 27 Ballynahinch Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-0434-F Mr and Mrs Paul Flanagan.pdf](#)

Page 82

12. LA07/2016/0821/F - Mr C Canning - change of house type to that previously approved under R/2012/0323/F (further amended plan received) - lands at 24 Ringhaddy Road, Killinchy. (Case Officer report attached).

Rec: REFUSAL

- The Planning Department have advised that this application is to be removed from the addendum list as an amended scheme has been received.

[LA07-2016-0821-F C Canning.pdf](#)

Page 91

13. LA07/2016/0836/F - Kings Castle Nursing Home - single storey extension to accommodate 5 No. single bedrooms - Kings Castle Nursing Home, Kildare Street, Ardglass. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Michael Bailie, Agent, in support of the application. **(Submission attached).**
- Councillor Curran has advised of his support for this application. **(Submission attached).**

- 14. LA07/2016/0837/LBC - Kings Castle Nursing Home - listed building consent (LBC) for single storey extension to accommodate 5 No. single bedrooms at Kings Castle Nursing Home - Kings Castle Private Nursing Home. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Michael Bailie, Agent, in support of the application.

- 15. R/2014/0658/F - Mr J McMullan - installation of a wind turbine on a tubular tower of up to 40m height with blades up to 59.5m (to tip height) - lands 340m south west of No. 22 Slievegrane Road, Saul. (Case Officer report attached).**

Rec: REFUSAL

- 16. LA07/2015/0087/F - Martin Ward Rockmount Convenience Complex Rathfriland Road - Varying of condition 3 of P/2010/0171/F which currently reads "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays" to read "The premises shall not be open for business outside the hour**

Rec: REFUSAL

- The Planning Department has agreed to remove this application from the addendum list to allow Environmental Health to attend the Committee Meeting and also to give the opportunity for objectors and agents to speak if requested.

- 17. LA07/2015/0364/F - Lindsay Martin - retention of existing building for light industrial purposes (storage and repair of farm plant and**

machinery) as farm diversification project - lands to rear of 23 Ballymaderfy Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

[LA07-2015-0364-F Lindsay Martin.pdf](#)

Page 120

18. LA07/2015/0519/0 - Gerard McEvoy - proposed infill sites to accommodate 2 No. dwellings - adjacent and directly south of No. 43 Newtown Road, Cloghogue. (Case Officer report attached).

Rec: REFUSAL

[LA07-2015-0519-O Gerard McEvoy.pdf](#)

Page 130

19. LA07/2015/0611/F - David McKee - erect 7 dwellings in substitution to the approval granted under P/2006/2173/F - 27 Knockchree Avenue, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

[LA07-2015-0611-F David McKee.pdf](#)

Page 134

20. LA07/2015/0910/F - Kieran O'Callaghan - 2 storey farm dwelling and double garage (amended plans) - adjacent to and south of 20 Chapel Road, Camlough. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Siobhan Olarte, in support of the application (2.5 minutes) and Paul McAlister, Architect, in support of the application (2.5 minutes). **(Submissions attached).**

[LA07-2015-0910-F Kieran O'Callaghan.pdf](#)

Page 142

[Item 20 - submission of support \(O'Callaghan\).pdf](#)

Page 147

[Item 20 - submission of support from Architect \(O'Callaghan\).pdf](#)

Page 148

21. LA07/2016/0005/F - Adrian Sherry - change of house type to site No. 5 in on going approved development at Newry Road, Kilkeel - No. 55 and part of garden of 59 Newry Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Joe Lynan, Architect, in support of the application.

- 22. LA07/2016/0226/F - Mark Devlin - erection of residential development comprising 19 dwellings - lands adjacent and SE of Nos 16 & 19 Lisbeg Park, Lismore Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road, Crossmaglen. (Case Officer report attached).**

Rec: APPROVAL

- Councillor McAteer has requested that this application be removed from the addendum list and given a full presentation at a future Planning Committee Meeting.

LA07-2016-0226-F Mark Devlin.pdf

Page 157

- 23. LA07/2016/0227/F - Mark Devlin - erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) - lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road). (Case Officer report attached).**

Rec: APPROVAL

- Councillor McAteer has requested that this application be removed from the addendum list and given a full presentation at a future Planning Committee Meeting.

LA07-2016-0227-F Mark Devlin.pdf

Page 169

- 24. LA07/2016/0228/F - Mark Devlin - erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) - lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road). (Case Officer report attached).**

Rec: APPROVAL

- Councillor McAteer has requested that this application be removed from the addendum list and given a full presentation at a future Planning Committee Meeting.

LA07-2016-0228-F Mark Devlin.pdf

Page 186

25. LA07/2016/0401/F - Margaret Kane - proposed farm building without underground tanks - 135m ESE of No. 42 Levallyreagh Road, Rostrevor. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-0401-F Margaret Kane.pdf](#)

Page 203

26. LA07/2016/0516/F - Bernagh Brims and Gill Hindshaw - conversion of existing historical granite barn to 3 bedroom dwelling with associated garden, existing parking spaces and road access (revised address) - lands 10m west of No. 5 Stewarts Road, Annalong. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-0516-F Bernagh Brims and Gill Hindshaw.pdf](#)

Page 209

27. LA07/2016/0677/F - NI Electricity - 11kv overhead to facilitate connection to a wind turbine - approx 40m south east of 35 Ballymoyer Road, Co. Armagh and extending south east towards and east of 15 Cold Brae Road, Co. Armagh. (Case Officer report attached).

Rec: APPROVAL

- The Planning Department has advised that this application is being removed from the schedule in order that the agent can address additional matters raised by NIEA.

[LA07-2016-0677-F NIE.pdf](#)

Page 216

28. LA07/2016/0732/0 - Mrs Mary Carr - proposed erection of a farm dwelling - lands to the rear and south of No. 6 Railway Road, Meigh, Killeavy. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Aiden Cole, Architect and Mary Carr, applicant, in support of the application. **(Submission attached).**

[LA07-2016-0732-O Mary Carr.pdf](#)

Page 221

[Item 28 - submission of support \(Carr\).pdf](#)

Page 226

29. LA07/2016/0883/F - WBR Credit Union - demolition of existing bar/restaurant with 2 floors of residential use over. Relocation of existing credit union from 14 Church Street. New 3 storey building (Class A2: financial, professional and other services) with ground floor

pedestrian access off Church Street and King's Lane - 21-23 Church Street, Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Eamon Larkin, Milligan Reside Larkin and Mr Tony Mackle in support of the application. **(Submission attached).**

[LA07-2016-0883-F WBR Credit Union.pdf](#)

Page 229

[co LA07-2016-0883-F.pdf](#)

Page 230

[Item 29 - submission of support \(WBR Credit Union\).pdf](#)

Page 239

30. LA07/2016/1124/F - Tesco Stores Ltd - proposal under Section 54 of the Planning Act 2011 to vary Condition 1 of P/2010/1568 and Condition 14 of P/2012/0504 (both relating to permitted servicing hours for food superstore) to permit an additional hours servicing from 06.00hrs to 07.00hrs Monday to Friday and an additional hour and a half from 07.00hrs to 8.30hrs on a Saturday at Tesco Store, 24 Downshire Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- The Planning Department has advised that this application has been withdrawn.

[LA07-2016-1124-F Tesco Stores Ltd.pdf](#)

Page 247

31. LA07/2016/1142/0 - Paul Gribben - dwelling and garage on a farm - site immediately north of and adjacent to No. 23 Drumsesk Road, Rostrevor. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-1142-O Paul Gribben.pdf](#)

Page 255

[Item 31 - submission of support \(Gribben\).pdf](#)

Page 263

32. P/2012/0457/F - Tom Fletcher - erection of a farm replacement dwelling with swimming pool and garage - immediately south of junction of Kidds Road with Craigmore Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- Councillor Macauley has requested that this application be removed from the addendum list and given a full presentation at a future Planning Committee Meeting.

33. LA07/2016/1198/0 - Neil Saward - site for dwelling - 165 m SW of 26 Shaughan Road, Belleek. (Case Officer report attached).

Rec: REFUSAL

LA07-2016-1198-O Neil Saward.pdf

Page 271

34. P/2015/0018/RM - Mr Francis Morgan - proposed dwelling (amended plans received) - approx 80m east of 51 Rostrevor Road, Warrenpoint. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Dermot Monaghan, MBA Planning and objectors Rory McShane and Mark Reynolds objecting to the application. **(Submission attached). (5 minutes).**
- A request for speaking rights has been received from Colin D'Alton, Agent and Mr Francis Morgan, applicant, in support of the application on the basis that they are content with the Case Officer's report on the application. **(5 minutes).**

P-2015-0018-RM Francis Morgan.pdf

Page 276

Item 34 - submission of objection (Morgan).pdf

Page 289

35. P/2015/0230/F - Stephen Collins - retention of 2 storey rear extension and new bay window and canopy on front elevation (revised description) - 10 Cloughreagh Park, Cloghreagh, Bessbrook. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received for Mark Tumilty, Agent, and Stephen Collins, applicant, in support of the application. **(Please note the agent's submission will be forwarded to Members under separate cover).**
- **Note due to personal information this item is deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, be resolution, be excluded during this item of business.**

P-2015-0230-F Stephen Collins.pdf

Page 303

For Noting

36. Update on planning application P/2015/0218/F - Gruggandoo Wind Farm.

Item 36 - Gruggandoo Wind Farm.pdf

Page 307

Invitees

Cllr Terry Andrews	terry.andrews@downdc.gov.uk
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Cllr Patrick Brown	patrick.brown@nmandd.org
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Cllr Mark Murnin	mark.murnin@nmandd.org
Mrs Aisling Murray	aisling.murray@newryandmourne.gov.uk
Cllr Barra O Muiri	barra.omuiri@nmandd.org
Cllr Pol O'Gribin	pol.ogribin@nmandd.org

Mr Canice O'Rourke	canice.orourke@downdc.gov.uk
Cllr Brian Quinn	brian.quinn@newryandmourne.gov.uk
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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

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 23 November 2016 at 10.25am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor W Clarke**Vice Chairperson:** Councillor J Macauley**In Attendance:****(Committee Members)**

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

(Officials)

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

P/125/2016: APOLOGIES / CHAIRMAN'S REMARKS

No apologies.

P/126/2016: DECLARATIONS OF INTEREST**Councillor D McAteer** declared an interest in Planning Application LA07/2016/0889/F from Telefonica UK Limited.

**P/127/2016: MINUTES OF PLANNING COMMITTEE MEETING
- THURSDAY 10 NOVEMBER 2016**

Read: Minutes of Planning Committee Meeting held on Thursday 10 November 2016. **(Copy circulated)**

AGREED: On the proposal of Councillor Loughran seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Thursday 10 November 2016 as a true and accurate record.

P/128/2016: ADDENDUM LIST

Read: Addendum list of planning applications with no representations received or requests for speaking rights – Wednesday 23 November 2016.
(Copy circulated)

Agreed: It was unanimously agreed to remove the following planning applications from the Addendum List for full presentation at a future Planning Committee Meeting: -

- Item 31 – LA07/2016/1045/F – Mr & Mrs A Quinn – demolition of existing dwelling and outbuildings and erection of new replacement dwelling and detached garage -32 Aughnduff Road Mullaghbawn.
REFUSAL
(Removed from the Addendum List at the request of Councillor Casey)
- Item 23 – LA07/2015/1036/O – Mary B Agnew – erection of dwelling on family farm – 50m NW of 33 Kilnasaggart Road Jonesborough.
REFUSAL
(Planning Officials advised this Application has been withdrawn)

Agreed: On the proposal of Councillor Craig seconded by Councillor Harte it was agreed to approve the Officer Recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications listed on the Addendum List:

- Item 6 – LA07/2015/1387/0 – Tony & Peggy Murphy – 3 detached dwellings – Killard Square, Ballyhornan, Downpatrick – **REFUSAL**
- Item 9 – LA07/2016/0446/0 – Mrs S A McBride – proposed replacement dwelling – 250m east of 23 Clanmaghery Road, Tyrella – **REFUSAL**
- Item 13 – LA07/2016/1001/0 – Mr Garet Poole – proposed dwelling – site opposite 26 Peartree Road, Ballynahinch – **REFUSAL**

- Item 14 – LA07/2016/1115/0 – Mr Roche McGreevy Jnr – proposed storey and a half dwelling – land 50m NE of 101a Manse Road, Rafferey – **REFUSAL**
- Item 15 – LA07/2016/0268/F – J Graham & Sons – proposed storey and a half dwelling between 32 and 34 Eliza Close, Newcastle – **REFUSAL**
- Item 16 – LA07/2015/0704/0 – Damien Murphy – site for dwelling on farm – 170m south west of No. 111 Newry Road, Mayobridge – **REFUSAL**
- Item 17 – LA07/2016/0428/0 – Mr & Mrs Mark McKinley – proposed dwelling on a farm – to the rear of No. 68 Newry Road, Hilltown – **REFUSAL**
- Item 18 – LA07/2016/0896/0 – Gregory Glenny – proposed dwelling on a farm – adjacent and south of 319a Newry Road, Kilkeel – **REFUSAL**
- Item 19 – LA07/2015/0137/F – Mr Brian McCullough – commercial development of 1 No. detached unit and 4 No. units within one block – opposite and west of 8 Old Warrenpoint Road, Newry – **REFUSAL**
- Item 27 – LA07/2016/0510/0 – Robert Laurence Annett – dwelling on a farm – adjacent and west of 60 Corcreaghan Road, Kilkeel – **REFUSAL**
- Item 28 – LA07/2016/0617/F – Lotus Homes (UK) Ltd – proposed residential development to include 246 No. dwellings (166 no semi-detached and 80 no. detached houses) associated garages and private driveways, formation of new right-hand turn lane and site access from McKnights Hill, provision of childrens' play area and associated site works – lands at McKnights Hill to the north of Church of the Good Shepherd to the rear of Derramore Crescent/Derramore Terrace and to the east of Brooklawns including all lands stretching to the Bessbrook River – **APPROVAL**
- Item 33 – P/2014/0322/F – Danny Fegan – proposed installation of a wind turbine on a tubular tower to up to 40m height with blades to 54.4 metre (to tip height) – lands 350m east of 72 Drumlough Road, Drumgath, Rathfriland – **APPROVAL**

P/129/2016: APPLICATION FOR DETERMINATION

AGREED: On the advice of the Planning Department, it was unanimously agreed to note that the following Application had been removed from the Agenda:

- Item 10 - LA07/2016/0559/F – J W & S Watson – dwelling with amended siting and change of house type in substitution for approval R/2007/0115/RM – 90m north of 121 Ballylough Road, Castlewellan
Recommendation: REFUSAL

(Planners have agreed to remove this application from the agenda on the basis of information submitted by Mr Ewart Davis, Agent, on 14 November 2016)

- Item 25 – LA07/2016/0438/F – Peter and Sinead Donaghy and Kinney Excel Gymnastics – proposed change of use from approved industrial unit to gymnastic facilities ages plus 5 years – site at No. 2G Derryboy Road, Carnbane Industrial Estate, Newry
Recommendation: REFUSAL
(Planners have agreed that this application be removed from the agenda and be re-presented at the Planning Committee Meeting on 7 December 2016.

- Item 32 – P/2013/0279/F – Herbert Bailie – erection of wind turbine with a max output not exceeding 250kw (amendment of previous application P/2011/0239/F to allow increase in hub height from 32m to 40m, no change in rotor diameter (30m) and increase in max height to tip from 47 m to 55 m) – 230m north of 31 Cavankill Road, Newtownhamilton
Recommendation: APPROVAL
(The Planning Department has agreed to undertake further consultation with the Environmental Health Department to allow further consideration of this application and as a result it will be removed from the Agenda. It is anticipated that this application will return to the Planning Committee in January 2017)

- Item 29 – LA07/2016/0732/O – Mary Carr - proposed erection of a farm dwelling – lands to the rear and south of No. 7 Railway Road, Meigh, Killeavy.
Recommendation: REFUSAL
(It was agreed, at the request of the Applicant, to defer Planning Application LA07/2016/0732/O to the next meeting of the Planning Committee)

The following applications were determined by the Committee: -

(1) LA07/2015/0647/O – PR Jennings

Location:

15m north of 39 Listooder Road, Crossgar

Proposal:

Erection of farm dwelling (additional information received)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gary Thompson, GT Design, presented in support of the application

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a refusal for the reasons recommended in

respect of Planning Application LA07/2015/0647/O, as per the Development Management Officer Report.

Abstentions: 0

(2) LA07/2016/0173/F – David Tate

Location:

9 Annacloy Road, Downpatrick

Proposal:

Change of use of building for a dog training and boarding kennels with external exercise area

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr David Burgess Agent, Sylvia Tate and David Tate presented in support of the application.

Councillor H Harvey confirmed his support for this application.

Councillor Casey proposed and Councillor Hanna seconded to issue an approval in respect of Application LA07/2016/0173/F, contrary to Officer recommendation, on the basis that the inclusion of suitable and appropriate conditions can overcome the refusal reason as outlined in the Development Management Officer Report regarding amenities of nearby residents at No. 2 Keelstown Road.

It was also proposed that Planning Officials be granted authority to include reasonable mitigating conditions that will address any impact on amenity in terms of noise, of nearby residents at No. 2 Keelstown Road.

The proposal was put to a vote by way of a show of hands, and voting was as follows:

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Casey seconded by Councillor Hanna it was agreed to issue an approval in respect of Application LA07/2016/0173/F, contrary to Officer recommendation, on the basis that the inclusion of suitable and appropriate conditions can overcome the refusal reason as outlined in the Development Management Officer Report regarding amenities of nearby residents at No. 2 Keelstown Road.

It was agreed Planning Officials be granted authority to include reasonable mitigating conditions that will address any impact on amenity in terms of noise, of nearby residents at No. 2 Keelstown Road.

(3) LA07/2016/0217/F – Mr Kieran Kelly

Location:

60m NE of 72 Finnis Road, Dromara

Proposal:

Proposed change of house type and sited 50m SE from previous Q/2011/0024/F (amended proposal)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Colin O’Callaghan, Planning Consultant, presented in support of the application

(11.10am – Councillor L Devlin joined the Meeting)

Councillor McAteer proposed and Councillor Murnin seconded to issue an approval in respect of Application LA07/2016/0217/F, contrary to Officer recommendation, on the basis that the position of the site would not have a detrimental visual impact on the landscape.

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

FOR:	3
AGAINST:	7
ABSTENTIONS:	0

The proposal was declared lost.

Councillor Hanna proposed and Councillor Larkin seconded to issue a refusal in respect of Application LA07/2016/0217/F, for the reasons recommended, as per the Development Management Officer Report.

The proposal was put to a vote by way of a show of hands, and voting was as follows:

FOR:	8
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue a refusal in respect of Application LA07/2016/0217/F, for the reasons recommended, as per the

Development Management Officer Report.

(4) LA07/2016/0561/F – Mr & Mrs Samuel Duke

Location:

19 Inishbeg, Killyleagh

Proposal:

Extension to existing curtilage of dwelling. Retention of existing pigeon loft and construction of additional loft

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gerry Tumelty, Agent, and Mr Samuel Duke Applicant, presented in support of the application

Councillor Larkin proposed and Councillor Ruane seconded to issue a refusal, for the reasons recommended, in respect of Planning Application LA07/2016/0561/F, as per the Development Management Officer Report.

The above proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	6
AGAINST:	3
ABSTENTIONS:	3

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a refusal, for the reasons recommended, in respect of Planning Application LA07/2016/0561/F, as per the Development Management Officer Report.

(5) LA07/2016/0706/F – Patrick Byrne

Location:

20 Killough Road, Ardglass

Proposal:

Retention of pigeon loft

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gerry Turmelty, Agent, presented in support of the application

AGREED: On the proposal of Councillor Hanna seconded by Councillor Devlin it was agreed to defer Planning Application LA07/2016/0706/F to allow the applicant and Planning Officials to discuss whether it is possible to reduce the height of the building to address refusal reason regarding scale, massing and design.

Abstentions: 0

(6) LA07/2015/0381/F – Mr B Loughran

AGREED: It was agreed that any Member of the Planning Committee who were not in attendance at the site visit in respect of Application LA07/2015/0381/F, or who were not in attendance at the Planning Committee Meeting held on Wednesday 6 July 2016 at which the said Application was heard, could not take part in the decision making process regarding this application.

Noted: It was noted Councillor M Ruane, Councillor L Devlin and Councillor J Macauley indicated they would not be taking part in the decision making process in respect of Application LA07/2015/0381/F.

Location:

South of 108 Tullyah Road, Whitecross

Proposal:

Dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Tony O'Hare, Agent, presented in support of the application

Councillor McAteer proposed and Councillor Loughran seconded to issue an approval in respect of Planning Application LA07/2015/0381/F, contrary to Officer recommendation, on the basis that there was no other viable option available at this location and that standard conditions be introduced to address issues raised in relation to mature planting and impact on the skyline.

The proposal was put to a vote by way of a show of hands, and voting was as follows:

FOR: 5
AGAINST: 2
ABSTENTIONS: 1

Agreed: On the proposal of Councillor McAteer seconded by Councillor Loughran it was agreed to issue an approval in respect of Planning Application LA07/2015/0381/F, contrary to Officer recommendation, on the basis that there was no other viable option available at this location and that Planning Officers be granted authority to introduce standard conditions to address issues raised in relation to mature planting and impact on the skyline.

(7) LA07/2015/0894/F – Mr Conor Quinn

Location:

19m south east of No. 17 Carn Road, Meigh, Newry

Proposal:

Erection of 2 dwellings with double garages on an infill site

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Stephen Hughes, Agent, presented in support of the application

Agreed: On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to issue a refusal in respect of Planning Application LA07/2015/0894/F, for the reasons recommended, as per the Development Management Officer Report.

Abstentions: 0

(1.05pm – meeting adjourned)

(1.45pm – meeting resumed)

(1.45pm – Councillor L Devlin left the meeting)

(8) LA07/2015/0971/O – Mr John McNally

Location:

100m north east of No. 37 Sheeptown Road, Saval, Newry

Proposal:

Site for dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Agreed: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed on the advice of the Chief Planning Officer, to defer Planning Application LA07/2015/0971/O to the next appropriate

Planning Committee Meeting to consider information raised at the meeting.

(9) LA07/2016/0413/F – Hugh, Shane, Stephen, Ciaran and Raymond Fitzpatrick

Location:

45m north of 235b Moyad Road, Kilkeel

Proposal:

Proposed livestock shed with underground slurry tank, multi purpose shed and livestock loading/handling pens

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Brendan Quinn, Agent, presented in support of the application

Agreed: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2016/0413/F, to allow Planning Officers to request from the Agent, evidence of the farm business, and the amount of cattle registered with the farm business and the pattern of buying livestock and Planning Officers to discuss with the agent and applicant the need to construct two buildings at this site.

Abstentions 0

(10) LA07/2016/0477/F – Caolan Quinn

Location:

50m SE of No. 106 Carrickgallogly Road, Carrickgallogly, Belleek

Proposal:

Erection of a dwelling

Consultation and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Stephen Hughes, presented in support of the application

Agreed: On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2016/0477/F, for the reasons recommended, as per the Development Management Officer Report.

Abstentions 0

(2.45pm – Councillor McAteer withdrew to the public gallery)

(11) LA07/2016/0889/F – Telefonica UK Limited

Location:

Lands 157m south east of Fernhill House, 83 Clonallan Road, Warrenpoint

Proposal:

Proposed 25m telecommunications mast to carry 3 No. antennae and 2 No. radio dishes and associated works including 3 No. equipment cabinets and site compound

Consultation and Recommendation from Planning Official:

Approval

Speaking rights:

Les Ross Agent, presented in support of the application

Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2016/0889/F, subject to Condition 1, and Informatives 1 to 7, as per the Development Management Officer Report.

(2.55pm – Councillor McAteer re-joined meeting)

(12) P/2014/0972/O – Edward Ryan

Location:

15 Ryanstown Road Newry

Proposal:

Site for dwelling (additional information submitted)

Consultation and Recommendation from Planning Official:

Refusal

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

Speaking rights:

Colin O Callaghan Agent, presented in support of the application

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to come out of Closed Session.

When the Committee came out of Closed Session, the Chairman reported the following decision had been taken which was put to a vote by way of a show of hands:

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an refusal in respect of Planning Application P/2014/0972/O, for the reasons recommended, as per the Development Management Officer Report.

FOR: 8
AGAINST 3
ABSTENTIONS: 0

(13) P/2013/0349/F – Canice McKeown

Location:

35m east of 23 Lissaraw Road Camlough

Proposal:

One single storey dwelling house and associated domestic garage with new vehicular access and all associated site works.

Consultation and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin O Callaghan Agent, presented in support of the application

AGREED: On the proposal of Councillor Macauley seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application P/2013/0349/F, for the reasons recommended, as per the Development Management Officer Report.

P/130/2016: PERFORMANCE REPORT
 - OCTOBER 2016

Read: Performance Report for October 2016. (Copy circulated)

Agreed: It was agreed to note Performance Report for October 2016.

P/131/2016: APPEALS & DECISIONS
 - OCTOBER 2016

Read: Report regarding Appeals and Decisions for October 2016 .
 (Copy circulated)

Agreed: It was agreed to note the Report on Appeals and Decisions for October 2016.

**P/132/2016: MEETINGS
PLANNING OFFICERS/PUBLIC REPRESENTATIVES**

Read: Report regarding Meetings with Planning Officials and Public Representatives. (Copy circulated)

Agreed: It was agreed to note the Report regarding Meetings with Planning Officials and Public Representatives.

**P/133/2016: PLANNING WORKSHOP
- 5 DECEMBER 2016**

Noted: A Planning Workshop for the Members of the Planning Committee and Planning Officials will be held with Mr Stuart Beattie QC, together with Belfast Legal Services, for Committee to discuss general planning issues, including assessing applications for houses in the countryside and the evidence to demonstrate whether there is an active and established farm, plus any other issues Members wish to raise.

The Workshop will be held on Monday 5 December 2016 in the Boardroom District Council Offices Monaghan Row Newry,

AGREED: Members to advise Senior Officers as soon as possible, of any particular issues they would like raised at the Planning Workshop, in relation to planning.

There being no further business the meeting concluded at 3.35pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 7 December 2016

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

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

Item 4 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 7 December 2016.

The following planning applications listed on the agenda, have received no representations or requests for speaking rights. Unless a Member wishes to have these applications presented and discussed, the Planning Committee will be asked to approve the officer's recommendation and the applications will be taken as "read" without the need for a presentation. If a Member would like to have a presentation and discussion on any of the applications listed below they will be deferred to the next Committee Meeting for a full presentation:-

- **Item 10** - LA07/2015/1326/F - Mr B Boyd - retrospective permission for amendments to previous approval R/2014/0235/F to include an extension to the existing micro-distillery with elevation changes, visitor area, public bar, bottling area/storage, cafe, sales area, toilets, mezzanine floor for offices, treatment plant and associated works with access onto Church Road and 3 passing bays along Church Road - 360m south of Rademon House, 60 Ballynahinch Road, Crossgar. **APPROVAL**
- **Item 12** - LA07/2016/0821/F - Mr C Canning - change of house type to that previously approved under R/2012/0323/F (further amended plan received) - lands at 24 Ringhaddy Road, Killinchy. **REFUSAL**
- **Item 15** - R/2014/0658/F - Mr J McMullan - installation of a wind turbine on a tubular tower of up to 40m height with blades up to 59.5m (to tip height) - lands 340m south west of No. 22 Slievegrane Road, Saul. **REFUSAL**
- **Item 16** - LA07/2015/0087/F - Martin Ward Rockmount Convenience Complex Rathfriland Road - Varying of condition 3 of P/2010/0171/F which currently reads "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays" to read "The premises shall not be open for business outside the hours of 0600 and 1900 hours Monday to Friday and 1000 hours and 1700 hours on Saturdays and no servicing or deliveries shall occur on Sundays. **REFUSAL**
- **Item 17** - LA07/2015/0364/F - Lindsay Martin - retention of existing building for light industrial purposes (storage and repair of farm plant and machinery) as farm diversification project - lands to rear of 23 Ballymaderfy Road, Kilkeel. **REFUSAL**
- **Item 18** - LA07/2015/0519/0 - Gerard McEvoy - proposed infill sites to accommodate 2 No. dwellings - adjacent and directly south of No. 43 Newtown Road, Cloghogue. **REFUSAL**
- **Item 19** - LA07/2015/0611/F - David McKee - erect 7 dwellings in substitution to the approval granted under P/2006/2173/F - 27 Knockchree Avenue, Kilkeel. **REFUSAL**
- **Item 22** - LA07/2016/0226/F - Mark Devlin - erection of residential development comprising 19 dwellings - lands adjacent and SE of Nos 16 & 19 Lisbeg Park, Lismore Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road, Crossmaglen. **APPROVAL**

- **Item 23** - LA07/2016/0227/F - Mark Devlin - erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) - lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road). **APPROVAL**
- **Item 24** - LA07/2016/0228/F - Mark Devlin - erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) - lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road). **APPROVAL**
- **Item 25** - LA07/2016/0401/F - Margaret Kane - proposed farm building without underground tanks - 135m ESE of No. 42 Levallyreagh Road, Rostrevor. **REFUSAL**
- **Item 26** - LA07/2016/0516/F - Bernagh Brims and Gill Hindshaw - conversion of existing historical granite barn to 3 bedroom dwelling with associated garden, existing parking spaces and road access (revised address) - lands 10m west of No. 5 Stewarts Road, Annalong. **REFUSAL**
- **Item 32** - P/2012/0457/F - Tom Fletcher - erection of a farm replacement dwelling with swimming pool and garage - immediately south of junction of Kidds Road with Craigmore Road, Newry. **REFUSAL**
- **Item 33** - LA07/2016/1198/0 - Neil Saward - site for dwelling - 165 m SW of 26 Shaughan Road, Belleek. **REFUSAL**

ITEM NO	5			
APPLIC NO	LA07/2015/0620/O	Outline	DATE VALID	7/21/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Robert Burgess 22 Drumnaconnell Road Saintfield BT24 7NB		AGENT	
LOCATION	Between 62 and 64 Ballynahinch Road Saintfield BT24 7ND			NA
PROPOSAL	One dwelling house and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to 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 would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 120 metres), in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 2 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.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0620/O

Date Received: 21.07.2015

Proposal: The application is for outline planning permission for one dwelling house and garage

Location: The application site is located outside the settlements in the open countryside as designated in the Ards & Down Area Plan 2015.



Site location plan



Site Characteristics & Area Characteristics:

The site is located along the Ballynahinch Road on the outskirts of Saintfield. The site is a rectangular, roadside plot, with a gradual slope in a southerly direction set between No 62 Ballynahinch Road and No 64 Ballynahinch Road. No 64 is a single storey bungalow with attached double garage, which is slightly set back from the main dwelling. There is a single storey stone building with slate roof situated to the rear of No 64. No 64 is accessed directly onto the Ballynahinch Road. The northern boundary of No 64 consists of a wooden fence interspersed with some vegetation. The site is currently part of an existing field which is being used to grow barley. The western boundary which fronts onto the Ballynahinch Road consists of a scrappy hedge which has gaps inbetween. There is field gate which fronts onto the Ballynahinch Road. The northern boundary of the site bounds with No 62 which consists of very mature vegetation which runs the length of the site. No 62 is a large red brick dwelling with red concrete roof tiles and hipped roof. There is a double detached garage to the north of the site which is single storey and matching materials to the dwelling. There is mature vegetation along the frontage of the site.

The site is close to the outskirts of Saintfield and is rural in character. There is a dispersed pattern of single dwellings in the countryside.

Site History:

No history on the site

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Down and Ards Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21 - CTY 8, 13, 14.

Consultations:

NI water – No objections

NIEA Water management – No objections

TransportNI - have highlighted that the A21 is a protected route, therefore the application must meet the policy requirements of PPS 3 -AMP 3 Access to protected Routes. In addition the required visibility splays of 2.4 x 100m cannot be achieved.

Objections & Representations

In line with statutory requirements two neighbours have been notified on 27.08.2015 No letters of objection or support have been received. 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.

PPS 21 - Sustainable Development in the Countryside

Policy CTY1 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 CTY8 which will be considered below. 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 an 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.

When coming from the north east and travelling in a south easterly direction the road gradually declines. To the north of the site is no 62 which also accommodates a large ancillary garage to the north. When approaching the site from the north the road follows a southerly direction. There is a strong boundary along this part of No 62's frontage. When standing at a static point whilst No 62 is heavily screened in the height of summer, there would be intervisibility between No 62 the associated garage and No 64. There are also views of the single storey building which is tucked in behind No 64.

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'. No 62 has a garage to the north, this is detached and whilst it is subordinate to the main dwelling and does not have an independent road frontage for the purposes of this policy, it is considered as one of the 3 buildings to meet the requirements of Policy CTY 8. The proposal therefore represents the development of a small gap site within an

otherwise substantial and continuously built up frontage as per CTY 8. In terms of the plot sizes, the existing dwellings are large/ modest sized detached properties on similar sized plots.

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). Since the proposed development would meet the requirements of Policy CTY 8 in this case it would also meet the tests of CTY 14.

CTY 13 – Integration and Design of Buildings in the Countryside

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

The principle of a dwelling on the site would be acceptable.

PPS3 - Access, Movement & Parking

DCAN15 - Vehicular Access Standards

The A21 is a protected Route, therefore the application must comply fully with the policy as identified in PPS 3 Policy AMP 3 - Access to protected Routes. Annex 1 of PPS 21 is a 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. Given the above assessment the application falls under category (d) Other categories of Development - whereby 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.

The application would meet the criteria for development in the countryside and access cannot be reasonably be obtained from an adjacent minor road. The policy goes on to state that where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. There is no existing vehicular access within the site only an existing field gate.

In addition Transport NI have also indicated that the applicant is unable to provide the required visibility splays of 2.4 x100m in both directions in accordance with DCAN 15.

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 it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 120 metres), in accordance with the standards contained in the Department's Development Control Advice Note 15.

Refusal is recommended.

Refusal Reasons:

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.
2. 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 it would not be possible within the application site to provide an access with visibility splays (of 2.4 metres x 120 metres), in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer Signature

Date

Appointed Officer Signature

Date

LA07/2015/0620/O

Between 62 and 64 Ballynahinch Road Saintfield
BT24 7ND

One dwelling house and garage

The only issue with this issue is the standard of the access available onto the A21 protected route.

Policy AMP3 deals with vehicular accesses onto protected routes. Category (d) are 'other categories of Development' such as an infill situation where approval may be justified if access cannot reasonably be obtained from an adjacent minor road.

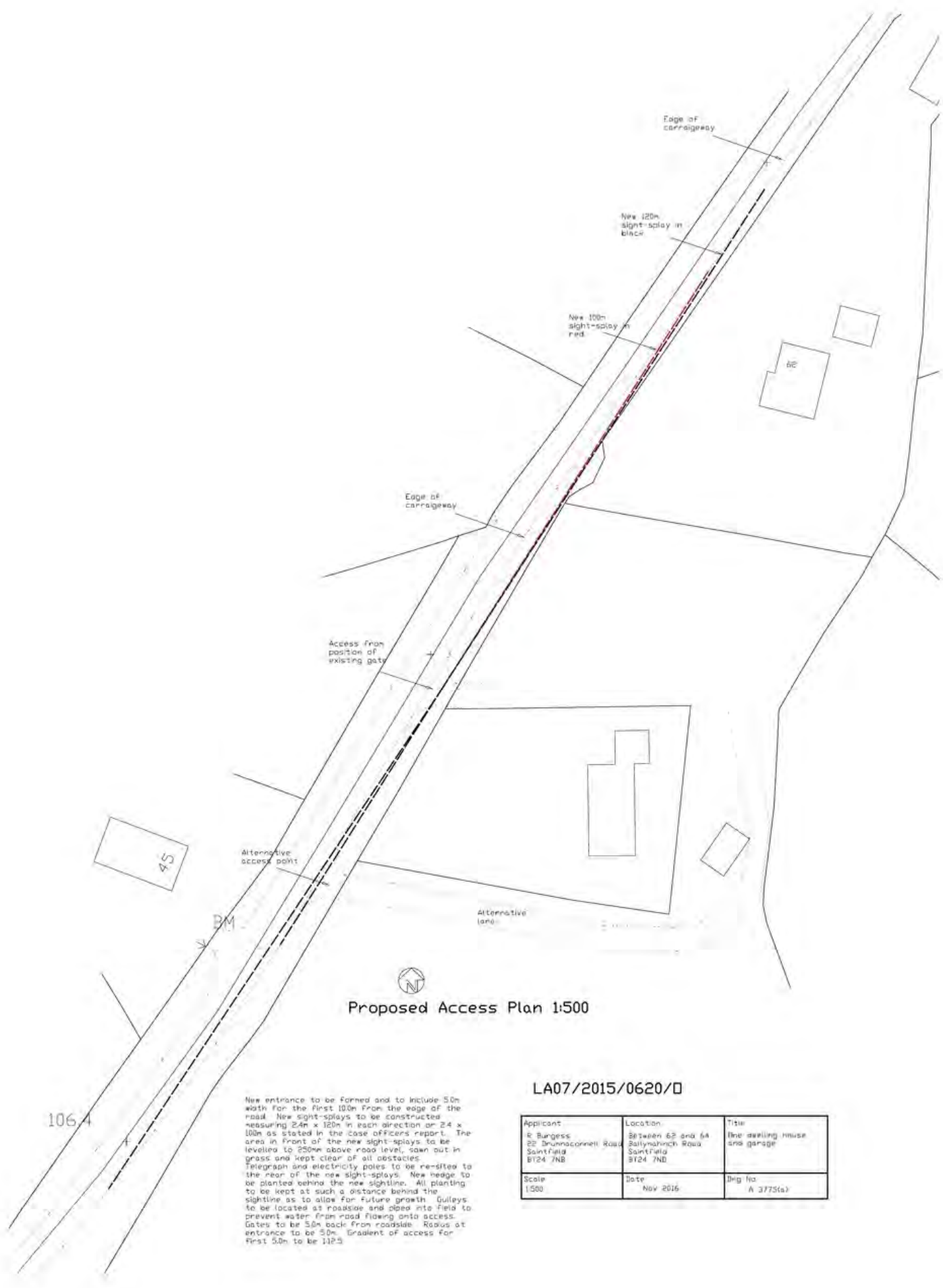
The detail on the attached drawings have not yet been assessed by Transport NI. Unfortunately the drawings were not submitted during the course of the application until now. Now that they have we request that they be fully assessed.

We believe we have offered 2 separate options for solutions that will make the access acceptable to Roads, comply with AMP3, comply with all planning policies and lead to approval.

The case officer's report often refers to required splays of 2.4m x 100m in each direction. The refusal reason states 2.4m x 120m. As the drawings illustrate an access at the most southern part of the site, where the existing access is positioned would achieve 2.4m x 120m in both directions and comfortably 2.4m x 100m to the right on exiting the site.

The alternative access further to the south, along a lane would achieve the 120m in each direction.

We respectfully request that the application be removed from the schedule and Transport NI re-consulted to obtain their opinion on these new options. Alternatively we ask that the application be approved as the access clearly complies with Transport NI requirements.



Proposed Access Plan 1:500

LA07/2015/0620/D

New entrance to be formed and to include 5.0m width for the first 100m from the edge of the road. New sight-splays to be constructed measuring 2.4m x 120m in each direction or 2.4 x 100m as stated in the case officers report. The area in front of the new sight-splays to be levelled to 250mm above road level, sown out in grass and kept clear of all obstacles. Telegraph and electricity poles to be re-sited to the rear of the new sight-splays. New hedge to be planted behind the new sightline. All planting to be kept at such a distance behind the sightline as to allow for future growth. Gulleys to be located at roadside and piped into field to prevent water from road flowing onto access. Gates to be 5.0m back from roadside. Radius at entrance to be 5.0m. Gradient of access for first 5.0m to be 1:2.5.

Applicant	Location	Title
R Burgess 22 Drumnacornell Road Saintfield BT24 7NB	Between 62 and 64 Ballynahinch Road Saintfield BT24 7ND	One dwelling house and garage
Scale 1:500	Date Nov 2016	Eng No A 3775(a)

ITEM NO 6
APPLIC NO LA07/2015/0885/O Outline **DATE VALID** 9/2/15
COUNCIL OPINION REFUSAL
APPLICANT Mr Patrick Murray 171 **AGENT** David Burgess 24
 Carrickmannon Road Crossgar Templeburn Road
 Crossgar BT30 6AN Crossgar BT30 9NG
 BT30 6AN 07720145893

LOCATION Between 171 and 173 Carrickmannon Road
 Crossgar
 BT30 6AN

PROPOSAL Infill site 2 dwellings

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

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the gap is such that it could accommodate more than two dwellings, therefore it is not a valid infill opportunity and 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 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing and approved buildings and would therefore further erode the rural character of the countryside.



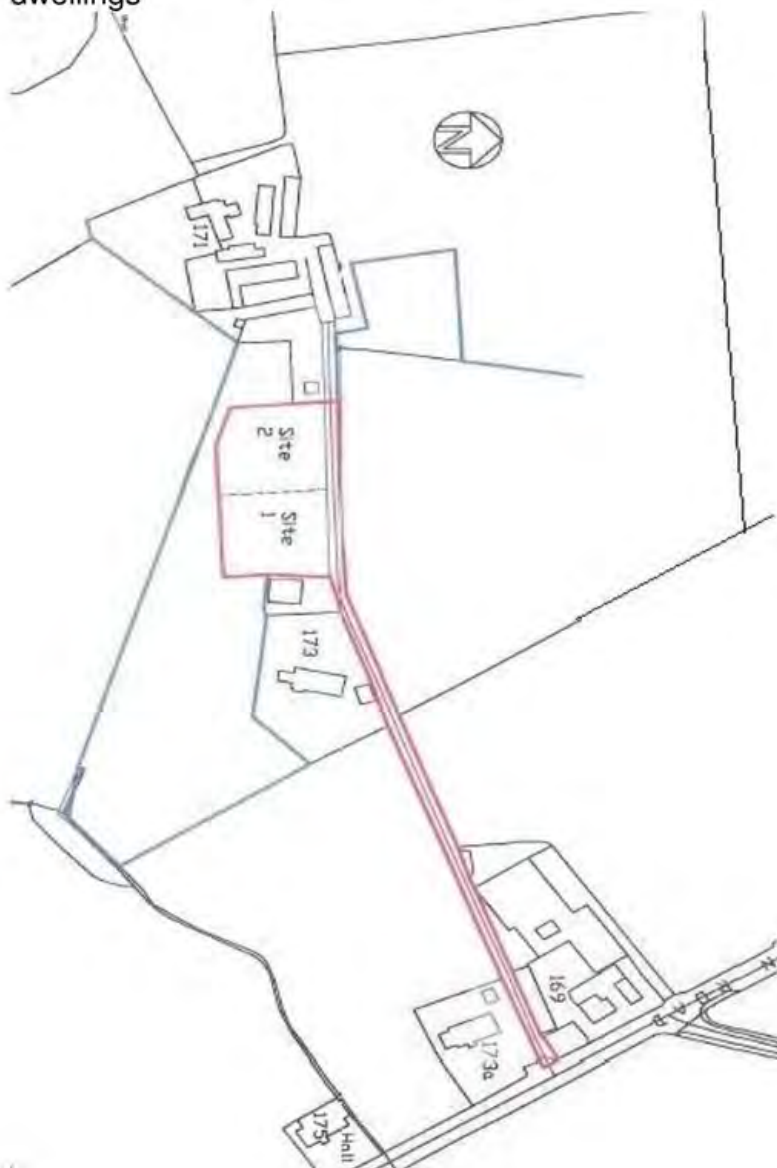
Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0885/O

Date Received: 02.09.2015

Proposal: The application is for outline planning permission for an infill site 2 dwellings



Location: Between 171 and 173 Carrickmannon Road, Crossgar close to Raffrey, which is approx. 1.5 miles east of the small settlement of Darragh Cross.





15/02/2016

Site Characteristics & Area Characteristics:

The application site is located down a laneway off the Carrickmannon Road. No 173A is a recently constructed dwelling which has a frontage onto the Carrickmannon Road. When travelling along the laneway, the land slowly rises in a westerly direction. No 173 is a dwelling with single storey garage. Adjacent to this is a workshop with parking to the front. The land rises steeply towards the site. There is a metal shed to the west of the second plot, adjacent to this there is an area where silage bails are being stored. No 171 is a single storey dwelling with a number of farm outbuildings, opposite is a dwelling that is still under construction. The area is rural in character and is characterised by single dwellings in the countryside.

Site History:

R/2008/1055- Equestrian managers dwelling, full, approval, 24-06-09, Applicant: Mr Patrick Murray.

LA07/2016/0215/O – current Between 173a and 175 Carrickmannon Road Raffrey. Dwelling and garage

R/2009/0602/O - South of 169 Carrickmannon Road Crossgar – proposed dwelling - permission granted - 07.07.2010.

R/2010/0458/RM - South of 169 Carrickmannon Road Crossgar – proposed dwelling -permission granted - 25.11.2009.

R/2014/0250/F - Adjacent to 171 Carrickmannon Road Crossgar, Dwelling on a farm. Mr Patrick Murray.

Planning Policies & Material Considerations:

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

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management– No objections

NIEA –HBU – no objections

DARDNI – farm is active and established for 6 years or more and SFP or similar is claimed.

Objections & Representations

In line with statutory requirements five neighbours have been notified on 23.09.2015 and one letter of objection was received. No letters of support have been received. The application was advertised in the Mourne Observer and the Down Recorder on 30.09.2015.

1 objection letter has been received in relation to the application from the resident of No 173 Carrickmannon Road. The main points of the objection letter relate to :-

- privacy and that the two sites as they are on raised land will be overlooking their home
- increased traffic on the laneway, during building and when occupied

Consideration and Assessment:

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

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

PPS3 - Access, Movement & Parking

DCAN15 - Vehicular Access Standards

It is proposed to access directly onto the laneway off Carrickmannon Road.

Transport NI was consulted and have no objections to the proposal subject to the standard conditions.

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. 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 an 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'. No 173A has a frontage to the Carrickmannon Road and not the laneway. When coming from the Carrickmannon Road and travelling in a westerly direction, No 173 has an independent frontage onto the laneway, as does the workshop adjacent to No 173. This building is within its own curtilage. There is a metal shed located just to the west of site 2, the building is set on concrete blocks and looks like it has only been recently set there. Beyond this there is a wall that surrounds the yard and sheds at No 171 with a large agricultural shed evident. The site is on higher ground than the workshop adjacent to No 173 (approx 2m difference in height)

When standing at a static point along the laneway beside the workshop No 173, the workshop, the small metal shed and the farm outbuilding would all be visibly linked with each other. There is no history on the small shed that has been placed to the immediate west of site 2 and it may require planning permission. Further information regarding the status of this building was sought from the agent.

The agent states that the metal shed to the west of the site was erected under permitted agricultural development.

- applicant is an active farmer and his agricultural business has been established for more than 6 years
- farm is larger than 0.5 hectares
- It lies within 75m from applicant's adjoining principal agricultural yard and is more than 75m from dwellings not associated with the farm
- shed is modest in size and more than 24m from the public road
- shed is therefore legitimate and of equal status to the other agricultural buildings in the yard.

Part 7 Agricultural Buildings and operations under Class A permitted development

"The carrying out on agricultural land comprised in an agricultural unit of -

- (a) works for the erection, extension or alterations of a building; or

(b) any excavation or engineering operation;
reasonably necessary for the purposes of agriculture within that unit.

The agent responded to say that this location was chosen for

- health and safety, efficiency, convenience and improved processes.
- the shed is necessary for the purposes of agriculture within this unit.
- Mr Murray can store the necessary feed in the shed and safely feed his stock from that shed and hard-standing.
- There are no other buildings within the holding that could serve the purpose of this building as its current position is vital, directly adjacent to field 1.
- Other buildings in the yard are too far away from field 1 with no direct access.
- This building is vital for the operation of Mr Murray's business

The main issue then is whether the metal shed can be considered as a building and whether it can be considered as forming part of the continuous and built up frontage given its size, permanence and physical attachment to the ground. The policy refers only to buildings, therefore, what needs to be considered is the permanency of this building and whether it is considered to be a temporary and moveable structure. The metal shed, does not have foundations and has been placed on concrete blocks with some hard core surrounding the shed. Based on its size it could either have been delivered like this or erected as a number of pieces which were erected on site, but it could be moved about the site if required. Regardless of the planning status of this metal shed, its lack of permanency does not equate to it being one of the buildings to be considered for the purposes of CTY 8. On this basis the proposal does not meet with the requirements of CTY 8.

The plot widths all vary in size, from approx 76m for plot No 171, 53m for plot No 173 and 16m for the workshop. The two sites proposed are approximately 40m in width, based on the plot being measured from the workshop building to the metal shed. However, the plot depth should be based from building to building in this case, the workshop to the agricultural shed belonging and to the south of No 171 which equates to 125m and an average plot depth of 62.5m. Given where the red line is drawn with plot depths of 40m, In terms of the built up frontage this would allow the gap to accommodate up to 3 dwellings.

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(b) it results in a suburban style build up of development when viewed with existing and approved buildings (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). In my opinion since the proposed development does not meet the requirements of Policy CTY 8 it follows that it would also not meet the tests of CTY 14.

Policy CTY 13 of PPS 21 – Integration and Design of Buildings in the Countryside Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design.

While the southern boundaries remain undefined, the proposed buildings will be read against the existing buildings and sheds and a building of a low profile with planting to the rear should be sufficiently integrated into the landscape.

In relation to the objection letter received by the neighbouring property. While the site lies adjacent to the building to the west of their own property, this is currently used as a workshop, where there would be no habitable room. Site No 1 boundary is 42m from the actual dwelling, so in terms of overlooking into the property, this would be a sufficient distance to mitigate this. In addition, the curtilage of the workshop separates the objector's property from the proposed sites. I take into account that the proposed new sites are on higher ground, but given the separation distance, this objection would not be given determining weight. In terms of the potential increase in traffic, Transport NI have been consulted and there are no objections from them.

Based on careful consideration of all the relevant material planning considerations, it is contended that the proposal does not meet with the criteria as set out in CTY 8,

Refusal is therefore recommended.

Recommendation:

Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the gap is such that it could accommodate more than two dwellings, therefore it is not a valid infill opportunity and 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 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing and approved buildings and would therefore further erode the rural character of the countryside.

Case Officer Signature

Date

Appointed Officer Signature

Date

Reconsideration following agent's submission of further information on 11/10/2016 via email and 02/11/2016.

The further information raised by the agent referred to another planning application at Teconnaught Road LA07/2016/0447/O whereby the Teconnaught site has a frontage of 168m and a gap between buildings of 192m, which was filled with dense trees, the applicant would like to be treated in the same way regarding this application. Having discussed the application again with senior planners, with the view that every application must be treated on its own merits, the issue of the planning status of the workshop adjacent to and west of No 173 was raised which had not been raised previously. Having done a history search on the building there does not appear to be any planning history on the building. Even with the additional information presented by the agent 02/11/2016 The view therefore remained that the building would be considered as an unauthorised building and therefore for the purposes of CTY 8 could not be considered as one of the buildings within a substantial and continuously built up frontage, thus the gap would not be considered as a small gap.

C. Moane
07/11/2016

Reconsideration following agent's submission 11 November 2016

The further information submitted by the agent makes reference to other infill examples. The opinion would be that an Orange Hall would not have a planning status equal to the workshop/shed in question, which would have required planning permission. Thus the opinion remains the same as before.

C Moane
22/10/2016

Reference – LA07/2015/0885/O

Address - Between 171 and 173 Carrickmannon Road, Crossgar,
BT30 6AN

Description - Infill site for 2 dwellings

Issues with Planning

Permanency of Mr Murrays Agricultural Building.

The main issue the planning department have raised is the permanency of the metal-clad agricultural shed. They are concerned that it could be moved and are ignoring the fact it is in position. We disagree with their description and can confirm the building is permanent.

The building is of standard, sectional, agricultural construction with a steel frame bolted to concrete foundations with horizontal purlin-members supporting an external metal clad exterior. Internally the floor consists of a cast in-situ concrete slab which provides partial support to the structure through base connections. This is the standard method of economic agricultural construction which provides low-cost options for a multitude of uses, usually food storage, housing stock or storing machinery. In this case the main use is for fodder storage close to the point of feed.

Section 250 of the Planning Act (NI) 2011 Act defines a building as including any “structure or erection”. Policy CTY 8 makes no reference to whether buildings are subsidiary to other buildings or stand on individual planning units. CTY 8 talks about ‘buildings’ with their own frontage onto a lane. It does not distinguish between size, use or origin. The policy is such that the situation is assessed on site to see if the pattern of development presents an infill.

Mr Murrays shed could not be moved in one piece, is attached to the ground, with permanent foundations and represents a permanent physical commitment in the landscape. It is therefore a legitimate, permanent building and one which should be counted in the row. If the building is accepted sites comply with policy.

Existence of the workshop at 173 Carrickmannon Road

The other issue that the planning department have is the existence of the shed beside 173 Carrickmannon Road. This building has been in position for approximately 15 years and immune from planning enforcement. It is not under Mr Murray's ownership.

In the past 15 years there have been numerous applications made in and around the area; each of which have an ordnance survey map on file indicating the presence of the shed at 173 Carrickmannon Road. For clarity I have included the ordnance survey location maps, including the map produced by planning service, for one of the neighbouring applications, R/2011/0307. (See Appendix 1 and 2) These clearly show that the building was in place. This was submitted on 5/4/2011, five and a half years ago. The building has been in position for 15 years so cannot be discounted in the assessment of CTY 8. In the early part of the Case Officers Report the workshop was taken as part of the row but in the summary it wasn't counted.

The workshop is a legitimate building and must be counted as part of the row.

If it were counted the application would comply with policy.

Equality

Recently application number LA07/2016/0447 was approved with **192m** between buildings and a frontage of 168m carved from dense woodland. (See Appendix 3)

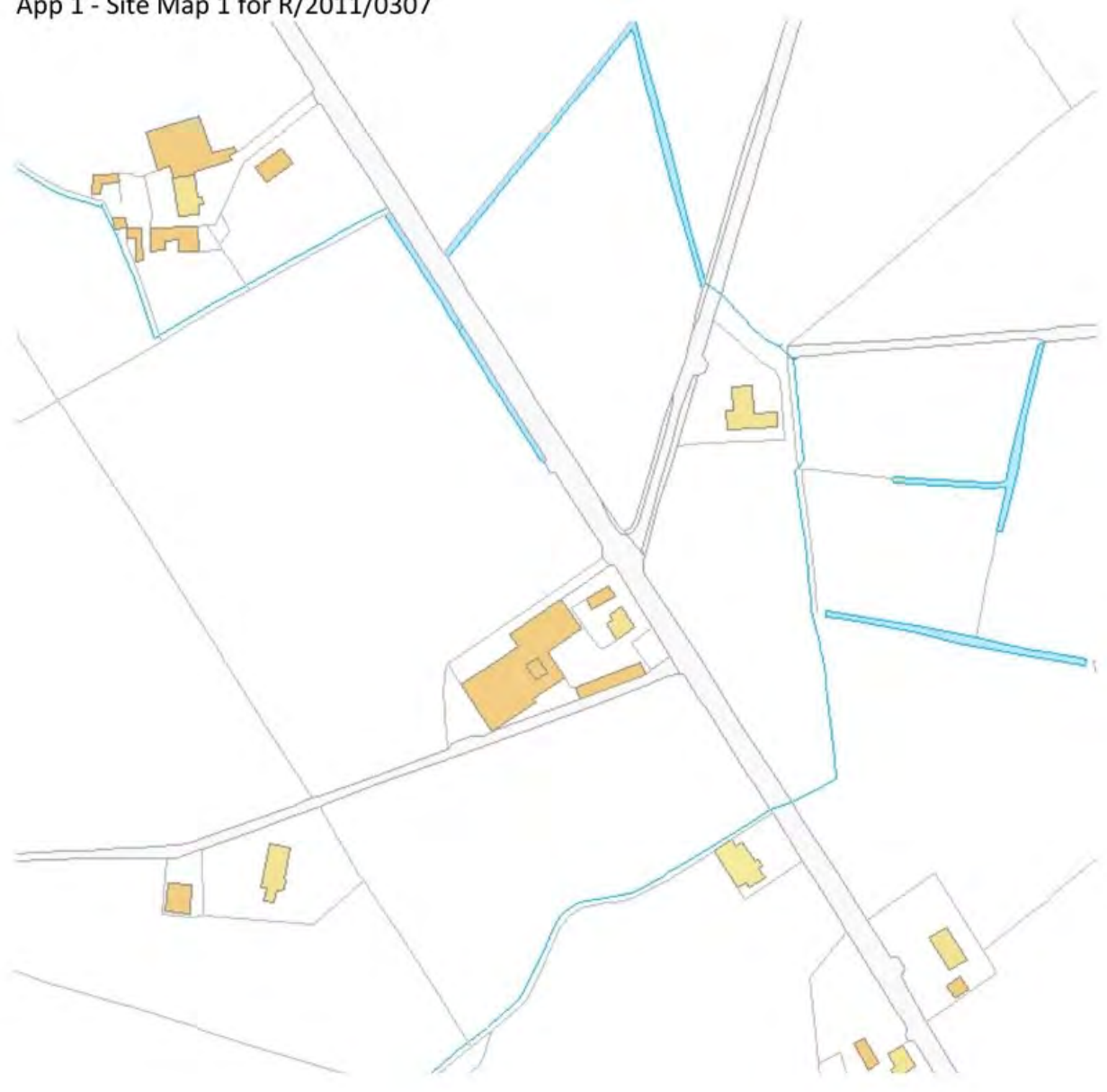
Mr Murray would ask that Council treated him on an equal basis to the applicant in the LA07/2016/0447 application.

An application for an infill site was approved at the end of Mr Murray's lane on 16th Feb 2016 by another applicant reference number LA07/2016/0215. This infill relied on buildings along the Carrickmannon Road including, agricultural sheds, dwellings and an Orange Hall. Raffrey Orange Hall, one of the crucial buildings in the CTY 8 scenario in this case, does not have an original planning permission or a certificate of lawfulness. It has though been in position for more than 5 years and a permanent feature in the built environment. Its presence, status or origin was not questioned but accepted without further consideration.

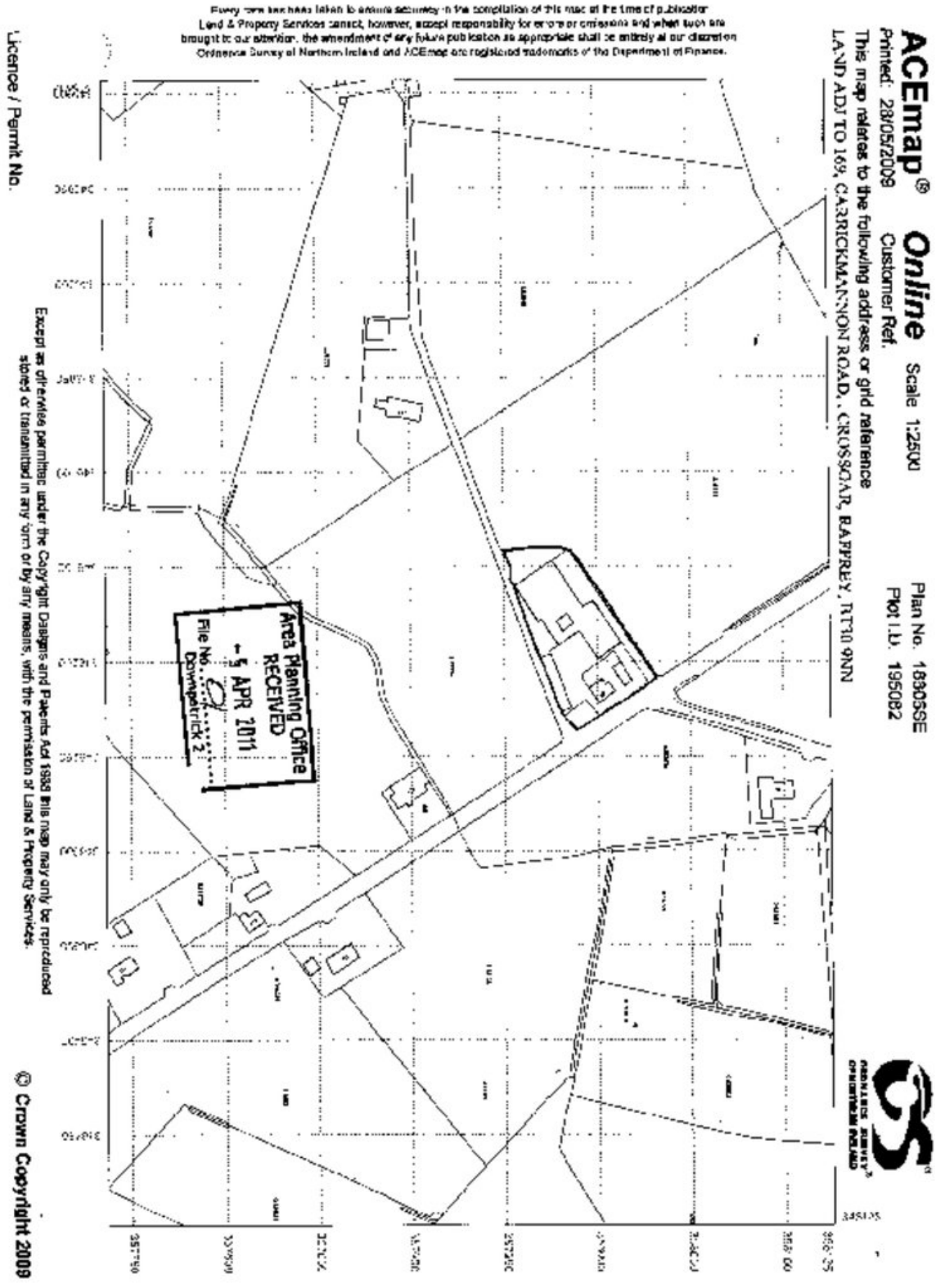
Had this approach been adopted to Mr Murrays application he would have been approved.

We respectfully ask Council to reverse the opinion of the planning department and approved this application.

App 1 - Site Map 1 for R/2011/0307



App 2 - Site Map 2 for R/2011/0307



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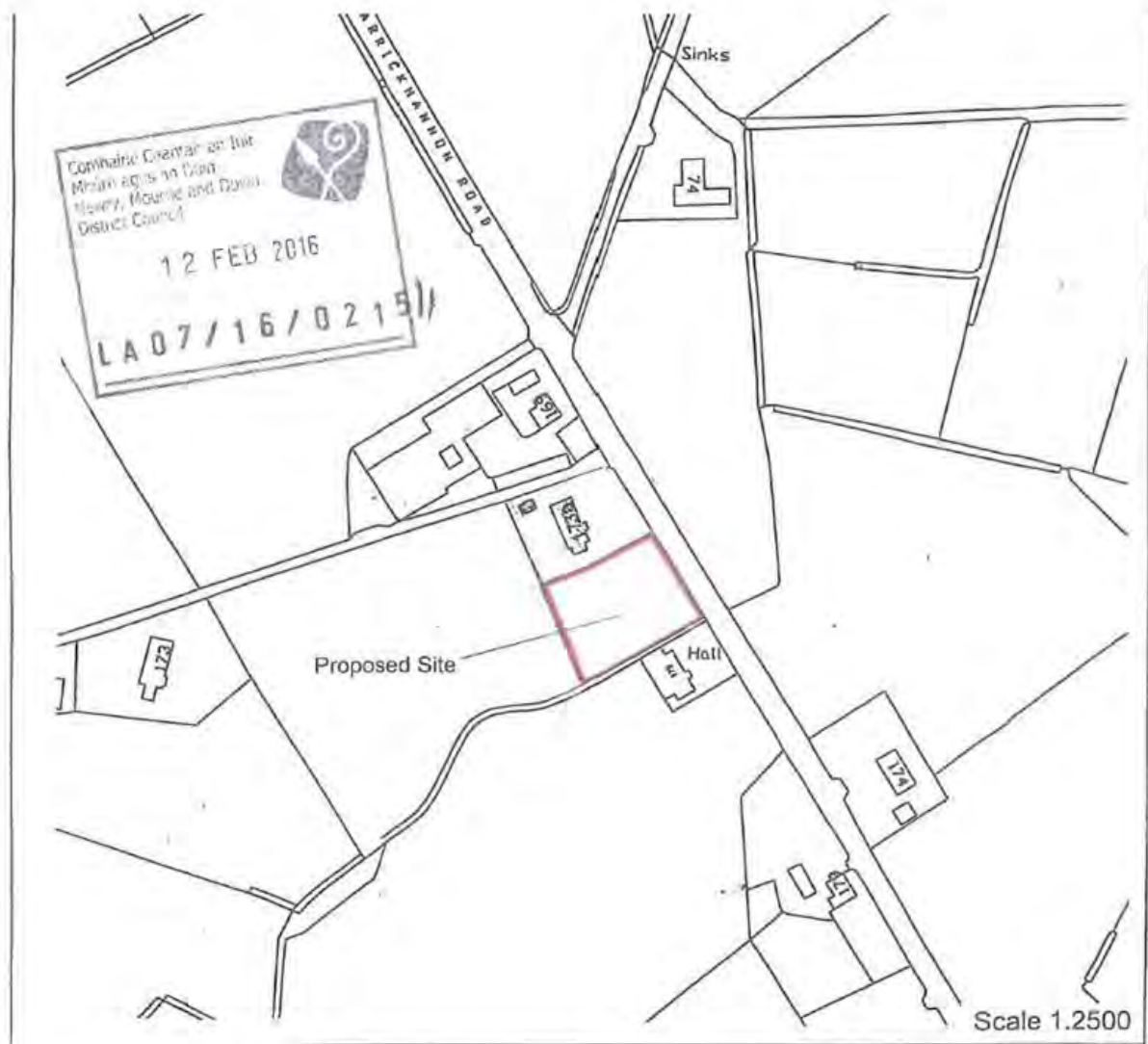
App 3 - Site Map for LA07/2016/0447



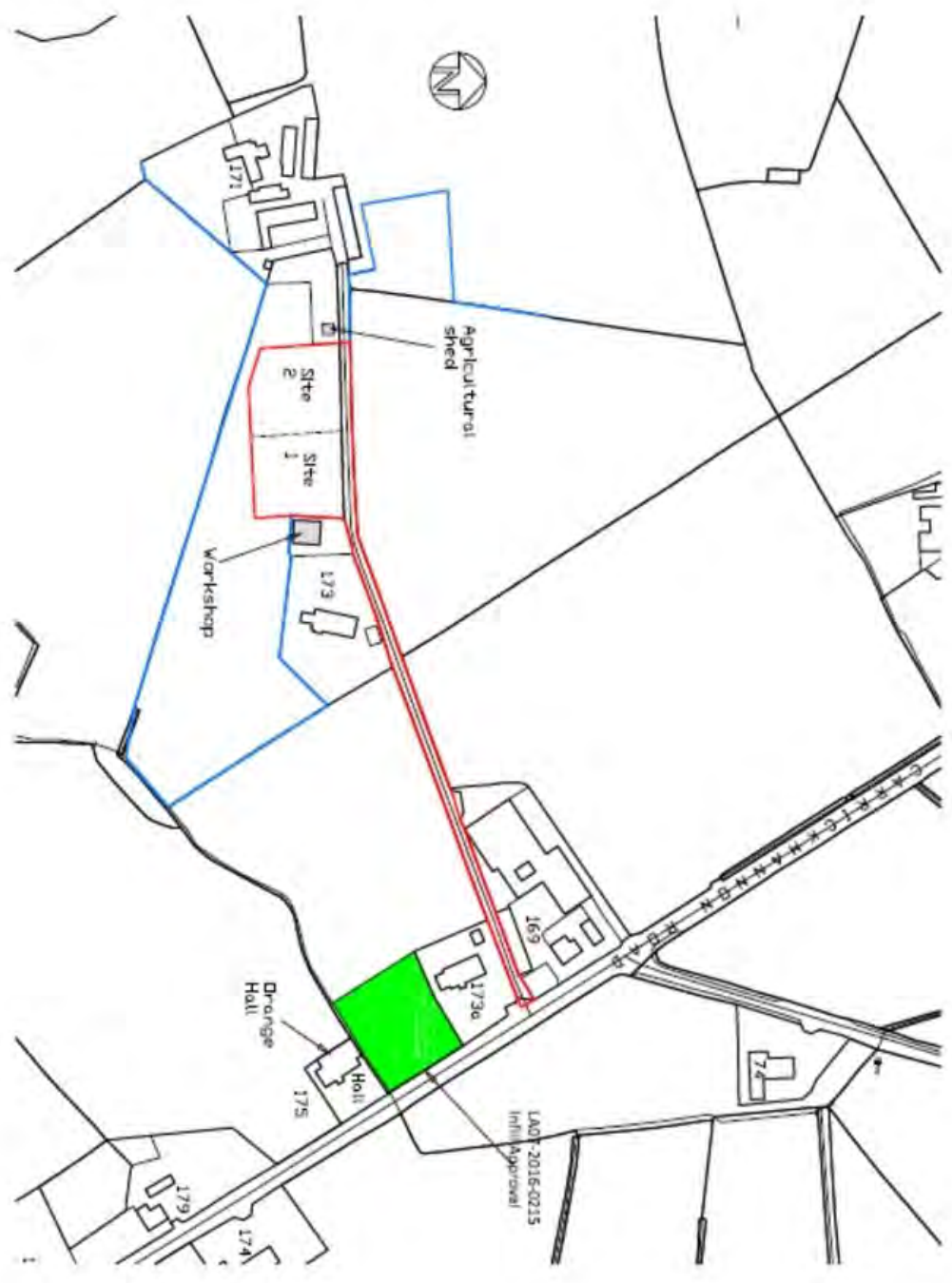
SITE LOCATION PLAN
(Scale: 1:2500)

17 APR 2016
LA07/16/0447

App – 4 Site Map for LA07/2016/0215



App – 5 Site Map for Current Application and LA07/2016/0215



App 6 – Various Photographs – Blocks retaining base shuttering timbers – Internal and external shots. Sheep feeding, neighbouring workshop, yard and shed.













ITEM NO	19				
APPLIC NO	LA07/2016/0700/F	Full	DATE VALID	5/27/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Neil Jackson 11 Bawn Lane	AGENT	David Burgess 24		
	BT30 9NE		Crossgar		
			BT30 9NG		
			07720 145893		
LOCATION	Adjacent to 11 Bawn Lane				
	Crossgar				
	BT30 9NE				
PROPOSAL	Dwelling on Farm and retention of temporary living accommodation during construction of new dwelling, in substitution of approval R/2012/0337/O				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0
			0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposal is not for the provision of temporary residential accommodation pending the development of a permanent dwelling, in that, it has not been demonstrated that the farm business is currently active; the applicant has not provided compelling and site specific evidence that a residential mobile home is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0700/F

Date Received: 27th May 2016

Proposal: Dwelling on Farm and retention of temporary living accommodation during construction of new dwelling, in substitution of approval R/2012/0337/O

Location: The site is located at 11 Bawn Lane, Crossgar, approximately 5.4km to the southeast of Saintfield and 12km to the north of Downpatrick.



Site Characteristics & Area Characteristics:

Site Characteristics

The site contains a 2 storey farm dwelling and associated outbuildings at 11 Bawn Lane, Crossgar. The site also contains a shed in use as a car repairs business. There is an unauthorised temporary prefabricated dwelling located to the east of the site. The site is accessed via a long shared lane from Templeburn Road. The

existing farm dwelling is finished with dry dash, smooth render plinth, and non-profiled dark grey / black roof slates. The site for the proposed dwelling is in agricultural use and is bound to the northeast and southeast by mature hedges with several mature trees. The southwest and northwest boundaries are undefined.

Characteristics of Area

The area is characterised by open countryside mainly in agricultural use. There is agricultural land located to the north, east, south, and west of the site. The topography of the surrounding area is relatively flat with mature hedges and trees along Bawn Lane which is shared by a number of dwellings. There is a large farm located approximately 125m to the north of the site at no10 Bawn Lane.

Site History:

<u>R/2012/0337/O</u>	Adjacent to 11 Bawn Lane, Crossgar, BT30 9NE, Dwelling on a farm and detached domestic garage Permission Granted 13.09.2012
<u>R/2006/0993/F</u>	14a Bawn Lane, Crossgar Replacement dwelling and garage Permission granted 21.01.2008
<u>R/2001/0742/F</u>	14a Bawn Lane, Crossgar Replacement dwelling Permission Granted 19.09.2001
<u>R/1995/6148</u>	14a Bawn Lane Replacement dwelling 14a Bawn Lane Crossgar
<u>R/1996/0156</u>	14A Bawn Lane Crossgar Replacement dwelling Permission Granted
<u>R/1979/0144</u>	33 Templeburn Road, Crossgar, Farm Dwelling permission granted
<u>R/1987/1049</u>	11 Bawn Lane, Raffery Crossgar Alterations and extension to dwelling Permission Granted
<u>R/2008/0161CA</u>	11 Bawn Lane, Barnamaghery, Crossgar, Northern Ireland, BT30 9NE. Change of Use Enforcement Case Closed.1D1.2011
<u>LA07/2015/0044/CA</u>	SNJ Motors, 11 Bawn Lane, Barnamaghery, Crossgar, Down, BT30 9NE, Alleged unauthorised siting of a mobile home Negotiate to Resolve

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 & Down Area Plan 2015
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

Ards and Down 2015 – the site is located within the open countryside outside any defined settlement area. The site is located adjacent to a public right of way.

Consultations:

- Statutory Transport NI – No objections w/conditions
- Non-Statutory NI Water - No objections
- Statutory DARDNI – Confirmed 6 years established business No payments claimed in 2014 or 2015.
- Advice Environmental Health No objections in principle

Objections & Representations

The following neighbouring properties were notified 8th June 2016 and re-notified 8th July 2016 due to amended designed being received:

- 10 Bawn Lane, Barnamaghery, Crossgar, Down,BT30 9NE
- 14 Bawn Lane, Barnamaghery, Crossgar, Down,BT30 9NE
- 39 Templeburn Road, Creevybeg, Crossgar, Down,BT30 9NG
- 42 Templeburn Road, Creevybeg, Crossgar, Down,BT30 9NG
- 8 Bawn Lane, Crossgar, Creevybeg, Crossgar, Down,BT30 9NG

The application was advertised on 15th June 2016.

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

Consideration and Assessment:

The application is for full planning permission for a dwelling on a farm and retention of temporary living accommodation during the construction of new dwelling in substitution of approval R/2012/0337/O

The previous outline approval was granted on 4th September 2012 for a dwelling and detached garage on a farm. The reserved matters were to be submitted within 3 years of this date. Reserved matters were not submitted within this period. This application was received on 27th May 2016. The opportunity for submitting reserved matters has expired, however the application has been submitted within 5 years of approval. This application is for full permission; therefore the principle of the proposal will be re-assessed. The site boundary has been increased to include the temporary accommodation located on the site.

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

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

The applicant has provided a DARD business ID. DARDNI have been consulted and have confirmed that the farm business as listed on the P1C form has been in existence for more than 6 years. The DARDNI response stated that single farm payments (SFP) Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment Schemes had been claimed in the last 6 years however, no payments were claimed in 2014 or 2015.

Further information was requested from the agent on 20th July 2016 to demonstrate that the farm business is currently active. Additional information was received from the agent on 31st August 2016. The supporting statement advises that while the 2012 application was being considered DARD had raised no issues and active farming was confirmed. This was prior to changes within DARD which means payments on land are claimed by the farm business actively farming the land. The agent advises that the owner of the farm business, Armour and Anna Jackson inherited the business in 1976. From 2005 until recently Mr Jackson farmed the land. Since 2014 the land has been let in conacre by a neighbouring farmer, Phillip Jackson, to graze his dairy herd. The agent states that the owner of the land maintains the land in good agricultural condition. Mr Armour Jackson and his 3 sons carry out all the maintenance on the holding, in the fields and in the yard.

To demonstrate that Mr Armour maintains the land in good agricultural condition the following receipts and documentation has been submitted:

- Invoice from Fane Valley Stores dated 20th April 2013 amounting to £35.50 (incl VAT) including:
 - Rabbit food
 - Galvanised barbed wire

- Invoice from Jubilee Veterinary Centre Ltd dated 28th May 2013 amounting to £51.63 (incl Vat) for:
 - Visit donkey
 - Examine Donkey
 - Norodine Granules
 - Prodynam sachet

- Invoice for Fane Valley Stores dated 27th April 2013 for £12.00 (incl VAT) for
 - Horse haylage

- Invoice from Fane Valley Stores dated 8th June 2013 for £24.00 (incl VAT) for:
 - Horse haylage

- Invoice from Fane Valley Stores dated 20th June 2013 for £24.00 (incl VAT) for:
 - Horse haylage

- Invoice from Fane Valley Stores dated 12th December 2013 for £43.44 (incl VAT) for:
 - Milkstone remover
 - Polypropylene Hay Net

- Invoice from Fane Valley Stores dated 1st November 2013 for £42.50 (incl VAT) for
 - Rabbit food
 - Horse Haylage
 - Shavings
 - Horse feed

- Invoice from Fane Valley Stores dated 2nd March 2013 for £13.80 (incl VAT)
 - Shavings

- Invoice from JP Corry dated 21st August 2013 for £606.13 (incl VAT) for:
 - Nails & Delivery
 - Balance carried forward from previous invoice (unknown items)

- Paid Invoice from Saintfield Accountancy Services for professional fees in completing 2014 self-assessment returns

- Invoice from Blain Brothers Ltd Building Supplies & DIY dated 30th April 2014 for items amounting to £53.65 plus VAT including:
 - Bacho saw
 - Plastering sand
 - 6 x 25kg bags of cement
 - Other unknown items

- Invoice from Blain Brothers Ltd Building Supplies & DIY dated 30th April 2014 for items amounting to £20 plus VAT including:
 - Screws
 - Hinges
 - 1 roof tile
 - Other unknown items

- Invoice from CES Quarry Products Ltd dated 5th December 2014 for 44 concrete blocks amounting to £18.20 incl VAT

- Statement of Account from Miskelly Brothers Ltd dated 31st December 2014 for £80.25 for
 - Concrete blocks

- Invoice from Fane Valley Stores dated 9th December 2015 amounting to £57.40 (incl VAT) for a range of horse & pig related products

- Invoice from CES Quarry products Ltd dated:

- 30th November 2014 £23.52 (incl VAT) for concrete blocks
 - 30th April 2014 £72.86 (incl VAT)
 - 31st December 2014 £18.22 (incl VAT)
 - 28th February 2015 £104.40 (incl VAT) for Screed
 - 31st January 2015 (incl VAT) for concrete
- Water bills dated
- 14th August 2012 for £112.23
 - 21st February 2013 for £766.93
 - 31st July 2013 for £228.61
 - 29th August 2014 for £216.37
 - 5th February 2015 for £270.13
 - 27th July 2016 for £265.13

The agent advises that the farm dwelling is to accommodate Mr Jackson, and his family, who runs a car repair business from the site. This business has been previously found to be immune from enforcement action. There is temporary accommodation adjoining the main car repair yard. This application proposes the retention of this accommodation during the construction period. Upon site inspection I observed several ponies on land directly southwest of the temporary accommodation.

The agent refers in the supporting evidence to an appeal decision (2015/A0117) in which the commissioner states that '*Criterion (a) refers in the definitive article to the farm business (my emphasis) and the policy is framed in such a way that it enables an applicant to apply for a dwelling on a farm based on the activities of the person conducting and operating the farm business on which the application site is situated*'.

The farm business, under which this application has been submitted, is not actively farming the land but is letting the land to a neighbouring farmer in conacre. There were no payments claimed by the farm business in 2014/2015. The agent has submitted evidence to support the argument that the registered keepers of the farm business maintain the land in good agricultural condition as per article 4 of the European Council Regulations by repair of fencing, gates, water supply, water troughs, walls and for repair and upkeep of walls, roofs and flooring in the agricultural sheds. The receipts provided show the purchase of building materials and animal related feed & care products and services. The majority of the receipts provided were issued in 2013. The years in which payments have not been claimed by the farm business are 2014 & 2015 as stated in the DAERA response dated 8th June 2016. Receipts have been provided for building materials and some animal feed and products during these years but it is not considered to be of a sufficient scale to demonstrate that the land has been actively farmed by the farm business during this period. Whilst I did observe on site that the land is in good agricultural condition, it has not been sufficiently demonstrated that this is a result of the

applicant's farm business. The land is grazed by a neighbouring farmer in conacre and therefore it is not demonstrated that the applicant's farm business has been active and established for the required period.

An appeal decision (2015/A0165) has been submitted in support of the application which states that *'the policy does not require the [applicant] to play an active part in actively farming the holding herself only that the holding is active and established.'* However in this case it has not been demonstrated that the farm business is active and established for the required period.

While the application has been submitted within 5 years of granted outline approval, it is no longer the case that the farm business (under which this dwelling is sought), is currently active, therefore it is not considered that criterion (a) has been met.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search on EPIC has not revealed any other planning applications in connections with the business ID except for the previous outline approval (R/2012/0337/O), nor any other developments being sold off. The provision in CTY10 with regards to disposing of development opportunities or dwellings applies from 25th November 2008. There is no evidence to suggest that any development opportunities or dwellings have been sold off since 25th November 2008, therefore the proposal meets criteria (b)

The proposed site is located directly to the south of the existing farm dwelling and surrounding farm buildings. It is considered that the dwelling would cluster and visually link with the established group of buildings on the farm when viewed from the existing farm lane. There are no views of the site from any public roads.

The assessor is satisfied that criteria (c) has been met.

CTY13

The site is well screened from public views due to existing tall trees and hedges along the north-eastern and south-eastern boundaries of the site. The topography of the surrounding land is relatively flat and the proposed dwelling with a ridge height of 6.7m above ground level would not appear prominent on the landscape. The site has established natural boundaries and would integrate suitably into the landscape. The building has been designed in keeping with the surrounding rural area and character and meets the conditions of the outline approval. The dwelling would blend with the

landform, existing trees, buildings, slopes and other natural features which would provide a backdrop.

CTY14

The proposed dwelling is a single storey to be finished with smooth render and stone clad storm porch and the roof finished with flat grey concrete tiles. The dwelling would not result in a suburban style build-up of development and would respect the traditional pattern of settlement in the area. It would not create or add to a ribbon development as the dwelling is set back from the lane to cluster with the existing group of buildings on the farm in accordance with CTY10.

CTY16

The proposal would not be contrary to CTY16. The applicant would require the necessary consents from NIEA Water Management Unit and NI Water.

CTY7

The agent puts forward the case that it is essential that the applicant lives beside his place of work which is the car repair business operating from the site. The business was found to be immune from enforcement action however no Certificate of Lawfulness has been submitted or approved for the business. The business, whilst being immune from enforcement action, is unlawful and cannot be considered as an exception under CTY7.

CTY 9

As the principle of the development has not been established the provision of a temporary permission for the temporary accommodation cannot be granted pending the development of a permanent dwelling. It has not been demonstrated that there are compelling site specific reasons related to personal or domestic circumstances in accordance with CTY6.

Summary

The site has an extant outline planning approval however the 3 years for submitting the reserved matters has expired. The principle of the full application has been re-assessed since the previous approval. In consulting DAERA it has been established that the land is now let in conacre and despite evidence being submitted to show that

the owners of the farm business maintains the land in good agricultural condition, it has not been demonstrated that the farm business is currently active and established for a period of 6 or more years. Whilst the dwelling is acceptable in its siting, design, and scale, the principle of the development is no longer established under CTY10.

While the application has been submitted within the 5 years of granted outline approval, it is no longer the case that the farm business under which this dwelling is sought, is currently active.

The applicant operates a car repair business from the site however no CLUD has been submitted for the car repair business, therefore the proposed dwelling cannot be considered under policy CTY7.

It is therefore recommended to refuse this application.

Recommendation:

Refuse

Reasons for Refusal:

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 farm business is currently active.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposal is not for the provision of temporary residential accommodation pending the development of a permanent dwelling, in that, it has not been demonstrated that the farm business is currently active; the applicant has not provided compelling and site specific evidence that a residential mobile home is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused

ITEM NO	8			
APPLIC NO	LA07/2015/0965/F	Full	DATE VALID	10/1/15
COUNCIL OPINION	REFUSAL			
APPLICANT	East Down Amateur Boxing Club 79 Downpatrick Road Crossgar BT30 9EH	AGENT	Farrell Associates 6 Bramblewood Ringmackilroy Warrenpoint Down BT34 3LP 02841753213	
LOCATION	Building No 2 79 Downpatrick Road Crossgar			
PROPOSAL	Retrospective change of use (from former poultry house) for retention and approval for current use as amateur boxing club and gym			
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 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 CTY4 - The Conversion and Reuse of Existing buildings, of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not considered a suitable locally important building of special character and interest and access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy PED 2 - Economic Development in the Countryside of PPS 4 - Planning and Economic Development, in that no exceptional circumstances have been presented to allow this economic development in the countryside.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and, PPS 3 - Access, Movement and Parking and PPS 21- Sustainable Development in the Countryside - Annex 1 Policy AMP 3 Access to Protected Routes (Consequential Revision), in that it would involve access onto a Protected Route and it would not meet the exceptions to this policy.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0965/F

Date Received: 22.01.2016

Proposal: The application is for full planning permission for a retrospective change of use (from former poultry house) for retention and approval for current use as amateur boxing club and gym

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.



Site location plan



Site Characteristics & Area Characteristics:

The application site is located off the Downpatrick Road , just on the outskirts of Crossgar. The site was formerly used for poultry houses. There are six similar type buildings in the immediate vicinity, with 10 buildings in total. There is an area of hardstanding between the buildings. The buildings are green in colour and materials used are wood.

Site History:

R/1985/0378 Adjacent To 83 Downpatrick Road, Crossgar. Replacement Poultry House Permission Granted

R/1997/0569 23m North Of 83 Crossgar Road Downpatrick Live Poultry Managers Dwelling Permission Granted

R/2000/0959/O 23m North Of 83 Downpatrick Road, Crossgar Live Poultry Managers Dwelling Permission Granted 28.10.2000

R/2009/1094/F 300m South West Of 83 Downpatrick Road, Crossgar, BT30 9EH. Dwelling And Garage On Farm For Son. Permission Granted 04.05.2010

R/2009/0007CA 79 Downpatrick Road, Crossgar, Co.Down Change Of Use Negotiate To Resolve

LA07/2015/0990/F Unit 7, 79 Downpatrick Road, Crossgar, Bt30 9eh, Change Of Use To Vehicle Storage, Maintenance, Repairs And Sales. Industry Allocated And General Parking For Site - Valid Application Received

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside within an area of constraint on Minerals 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 – statutory response

Transport NI –The A7 is a PROTECTED TRAFFIC ROUTE and planning must be satisfied that this application falls within the exceptions listed in the policy relating to accesses onto protected routes.

NIEA Water management – No objections

Objections & Representations

In line with statutory requirements twenty neighbours have been notified on 17.02.2016 and again with amended plans on 11.03.2016. The application was advertised in the Mourne Observer and the Down Recorder on 14.10.2015.

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.

The application site lies with the rural area in the open countryside as designated within the Ards and Down Area Plan.

The application is for an amateur boxing club which in terms of The Planning (Use Classes) Order (Northern Ireland) 2015 a boxing club would have a sui generis use i.e it does not fall within a specified use class.

The application is therefore assessed under the following policies

PPS 21 - CTY 1 - Non Residential Development.

- Outdoor sport and recreational uses in accordance with PPS 8; having looked at PPS 8 the application fails to fit into this category for assessment.
- A necessary community facility to serve the local rural population. While the building is currently being used as an amateur boxing club, it is less than 1 mile from the settlement of Crossgar.
- The reuse of an existing building in accordance with PPS 4.

PED 2

Economic Development in the Countryside

Proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

The Expansion of an Established Economic Development Use – Policy PED 3

- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5
- Small Rural Projects – Policy PED 6

Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside'. All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

No details regarding a farm diversification scheme have been submitted with the application.

Policy CTY 4 – The Conversion and Reuse of Existing Buildings

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

Buildings of a temporary construction such as those designed and used for agricultural purposes, including sheds or stores will not however be eligible for conversion or re-use under this policy.

The buildings at this site would have had a previous use of being a poultry house shed.

The application is to change the use of the former poultry house to an amateur boxing club. The building will remain as it is without any changes to the external appearance or site size, however, the proposal and the use of the building would be contrary to policy.

Recommendation:

Refusal

Refusal Reason:

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 CTY4 - The Conversion and Reuse of Existing buildings, of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not considered a suitable locally important building of special character and interest and access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy PED 2 - Economic Development in the Countryside of PPS 4 - Planning and Economic Development, in that no exceptional circumstances have been presented to allow this economic development in the countryside.
4. The proposal is contrary to SPPS, PPS 3 and PPS 21 – Annex 1 Policy AMP 3 – Access to Protected Routes (Consequential Revision), in that it would involve access onto a Protected Route and it would not meet the exceptions to this policy.

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	9		
APPLIC NO	LA07/2015/1224/F	Full	DATE VALID 11/18/15
COUNCIL OPINION	REFUSAL		
APPLICANT	Mrs E Fitzsimons 53 Saintfield Road Crossgar BT30 9HY		AGENT Graeme Goudy Architectural Services 2B Ballydoonan Road Greyabbey BT22 2LP 02842788904

LOCATION 53a Saintfield Road
Crossgar
Downpatrick
BT30 8HY

PROPOSAL Proposed conversion with extension of vernacular stone outbuilding to form dwelling

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

- 1 The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.
- 2 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 visibility splays (of 2.4.. metres x 220.. metres) from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 3 The proposal is contrary to PPS3 Access, Movement and Parking, Policy AMP 3 Access to Protected Routes as the access to the Protected Route cannot be safely achieved.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the building proposed for conversion is not locally important.



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**Newry, Mourne
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District Council

Application Reference: LA07/2015/1224/F

Date Received: 18th November 2016

Proposal: Proposed conversion with extension of vernacular stone outbuilding to form dwelling

Location: 53a Saintfield Road, Crossgar, Downpatrick, which is approx. 0.5miles from Crossgar and 6miles North East from Downpatrick. The site is within the North East section of the council district . I have included visuals of the map and ortho detail below, please see file for accurate details of site area.



Site Characteristics & Area Characteristics:

The site is accessed from an existing laneway which serves as access to detached dwelling, agricultural lands and outbuildings at 53 Saintfield Road, Crossgar. The site is positioned immediately to the rear of the 2 storey detached dwelling of 53 Saintfield Road. The site outlined within the proposal contains a detached s2 storey stone building with a single storey rear projection. The stone building is a barn structure with an external staircase providing access to 1st floor. The roof is pitched and finished in slate, the front, west and rear facades are finished in stone while the eastern gable wall, which faces the rear elevation of No 53, has been rendered and painted cream. The rear projection provides outbuildings and has a lean to roof with the rendered walls. The site also contains an open space area to the rear. The neighbouring portions of land detail large outbuildings, a yard area and amenity space associated with the established dwelling at No 53.

The character of the area is that of low-lying drumlin landscape with portions of exposed rock and a dispersed settlement pattern.



Site History:

Same Site

R/1990/0325 (Historical Application)

Self Contained extension to existing dwelling at 53 Saintfield Road, Crossgar,
Granted 4.7.1990

R/1996/0511 (Historical Application)
Sun Lounge, 53 Saintfield Road, Crossgar, Approval 29.7.1996

R/1991/0158 (Historical Application)
New Vehicular Access, 53 Saintfield Road, Crossgar, Appeal Dismissed 14.7.1992
(Protected Route)

R/1990/0822 (Historical Application)
Vehicular Access, 53 Saintfield Road, Crossgar, Withdrawn 15.3.1991

R/1989/0896 (Historical Application)
Conversion of 1st floor self contained flat at 53 Saintfield Road, Crossgar, Withdrawn
17.1.1991

Adjacent to the site

R/2002/1485/O E Fitzsimons
Retirement Farm Dwelling adj to 53 Saintfield Road, Crossgar, Withdrawal 19.3.2003

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015
Regional Development Strategy
Strategic Planning Policy Statement for Northern Ireland (SPPS)
PPS21 Sustainable Development in the Countryside
PPS3 Access, Movement and Parking
-PPS2 Natural Heritage
-PPS15 Planning and Flood Risk

Consultations:

Environmental Health Unit- responded to advise no objection in principle subject to the septic tank being 15m from the dwelling and any adjoining dwellings with a note to advise that farms have potential to cause public health nuisances and such info to be attached as information for the applicant should the application be approved.

NIEA

- Archaeology and Built Heritage, considered the proposal and provided the original building is being retained is content with the proposal subject to conditions
- Drainage and Water considered the impacts and have no objections subject to conditions and Drinking Water Inspectorate also considered the proposal and is content subject to conditions.

NI Water Ltd – responded with no objections and detailing information for the applicant.

Rivers Agency – responded that the southern boundary of the site is within close proximity of a watercourse that is designated in accordance with the Drainage (Northern Ireland) Order 1973 and known to Rivers Agency as Glasswater River.

The Flood Hazard Map (NI) indicates the site does not lie within the 1 in 100 year fluvial flood plain and therefore offer no objections to the proposal while detailing information for the applicant.

Transport NI

04.01.2016 response recommended refusal advising the proposal is contrary to PPS3 Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility splays (of 2.4metres X 220 metres) from the proposed access cannot be provided in accordance with the standards contained in the Departments Development Control Advice Note 15.

The applicants agent was advised in letter dated 22nd of March 2016 that the proposal would be contrary to policy, see file for full details.

Objections & Representations

The application was advertised in Mourne Observer and Down Recorder on the 9th of December 2015. A total of 6 neighbours were notified and no representations have been received prior to date of report.

Consideration and Assessment:

The proposal is for the conversion and extension of an existing building to provide a 2 block 2 storey unit with a ground floor single storey link. The existing stone building would accommodate 4 bedrooms on the ground and 1st floor, the ground floor link is single storey and accommodates the entrance and dining area. The link provides the attachment from the existing stone building to the 2 storey building. The side/rear portion of the proposed extension to the existing stone building are designed in a contemporary form finished with render, a zinc standing seam roof and dark grey aluminium windows.

The existing plans detail a barn which site history highlights a previous conversion to provide self-contained accommodation that is ancillary to No 53 Saintfield Road, Crossgar. This appears to have been completed on the 1st floor of the existing stone barn with the ground floor of the barn and attached single storey rear return as a stables and store.

Considering the proposal in relation to planning policy, the building is an old vernacular stone barn. Development in the Countryside is considered acceptable in principle in cases where it would contribute to the aims of sustainable development. Policy CTY 1 of PPS21 states 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.

The proposal is for the conversion and extension of an existing stone barn to provide a 4 bedroom detached dwelling. Policy CTY1 refers to Policy CTY4 in relation to the conversion of a non-residential building to a dwelling. The SPPS provides stronger language relating to locally important buildings than Policy CTY4 of PPS21 which lists the criteria for consideration of the conversion and reuse of existing buildings. The SPPS states that such a development should only be granted in relation to a

locally important building. The SPPS provides examples of such buildings. The SPPS therefore introduced a change of policy direction/clarification and therefore it is afforded a greater weight in the determination of planning applications. In this case the SPPS wording of a locally important building will take precedence over the term 'suitable building' as detailed within Policy CTY4 of PPS21.

The recent Planning Appeal Decision 2015/A0150 refers to restoration and extension to a dwelling at land 200m North of 97 Crossgar Road, Saintfield (DOE Ref R/2015/0089/F). This decision provides a determination relating to locally important buildings and the change in working between PPS21 and the SPPS. The PAC clarified that while the SPPS does not define 'locally important' it lists examples which the Commission stated, generally have some design, architectural or historic merit.

Considering the details of the proposal and consultation responses in relation to Policy CTY4;

(a) The building is of a permanent construction.

(b) The reuse through conversion would ensure the existing form is maintained. The removal of the rear single storey projection with replacement by a 2 storey rear projection on the opposite rear side (ie to the east) with a single storey glazed link will enhance the form while reflecting the architectural form of the original building. This will not have an adverse impact on the character of the area.

(c) The new extension will reflect the scale of the existing building and due to the details included within the materials and finishes, the architectural form and features of the original building will not be overshadowed by the extension.

(d) The conversion with extension has been amended from original proposal and the plans dated 31 May 2016 rearranged the rear amenity area and extension to ensure there is a set back of 14m from the rear of the established dwelling of No 53. The amenity space is on a slightly lower level creating a courtyard. The existing rear projection has a short distance from the rear of No 53 of 2m. Therefore the proposal would result in an improved separation distance between the existing dwelling and the proposed extension. The position of the stone barn cannot be re-positioned on site. The rear elevation of does not include any windows that would be overlooked and their rear amenity space is positioned to the north-west .

The amenity space associated with the proposed conversion is to the north of the building. The 2 portion of existing and proposed rear amenity spaces can be physically separated through proposed planting which will supplement the existing planting on site. In conclusion Council should be satisfied that the proposal would not unduly affect the amenities of nearby residents of no 53 Saintfield Road, Crossgar or the continued agricultural use associated with the neighbouring lands or neighbouring outbuildings.

(e) The proposal is for residential use and this aspect of the policy is not applicable.

(f) The proposal can provide all necessary services.

(g) The access to the public road is via an established access. The access is onto a protected route and Transport Ni has raised concerns in relation to the visibility splays and highlighting the need for improvement to accommodate the proposal.

This appears to be outside the ownership/control of the applicant and while it has been raised with the agent this did not result in the submission of a revised access arrangement and Transport NI have remained consistent with their recommendation of refusal due to road safety concerns. The Council must therefore conclude that access, in this case to a protected route, would prejudice road safety and significantly inconvenience the flow of traffic.

Transport NI has identified road safety concerns and responded to consultation with a recommendation for refusal as the proposal is contrary to Policy AMP 2 of PPS3. Policy AMP 2 states that permission will only be granted for a proposal involving a direct access or, as with this proposal, an intensification of the use of an existing access, onto a public road where;

- (a) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- (b) The proposal does not conflict with Policy AMP3 Access to Protected Routes.

Policy Amp 3 has had a consequential amendment which is detailed within Annex 1 of PPS21. This policy refers to access to protected routes and lists criteria for consideration.

The proposal falls within case (d) of Policy AMP3 which states that approval will only be justified where the proposal would meet the criteria for development and requires the application to make use of an existing vehicular access onto a protected route. This is in relation to cases where an alternative vehicular access from an adjacent minor road cannot be achieved. The proposal appears to satisfy this aspect of the policy, however Transport NI has identified a road safety concern relating to the intensification of the existing access, where the necessary visibility splays for a safe access cannot be achieved within the proposal. The Council cannot easily set aside the road safety concern. The policy justification states that in all cases, where access to a Protected Route is acceptable in principle, it will also be required to be safe in accordance with Policy AMP 2.

Additional supporting information received 31st May 2016 relating to the access as detailed. The applicant's agent identified the exception detailed within Policy AMP 3 of PPS3 and detailed within Annex 1 of PPS21. The applicant's agent also supplied supporting information relating to the use of the building proposed for conversion. This includes rating information amongst other details and refers to No 53A as detailed within the address of the proposal. The full details of the information supplied are available on file. The supporting information has been considered, however the Council cannot set aside the history of the site as granted under planning approval R/1990/0325 (Historical Application) Self Contained extension to existing dwelling at 53 Saintfield Road, Crossgar, Granted 4.7.1990. This approval was also supported with a planning condition to ensure the self-contained accommodation was to remain ancillary to the established dwelling of No 53 Saintfield Road, Crossgar.

The applicant's agent has attempted to illustrate the existing use of the building referred to as No 53a Saintfield Road, Crossgar as a standalone unit. The lawful use as a standalone unit has not been established through submission of a certificate of existing lawfulness. In the absence of this certificate, it is considered

that No 53a cannot be considered to lawfully constitute a separate dwelling. Therefore the proposal would be contrary to policy in that it would result an intensification of use of a sub-standard access onto a protected route.

The issue of flooding must also be considered in relation to PPS15 Planning and Flood Risk. DARD Rivers Agency considered the application. They responded to advise the site did not fall within the 1 in 100 year fluvial flood plain and therefore no additional information concerning flooding was required. Informatives can be applied to the decision to inform the applicant. This would reflect the comments received from DARD Rivers Agency. The proposal does not conflict with PPS15.

Recommendation:

Refusal - Due to the planning history on site and the constraints of the existing access, the proposal fails to satisfy the details of planning policy under PPS21, the SPPS and PPS3. The building proposed for conversion was not previously granted as a standalone dwelling but as ancillary accommodation to the established dwelling at No 53 Saintfield Road, Crossgar. The building is also not a locally important building.

Refusal Reasons/ Conditions:

The refusal reasons are recommended and can be subject to change;

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the building proposed for conversion is not locally important.

The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.

The proposal is contrary to PPS3 Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility splays (of 2.4metres X 220 metres) from the proposed access cannot be provided in accordance with the standards contained in the Departments Development Control Advice Note 15.

The proposal is contrary to PPS3 Access, Movement and Parking, Policy AMP 3 Access to Protected Routes as the access to the Protected Route cannot be safely achieved.

Case Officer DATE

Appointed Officer DATE

Planning Committee Schedule of 7th December 2016

Planning reference: **LA07/2015/1224/F**

Proposal: **Proposed conversion with extension of vernacular stone outbuilding to form dwelling**

Applicant: **Mrs E Fitzsimons**

Location **53a Saintfield Road, Crossgar**

Recommendation: **Refusal**

Reasons

1 The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.

2 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 visibility splays (of 2.4.. metres x 220.. metres) from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

3 The proposal is contrary to PPS3 Access, Movement and Parking, Policy AMP3 Access to Protected Routes as the access to the Protected Route cannot be safely achieved.

4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the building proposed for conversion is not locally important.

Site Description

The site is located in an existing yard are adjacent to an existing building and is accessed via a lane way which leads on to a primary traffic route north of the village of Crossgar

Planning Policies & Considerations

PPS 21

SPPS

PPS3

DCAN 15

Planning History

R/1990/0325/F Self Contained Extension to Existing Dwelling

Objections

No objections have been recorded

Assessment of reason for Refusal

1 It is argued that the use of the building as a dwelling has been ongoing for more than 5 years and by virtue of the passage of time no enforcement action can be initiated and the applicant has submitted a Certificate of Lawfulness (LA)&/2016/1508/LDE) in an attempt to regularise this breach.

2 The provision of visibility splays as required to the rear of the hard shoulder area associated with a protected route could be covered by a negative condition as the applicant has control of the land necessary to provide the required splays adjacent to the edge of the carriageway hard shoulder area. It must be noted that clarification 'if the required lands were in the ownership of the applicant' was never sought.

It again has to noted that the use of this building as a dwelling without the grant of permission required in that respect and for longer than action can be taken against it by the Planning Department sets the precedent that as an existing dwelling the need for such splays would not be required as the structure would meet the policy need as it could be replaced, and to this avail the applicant has submitted a Certificate of Lawfulness.

3 It must be contended that as this building has been in use as a dwelling and Housing Benefit was paid in relation to the structure and it is contended that planning approval was issued under R/1990/0325 as a self-contained extension however it was always used as separate dwelling as the occupants paid rent

and were not members of the family. The current Certificate of Lawfulness hopefully will regularise this matter.

4 While this building is at variance with the spirit of Policy SPPS the fact that it has existed as a separate dwelling it can be considered as locally important building and as the current submission will hopefully confirm.

Overview

The applicant has been given misleading advice in relation to the legal use of the application building and upon discovering that the Planning Department were unaware that the building had operated in breach of planning control as a separate dwelling she submitted a Certificate of Lawfulness which is still being assessed and if this were to be confirmed (as submitted evidence would suggest) this proposal to extend an existing dwelling would be a formality and none of the submitted reasons for refusal would be sustainable.

Conclusion

We would respectfully ask the Planning Committee to hold this proposal awaiting the outcome of the submission currently with the Planning Department as a Certificate of Lawfulness and when this has been deliberated on then a decision can be reached on this extension.

ITEM NO	10				
APPLIC NO	LA07/2015/1326/F	Full	DATE VALID	12/1/15	
COUNCIL OPINION	APPROVAL				
APPLICANT	Mr Brendan Boyd Rademon House 60 Ballynahinch Road Crossgar BT30 9HD		AGENT	The Bowsie Partnership 3 Lower Clay Road Toye Downpatrick BT30 9PL 028 97543301	
LOCATION	360 metres south of Rademon House 60 Ballynahinch Road Crossgar BT30 9HD				
PROPOSAL	Retrospective approval for Amendments to R/2014/0235/F involving extension to existing micro-distillery and elevation changes, visitor area, public bar, bottling area/ storage, cafe, sales area, toilets, mezzanine floor for offices, treatment plant, and associated works, with access on to Church Road and 3 passing bays along Church Road. (Amended description received)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	7	0		0	0
			Addresses	Signatures	Addresses
			0	0 0 0	0



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1326/F

Date Received: Dec 2015.

Proposal:

Retrospective permission is sought for Amendments to previous approval R/2014/0235/F, to include an extension to the existing micro-distillery with elevation changes, visitor area, public bar, bottling area/storage, cafe, sales area, toilets, mezzanine floor for offices, treatment plant, and associated works, on lands 360m south of Rademon House, with access on to Church Road and 3 passing bays along Church Road.

Applicant: Mr B Boyd.

(NOTE: R/2014/0235/F- Comprised an extension to existing micro-distillery to include bottle storage, barrel racks bottling area, reception, toilets, offices and display space, Full, Approval, 16-10-14, Applicant: Mr B Boyd).

Location:

The site is located in the countryside, within the grounds of Rademon Historic Park, Garden and Demesne as identified in the Ards and Down Area Plan 2015, whereby these grounds are approx 1-2 mile outside the development limit of Crossgar.

These grounds on Rademon Estate undulate and include a number of buildings, whereby the main entrance accesses onto the Ballynahinch Road, although there is a secondary access onto Church Road.

The application site comprises a portion of land located towards the SW corner of these grounds, approx 100m from the monument and are accessed via Church Road.

It is noted this area is predominantly rural in character and also includes listed buildings and monument.

Site Characteristics & Area Characteristics:

The site is located within the substantial and mature grounds of Rademon Estate which includes a number of buildings at present and also comprises accesses onto both the Ballynahinch Road and Church Road. The extent of the application site is

located towards the SW corner of this estate which accesses onto Church Road and is low lying, comprising a roughly squared shaped single storey building with area of hard standing to the front.

The boundary around this part of the site consists of ranch fencing, with a mature belt of planting enclosing the site to the North, South and West. The area to the east of site is agricultural land which rises quite steeply from the site to a monument which is located at the top of this field.

Site history

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

R/2014/0235- Lands 360m south of Rademon House, Crossgar, Extension to existing micro-distillery to include bottle storage, barrel racks bottling area, reception, toilets, offices and display space, Full, Approval, 16-10-14, Applicant: Mr Boyd

R/2012/0025- Lands 360m south of Rademon House, Crossgar, Change of use from agricultural building to micro-distillery, full, approval, 10-07-12, Applicant: Mr B Boyd.

It is also noted there is other history both within this Historic Park, Garden and Demesne, and on adjoining lands.

Representations

9 letters of objection have been received to date (14-11-16) from the owner/occupiers of no.20, 42 (x4), 42a, and 80 Church road, WSC Consulting, 5 Church Lane and an anonymous representation, whereby the main concerns/issues raised include:

- accuracy of the site address,
- all the residents in Church Road should be informed regarding this proposal,
- additional traffic including coaches will cause disruptive congestion,
- these rural roads cannot accommodate and are not suitable for coaches, which will inconvenience and endanger residents and users of Church Road
- the condition of Church Road is poor and badly maintained, whereby coaches will exacerbate this problem. A suggestion has been made to use the main entrance serving Rademon Estate from the Ballynahinch Road,
- lack of information/detail provided regarding the passing bays and TAF submitted.

Having account current practice and requirements, and extent of red line, no neighbour notification was undertaken as part of this application, however the application was advertised in the local press in Jan 2016, and again in Aug and Oct, following receipt of further info and an amended description.

With regards to the issues raised, an amended description was requested and received from the agent to better describe the site address and proposal, which was duly re-advertised. It is acknowledged neighbour notification is now a statutory obligation, however in line with current procedures and practice, no property was entitled to be neighbour notified as part of this application. Going over and above the

requirements of neighbour notification can create difficulty and allegation, thus the Planning Dept must work within its remit and limits. TNI have been consulted on several occasions regarding this proposal, including a request to consider and comment on the representations received, whereby TNI have offered no objections (most recent comments dated 8th Nov 2016). As such it is considered there are no grounds to refuse the proposals as submitted. With regards to the passing bays and information submitted TNI had requested the provision of 3 passing bays from the access to the junction with the Ballynahinch Road, and having account the rural nature of this area, these passing bays were to be informal to respect the character of the area, whereby it was noted the applicants own/control the lands for these passing bays, and that the applicant would carry out the works for these passing bays. This was at the request of TNI.

Consultations-

Having account the nature of this proposal and location and constraints of the site and area, consultations have been carried out with a number of bodies including Transport NI, NI Water, NIEA Historic Environment Division (HED), Rivers Agency, Shared Environmental Services and Environmental Health.

Following site meetings and submission of further information, it is considered the consultees listed now offer no objections in principle to this proposal.

It is not considered necessary to seek any additional comments from any other body to determine this application. A HRA screening exercise was also undertaken as part of the processing of this case.

Applicable Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS4, PPS6, PPS11, PPS15, PPS21, Creating Places.

As the site is located in the countryside PPS21 applies

PPS 21

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

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans), whereby policy CTY1 sets out the 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.

Assessment

By way of background it is noted from the history outlined above there is a recent approval for the change of use of an agricultural building to a micro distillery at this site (Ref R/12/0025), and also a subsequent approval for an extension to this micro-distillery (Ref R/14/0235). Both the change of use and extension permissions have been enacted and are almost complete.

It is noted from this history the key policy context initially included CTY11 of PPS21 (farm diversification), while policy PED3 of PPS4 (Expansion of an established economic development use in the countryside) was key for the subsequent approval for the approved extension. Both of these approved applications indicated this micro-distillery would access onto the Church Road.

The use of this facility as a micro-distillery is now established, whereby this application solely considers the additional extension, which is now built.

This current application seeks to amend the recent approval (R/14/0235) with an additional extension and changes to the layout, which are now largely complete, as acknowledged in the description of the proposal as outlined at the outset above.

With regards to the site history and background it is noted the original change of use comprised a single storey warehouse with a total floor-space area of approx 300sqm (16m by 19m, with grey render walls and dark green metal sheeting panelling). The subsequent permission (R/14/0235) to extend this facility included an additional area of floor-space of approx 620m, to include storage, reception area, toilets, exhibition space, office space, still house, thereby creating a total floor-space of approx 920sqm. This building was again single storey whereby the finishes included those listed above, although also included wood and stone cladding. The height of the extension was also approx 1m higher than the original building, with new ridge height of approx 7.5m.

This current proposal seeks to extend this facility further to provide an additional warehouse, and relocating the office area upstairs, and increasing the reception/exhibition/display area, with a small bar area.

This additional warehouse will create approx 190sqm of additional floor-space at ground floor, while the part first floor office and store area will create an additional floor-space area of approx 100sqm.

It is also noted the height of the extension approved under R/14/0235 has also increased to from 7.5m to 8m, which is not considered significant to require any further assessment, having account the site location and consultee comments. It is noted the reception and display areas etc, are located in a single storey element which has a flat roof.

The resulting building will now comprise 3 warehouses with storage, plant room, office, toilets, kitchen/canteen, reception area, display/exhibition area and bar/servery area at ground floor, with office and store above.

It was noted during a site visit in May 2016 the works (external structure) associated with this latest application are complete, whereby the description of the proposal acknowledges this with the reference to 'Retrospective'.

Having account the nature of this proposal and development undertaken to date, it is again considered policy PED3 of PPS4 is key, which states:

The expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.

Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.

It is acknowledged the size of the facility now proposed is significantly larger than the original change of use and is also higher. However having account the size of the subsequent permission, it is considered the general, scale, design and materials now proposed, will largely respect the existing building, and will not harm the character of the area.

It is noted this facility is located on a low lying portion of the estate and is not readily visible from any public viewpoint and is also located some distance from any other property. It is also considered this site is large enough to accommodate an extension of this size without resulting in any unacceptable detrimental impact on the character of the area. It is also noted Environmental Health offer no objections.

As per the previous permissions it is proposed to utilise the access onto Church Road to serve this site, whereby Transport NI offer no objections.

As part of the processing and consideration of the application a joint site visit was undertaken with representatives from TNI, which included walking along the Church Road from the junction with the Ballynahinch Road to the site entrance. It is noted there is opposition to the use of Church Road to serve this site, however TNI are content with the proposal. As part of discussions it was agreed the applicant would provide 3 informal passing bays to assist with traffic movement along this stretch of Church Road, and that these passing bays were to be informal so as not to change the character of this rural road and area. This was at the request of TNI, whereby the applicants were agreeable to this.

A Transport Assessment form has also been completed and submitted as part of this application, whereby the site plan submitted also includes provision of 28 formal parking spaces with additional areas being available for turning and informal parking.

It is noted there is a sizeable area of hard-standing to the front of the building, however this has been in place for some time and was effectively approved as such with the original and subsequent permissions.

A new rail fence and thorn hedge will run along the northern and eastern boundaries thus ensuring the facility is enclosed and bounded. It is noted the area of hard-standing now proposed has increased from that previously approved, however it is considered it will not have any significant increased or unacceptable impact on the character of the area, due to its nature. It is noted there has been a sizeable area of hard-standing in this location for some time which also previously included a 'heli-pad'.

It is acknowledged this site is located in a sensitive area, in a Historic Park, Garden and Demesne, which includes listed buildings and monuments.

The content of both the SPPS and PPS6 have been considered including the various applicable policies, whereby comments have also been sought from Historic Environment Division (HED), and it is concluded the development will not result in any unacceptable adverse impact on the setting, any archaeological site or monument, Listed Building, nor will lead to the loss or harm to the character or setting of this Estate. It is also noted HED offer no objections to this proposal. As part of the processing and consideration of this application a joint site visit took place with representatives from HED, to discuss the extent of the potential impact the development would have on the area.

While HED have advised they are content with this current proposal it is important to note that they have advised any further future development is likely to be recommended for refusal on PPS6 grounds.

While it is noted there is opposition to this proposal, having account the applicable policy context, comments from the various consultees, and site history, it is considered there is no justifiable grounds to sustain a refusal.

While it is acknowledged the use of this site has grown since the original permission, it is considered the facilities provided are in line with the use, and what one would expect to find at such a location.

As such Approval is recommended subject to conditions.

Recommendation: Approval.

ITEM NO	16			
APPLIC NO	LA07/2016/0434/F	Full	DATE VALID	3/25/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Paul Flanagan 27 Ballynahinch Road Crossgar BT30 9HS		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT
				NA
LOCATION	Adjacent to 27 Ballynahinch Road Crossgar BT30 9HS			
PROPOSAL	Proposed dwelling and garage			
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 Policy QD1 (a) of the Department's Planning Policy Statement 7: Quality Residential Environments in that; 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 surface areas.
- 2 The proposal is contrary to Policy QD1(h) of the Department's Planning Policy Statement 7: Quality Residential Environments in that the design and layout will create conflict with adjacent land uses and there will be unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.



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

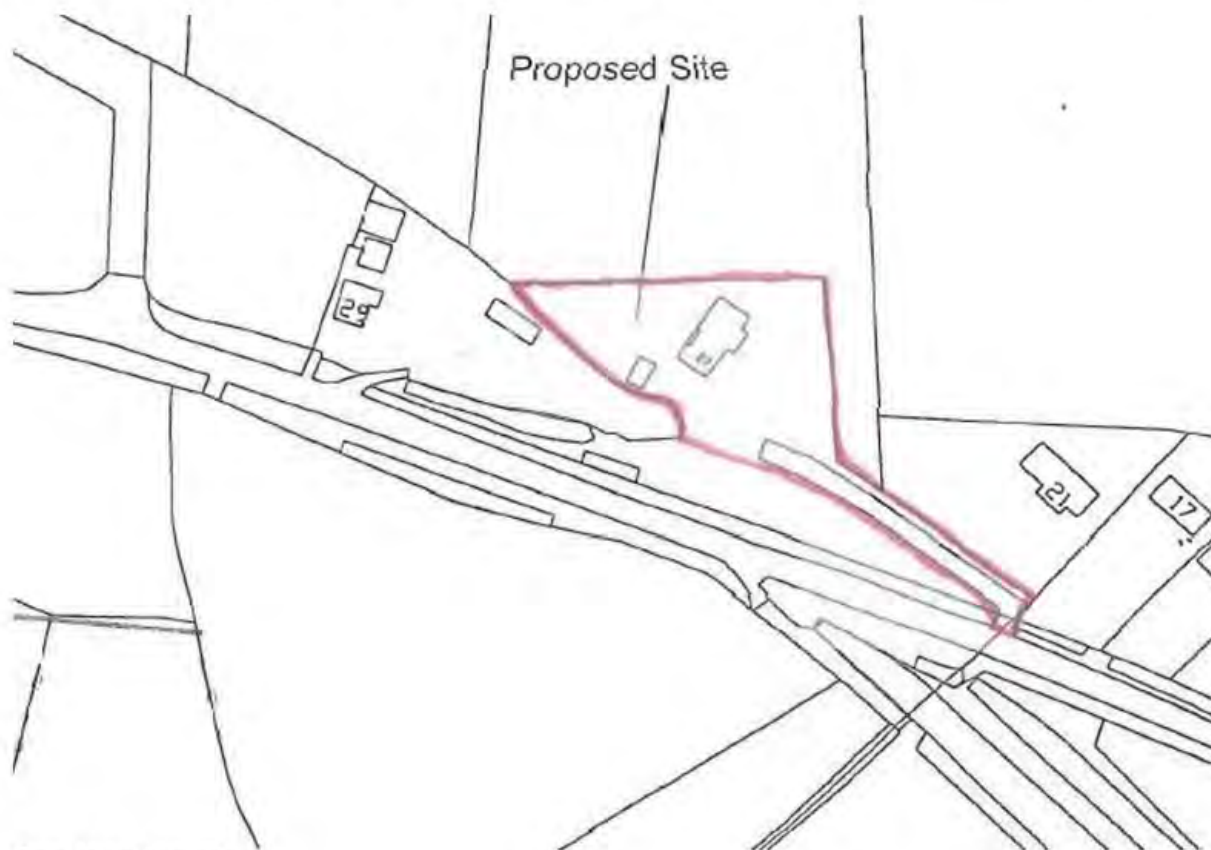
**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2016/0434/F

Date Received: 25.03.2016

Proposal: The application is for full planning permission for a dwelling and garage.

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



Site location plan





Site Characteristics & Area Characteristics:

The application site is located to the rear of ballynahinch Road, Crossgar. The site is currently occupied by a single storey detached dwelling with garage to the SW. The topography of the site is such that it rises in a NW direction. There are mature boundaries to the northern, eastern and southern sides of the site, with a row of conifers to the western boundary.

Site History:

R/1975/0615 Dunanelly, Downpatrick Replacement Farm Dwelling Permission Granted

R/1976/0060 Crossgar And Creevecarnonan Hv And Mv O/H Lines Permission Granted

R/1980/0244 20 Saintfield Road, Creevecarnonan, Crossgarbungalow Permission Granted

R/1988/0089 27 Ballynahinch Road Crossgar Dwelling Permission Granted

R/1992/0397 Ballynahinch Road Crossgar Dwelling Permission Refused

R/1993/0659 29 Ballynahinch Road Crossgar Replacement Workshop, Store And Sales Area Permission Granted

R/1998/6012 Off Ballynahinch Road Proposed Housing Development Off Ballynahinch Road Crossgar

R/1999/0270 29 Ballynahinch Road Crossgar Alterations To Dwelling Including New Front

Porch And Pitched Roof Over Extension. Permission Granted

R/1999/0300 Land Between 21 & 29 Ballynahinch Road, Crossgarproposed 2 No Dwelling (Outline) Application Withdrawn19.01.2000

R/2000/0245/F 29 & 21 Ballynahinch Road, Creevecarnonan, Crossgar, Northern Ireland, Bt30 9hs

Dwelling Permission Granted 05.11.2001

R/2004/0980/F Between 29 And 21 Ballynahinch Road, Crossgar Amended Design Of Dwelling To That

Previously Approved Under R/2000/0245. Permission Granted 17.11.2004

R/2004/1560/O Between 29 & 21 Ballynahinch Road Crossgar Integral Domestic Shed & Garage Application Withdrawn23.05.2006

R/2004/2079/F 17 Ballynahinch Road, Lissara, Crossgar, Northern Ireland, Bt30 9hs Single Storey Extension Permission Granted 16.05.2005

R/2005/0116ca 27a Ballynahinch Road, Crossgar. Operational Devt Enforcement Case Closed 4.2009

R/2005/0936/F 17a Ballynahinch Road, Lissara, Crossgar, Co.Down, Bt30 9hs. Single Chalet Style Dwelling. Permission Refused 24.03.2006

R/2005/1154/O Site Adjacent To No 21 Ballynahinch Road, Creevecarnonan, Crossgar, Northern Ireland, Bt30 9hs Single Dwelling Permission Granted 09.12.2005

R/2007/1328/F Adjacent To 27 Ballynahinch Road, Crossgar, Bt30 9hs New Dwelling Application Withdrawn 20.02.2009

R/2008/0111/F 15 & 17 Ballynahinch Road, Crossgar. 8 No Apartments (2 No Blocks Of 4 Apartments) Application Withdrawn 05.12.2008

Planning Policies & Material Considerations:

The application site is located within the village of Crossgar as designated within 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 7 and APPS7, PPS 12, Creating Places, DCAN 8.

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

Objections & Representations

In line with statutory requirements four neighbours have been notified on 21.04.2016 and again with amended plans on 23.06.2016. One letter of representation was received by the neighbour at 29 Ballynahinch Road, which related to the location of the septic tank and soakaway and the impact this will have on their property. The application was advertised in the Mourne Observer and the Down Recorder on 20.04.2016. A email from Cllr Terry Andrews was received on behalf of his constituent – the applicant about progress of the application.

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.

The site lies within the development limits of Crossgar, thus a presumption in favour of development subject to compliance with the policies contained within PPS 7 and 12. PPS7 Addendum: Safeguarding the Character of Established Residential Areas is also applicable.

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 proposal is for a two storey (with upper floor dormer windows to front and velux to rear) detached dwelling with single storey attached garage. The building will have a maximum height of just over 6 metres above ground level. The dwelling will have a frontage of approx. 15.2m with a depth of 9 m and a footprint of 136sqm with an overall floorspace of approx. 274sq m. The roof is to be finished in blue/black slate, with smooth render walls. There are a mixture of materials and finishes in the immediate area and a mixture of house types including single storey bungalows, one and a half storey dwelling and two storey dwellings in the immediate area.

The building would have its principle elevation facing in a SW direction onto Ballynahinch Road, with a side gable elevation facing to the rear garden of No 27 who is the applicant. There is a 12.4m separation distance between the proposed dwelling and the existing dwelling at No 21. No finished floor levels or sections have been submitted with the proposal; however, spot levels on the plan indicate a change in levels of over 3m, so there will have to be some level of excavation to accommodate the proposal.

The surrounding character of the area is dominated by residential development to the east of site. There are open fields to the north of the site. The proposed layout makes provision for 2 car parking spaces. The rear amenity space is limited as the building is tight up against the northern boundary with a 2.2m separation to the boundary which increases to 4m. The majority of the private amenity would be to the immediate west of the dwelling and would be adjacent to the boundary of the front/side garden of No 29 Ballynahinch Road. No. 29 is on elevated land in relation to the Ballynahinch Road. There are windows proposed in the eastern elevation in the upper floor which would result in overlooking into the neighbouring property at No 27, given the inadequate separation distance. While the proposal will result in a loss of private amenity space to the rear of No 27 Ballynahinch Road and a reduction in the plot depth to approximately 9.4m at its narrowest point this would, however, be deemed acceptable. The proposed dwelling, however, would be 3m from this same boundary, and this would be deemed unacceptable.

A new access is proposed to run along the western boundary which will also involve the removal of the existing garage belonging to No 27. The planning system has to operate within the wider public interest and that there is a duty to ensure the environmental quality is maintained. In this instance because the proposed dwelling is for the applicant, the occupier of the existing dwelling would be prepared to

tolerate a lower level of amenity, and this in itself is not sufficient reason to permit what is deemed to be unacceptable.

Since the assessment of the previous application on the site for a dwelling which was subsequently withdrawn, a new policy, was introduced PPS7 Addendum: Safeguarding the Character of Established Residential Areas. Policy LC 1 is an amplification of Policy QD 1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced.

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) the proposed density¹ is not significantly higher than that found in the established residential area;
- b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

Based on careful consideration of all the relevant material planning considerations, it is contended that the proposal is contrary to Policy QD 1 of PPS 7.

Recommendation:

Refusal

Refusal reasons:

- 1. The proposal is contrary to Policy QD1 (a) of the Department's Planning Policy Statement 7: Quality Residential Environments in that;
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 surface areas.**
- 2. The proposal is contrary to Policy QD1(h) of the Department's Planning Policy Statement 7: Quality Residential Environments in that the design and layout will create conflict with adjacent land uses and there will be unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.**

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	21		
APPLIC NO	LA07/2016/0821/F	Full	DATE VALID 6/20/16
COUNCIL OPINION	REFUSAL		
APPLICANT	C Canning 22 Ringhaddy Road Killinchy BT23 6TU	AGENT	HR Jess Architecture Planning & Management 1 Jordanstown Road Newtownabbey Co Antrim BT37 0QD 028 9036 4615
LOCATION	24 Ringhaddy Road Killinchy		
PROPOSAL	Change of House type to that previously approved under R/2012/0323/F. (Further amended plan received)		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions SUP Petitions
	40	0	0 0
			Addresses Signatures Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed dwelling is inappropriate for the site and its locality
- 2 The proposal is contrary to policy NH6 of the Department's Planning Policy Statement 2, Natural Heritage, as the design of the dwelling is inappropriate for this locality and AONB.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for NI, as the dwelling is inappropriately designed and does not respect the rural character of the area.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0821/F

Date Received: June 2016.

Proposal: Full planning permission is sought for a Change of House type to that previously approved under R/2012/0323/F, on lands at 24 Ringhaddy Road, Killinchy.

Applicant: Mr C Canning

Location:

The site is located in the countryside several mile north of Killyleagh in an AONB and Area of Constraint on Mineral Developments as identified in the Ards and Down Area Plan 2015. The site is also adjacent to Quarterland Bay and appears to be within/adjacent Strangford Lough Ramsar site, SPA, SAC, Marine Nature Reserve and ASSI. This Ringhaddy Road is a relatively narrow rural road which extends from the Ballymorrán Road and Killyleagh Road down to the shore and bay, whereby this area is largely characterised by agricultural lands although also comprises a number of roadside dwellings and holdings.

Site Characteristics & Area Characteristics:

The site is located towards the bottom end of Ringhaddy Road, adjacent to the shore (Quarterland Bay) and comprises a portion of land (field) adjacent to the dwelling of no.22 and its associated curtilage, buildings and lands, whereby development has commenced for the construction of a new dwelling, approved under application R/2012/0323/F.

The site for this dwelling is low lying, whereby the lands rise from the shore towards no.22. This site is accessed via the existing access serving no.24

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been a number of applications within and adjacent to the site, however having account the nature of this proposal, the most relevant history observed includes:

R/2012/0323- 70m north west of 22 Ringhaddy Road, Killinchy, New dwelling and double garage, Full, Approval, 12-02-14, Applicant: Mr Canning.
 (This approved dwelling was located towards the lower lying portion of the field and comprised a single storey dwelling with detached double garage with store above. This dwelling shared the access point onto the Ringhaddy Road with no.22. It is noted there was significant local opposition to this proposal while consultation was also undertaken with TNI, NIW, WMU, Rivers Agency, DAERA, PHB, PHM, and Natural Heritage)

Consultations:

Having account the nature of this proposal (change of house type) and constraints of the site and area, consultations have been carried out with Rivers Agency, NIEA and Shared Environmental Services, who offer no objections in principle. A HRA screening exercise was also undertaken as part of this application.

Having account the nature of this application (Change of house type) it is not considered necessary to seek comments from any other body to determine this application.

Objections & Representations

Having account the red line of the application site, neighbour notification was carried out with several properties along Ringhaddy Road in June 2016, and again in Sept 2016 following receipt of amended plans, while the application was also advertised in the local press in July 2016.

Approximately 40 objections have been received to date (15-11-16) from properties along Ringhaddy Road, Ballymorrán Road, Ringdufferin Road, Lusky Road, Quarterlands Road, Rathcunningham Road, Whitecherry Road (Killinchy), The Spires Grive (Killinchy), Donaldson Planning on behalf of Concerned Ringhaddy Area residents, the Concerned Ringhaddy Area Residents themselves, and also RSPB, whereby the main issues raised include:

- the dwelling proposed is substantially bigger in height, width, depth and footprint. along with a unnecessarily large and inappropriate garage,
- the design is ill-proportioned with an incongruous mix of elements and is wholly inappropriate, and will destroy the very special and unique landscape of this sensitive location,
- the fenestration is out of keeping with the area,
- the quality of the information submitted is inadequate,
- the proposal is contrary to PPS2,
- the proposal is contrary to policies CTY13 and CTY14 of PPS21,
- request that NIEA are consulted,
- queries were raised regarding the timing of the application and period afforded to comment on it,
- the history of the site, namely the previously approved dwelling and associated opposition and complaints are referred to,
- 3D images have been provided.

See file for full content of representations received.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS11, PPS15, PPS21 and supplementary guidance.

As stated above the site is located in the countryside, thus PPS21 applies.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans), whereby Policy CTY 1 sets out the 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 clear from the history outlined above there is a previous extant Full permission for a new dwelling on this site (R/2012/0323), the details of which are set out above. As such it is considered the principle of a dwelling has already been accepted and established for this site in accordance with the provisions of PPS21, subject to conditions.

The purpose of this report is to consider the change of house type proposed and not to re-visit the principle of development.

The dwelling currently proposed will be part single storey and part 2 storey, and will include a number of returns and projections.

This change of house type will be sited in the same place as that previously approved, whereby part of this previously approved dwelling has been constructed. It is noted the single storey portion of the dwelling comprising the sitting, dining, kitchen, bathroom and bedroom 3 are the same as that previously approved.

The dwelling previously approved was single storey with simple form, and while it is noted there are a mix of house types, sizes and designs in this area, it is considered the design of the dwelling currently proposed is out of keeping with the character of the area and is unacceptable.

Having account the mix of house types and sizes in this area and also low lying nature of the site, no objections are offered to the principle of an upper floor level of accommodation, however the mix of design elements including turret styled feature viewing gallery is not considered appropriate or acceptable in this sensitive location. As such it is considered the proposal is contrary to policy CTY13 of PPS21 and also NH6 of PPS2 and the SPPS.

NOTE: During the processing of this application the Planning Dept issued a letter to the agent in Aug querying the design, having account the content of the Building on Design document, and having account the character of the area.

Amended plans were received in Sept 2016 showing the removal of the turret feature, however further amended plans were then submitted in Oct, whereby the agent advised the applicant wanted to revert to the original scheme, namely that now described.

The remaining aspects including access, driveway, garage, levels, garden area, curtilage and boundary planting, will remain as per that previously approved, thus in

being consistent, no issues are raised regarding these aspects. As such no areas of concern are expressed potential prominence or integration.

It is noted there is considerable opposition to this application, and with regards to the representations received, it is considered that while there may be ongoing complaints, this is not a justifiable reason to hold the progressing of this application. The design of the dwelling now proposed has been outlined and considered above. This application was submitted in June, whereby there is no current restriction in place as to what day or month any application can be submitted. The history of this site is noted, however this application only deals with this current proposal for a change of house type to that previously approved, whereby the principle of a dwelling has already been considered acceptable at this location. However as outlined above, the design of the proposed dwelling as submitted is considered unacceptable. As such Refusal is recommended.

Recommendation: Refusal.

Refusal reasons:-

- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed dwelling is inappropriate for the site and its locality**
- The proposal is contrary to policy NH6 of the Department's Planning Policy Statement 2, Natural Heritage, as the design of the dwelling is inappropriate for this locality and AONB.**
- The proposal is contrary to the Strategic Planning Policy Statement for NI, as the dwelling is inappropriately designed and does not respect the rural character of the area.**

ITEM NO 22
APPLIC NO LA07/2016/0836/F Full **DATE VALID** 6/22/16
COUNCIL OPINION REFUSAL
APPLICANT Kings Castle Nursing Home **AGENT** MB Architectural
 Kildare Street Design Services
 BT30 7TR Downpatrick
 BT30 6GF
 NA

LOCATION Kings Castle Nursing Home
 Kildare Street
 Ardglass

PROPOSAL Proposed single storey extension to accommodate 5no single bedrooms

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	11	0		0	0
			Addresses	Signatures	Addresses
			0	0	0
			0	0	0

- 1 The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.
- 2 The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0836/F

Date Received: July 2016

Proposal:

Full permission is sought for a single storey extension to accommodate 5no single bedrooms, at Kings Castle Nursing Home.

Applicant: Kings Castle Nursing Home.

Location:

The site is centrally located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA as identified in the Ards and Down Area Plan 2015. It is also noted the existing building is Listed.

Site Characteristics & Area Characteristics:

The site outlined in red comprises the established grounds of Kings Castle Nursing Home which fronts and accesses onto Kildare Street, although also extends to adjoin Hill Street.

The grounds of this Nursing Home are irregular in shape whereby Kildare Street slopes downhill towards the sea. A stone wall and footpath run along the site frontage whereby it is noted there is an area of parking within the site. The site extends to adjoin a number of properties whereby the boundary varies. It is noted a number of the adjoining properties are residential in use and include 2 storey properties with returns to the rear. The existing building on site includes several floors with numerous returns and recent single storey extensions.

Site history

A history search has been carried out for the site and surrounds, whereby it is noted there have been several previous approvals on this site for extensions with applications being lodged in 2010, 2005, and 2001, while the original permission for the change of use of this castle to a home dates back to 1984. There is also a relatively new housing development to the rear of the site (Castle Heights).

There is also an associated Listed Building Consent under consideration (LA07/16/0837/LBC), while there was also a recent PAD (Pre Application Discussion) regarding potential development on this site (REF LA07/16/0020).

LA07/16/0020/PAD- Kings Castle Nursing Home, Pre-application Discussion (PAD), Single Storey Extension, Completed.

During the processing of this PAD an office meeting was facilitated whereby representatives from Historic Environment Division (HED) were also in attendance, at which time the agent/applicants were advised of HED concerns and position that the extension is unacceptable.

It is noted the layout indicated during this PAD is very similar to that now proposed.

Representations

Letters of objection have been received from 5 Hill Street, Tumelty Planning Services who acts on behalf of 1, 3, 5, 7 Hill Street and 45 Kildare Street, whereby the main issues raised include:

- further loss of privacy,
- overshadowing, loss of light and loss of privacy of adjoining residents,
- the extension will dominate adjoining properties which already gives the impression of imprisonment,
- will lead to noise and general disturbance,
- the development on this site is already at saturation point whereby the extension does not take account the privacy needs of adjoining properties,

See file for full content of representations received. The issues raised will be dealt with below.

It is noted the epic system has registered 11 objections, although 2 letters have been received from Tumelty Planning Services, who acts on behalf of 5 properties, thus has registered 10 objections. (This is the total number received to date 19-10-16)

As part of the processing of this application, neighbour notification and advertising was undertaken in July 2016.

(Having account the extent of the red line neighbour notification was undertaken with several properties along Kildare Street, Hill Street and also Castle Heights).

Consultees

Taking into account the location and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI, NIEA, Environmental Health, N.I Water, Shared Environmental Services and Rivers Agency

The comments from the respective consultees are noted and it is considered no additional consultations or information is required to determine this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6.

As stated above the site is located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA, whereby the existing building is Listed.

This site is centrally located within the village of Ardglass and has historic value whereby it is clear from the above this is a sensitive area.

As outlined above this site is irregular in shape which extends to adjoin a number of properties, whereby the existing building includes several floors with a number of returns and recent additions.

It is proposed to construct a single storey extension to the front side of this existing building adjacent to the entrance along Kildare Street.

This extension will be sited in the front corner of the site, adjacent to no.45-49 Kildare Street and 1-7 Hill Street.

It is noted from a site inspection this portion of the site where the proposed extension will be sited, includes oil tanks, sheds, several small outbuildings and a raised grassed area with several mature trees at present.

As stated above this extension will be single storey, providing 5 additional bedrooms with en-suites with corridor link.

This extension will include a hipped roof being approx 3m high to the eaves and 5.5m high to the eaves, whereby the finishes will include natural slate roof, clipped eaves, cast iron RWG's natural stone walls to match existing castle and timber window frames.

It is acknowledged this extension will be sited immediately adjacent to the boundary adjoining several properties along Kildare Street and Hill Street, however having account the current situation on the ground including existing outbuildings and sheds and existing boundary stone wall, and raised garden area and side gable of no.45, it is considered the proposed extension will not result in any significant increased or unacceptable impact on the amenity of adjoining residents in terms of overlooking, overshadowing, loss of light or dominant impact in this urban context.

As stated above the extension will be single storey whereby the roof will slope away from the boundary thus reducing the potential impact, whereby the existing boundary wall will also partially screen views. It is also noted the rear return, although single storey is also blank.

While it is noted there have been several objections to this proposal it is considered it will not result in any unacceptable impact on the amenity or enjoyment of any adjoining property, while the finishes are also considered to respect the existing character.

The site plan submitted indicates the existing mature trees will be retained where possible although it is noted the extension will be sited very close to the crown spread of these trees.

As stated above the existing building is Listed, whereby Historic Environment Division (HED) were consulted as part of the associated application who have advised the proposal is unacceptable being contrary to policy BH8 and BH11 of

PPS6 (Extension or Alteration of a Listed Building and Development Affecting the setting of a Listed Building).

The agent was made aware of the comments from HED in August via a letter issued on 3rd August and was afforded an opportunity to submit further supporting information. Reference was also made to the recent Pre Application Discussion as referred to above.

Further supporting information was submitted by the applicant/agents consultant (D Piggot), however HED remain of the opinion the proposal will have an adverse impact on the Listed Building.

In light of the comments from HED, it is considered Refusal must also be recommended for this Full application.

Recommendation: Refusal

Refusal Reasons:

- **The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.**

- **The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.**

Colette,

RE: Kings castle nursing home Ardglass. LA07/2016/0836/F

Please see below the points I wish to address:

1. Justifying the need for the proposal.
2. Reasons for refusal.
3. Rebuttal of reasons for refusal.

I trust this does not cause any inconvenience.

Regards

Michael Bailie



LA07/2016/0836/F Kings Castle Nursing Home Ardglass

I am writing in support of the above application for the extension and upgrading of rooms to comply with the new ruling RQUA and H&SS ruling that double rooms are no longer acceptable in care home accommodation. This proposal is not to create additional accommodation to needs to be carried out to comply with the current statutory obligations.

The issues relating to HBU, HMU and PPS6 can be overcome as the applicant is willing to have an archaeological evaluation survey done.

This home has currently 40 permanent residents which consist of 30 single rooms and 5 double rooms to enable all residents to have a single room. It also currently employs 60 people within the local area both full and part time.

The Applicant and Agent are both alert to the significance of King's Castle. It is their view that a scheme, conducive to the operation of the Home, and enhancing of the proximate setting of the Castle can be achieved. It was to prepare such a sympathetic scheme that a Pre-application Discussion with Planning and HBU, NIEA, was requested

Regards

Councillor Dermot Curran

ITEM NO 23
APPLIC NO LA07/2016/0837/LBC Listed Buildi **DATE VALID** 6/20/16
COUNCIL OPINION REFUSAL
APPLICANT Kings Castle Nursing Home **AGENT** MB Architectural
 Kildare Street Desing Services
 BT30 7TR Downpatrick
 BT30 6GF
 NA

LOCATION Kings Castle Private Nursing Home
 Kildare Street
 Ardglass

PROPOSAL Proposed single storey extension to provide 5no single bedrooms

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	11	0		0	0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0

- 1 The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.
- 2 The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0837/LBC

Date Received: July 2016

Proposal:

Listed Building Consent (LBC) is sought for a single storey extension to accommodate 5no single bedrooms, at Kings Castle Nursing Home.

Applicant: Kings Castle Nursing Home.

Location:

The site is centrally located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA as identified in the Ards and Down Area Plan 2015. It is also noted the existing building is Listed.

Site Characteristics & Area Characteristics:

The site outlined in red comprises the established grounds of Kings Castle Nursing Home which fronts and accesses onto Kildare Street, although also extends to adjoin Hill Street.

The grounds of this Nursing Home are irregular in shape whereby Kildare Street slopes downhill towards the sea. A stone wall and footpath run along the site frontage whereby it is noted there is an area of parking within the site. The site extends to adjoin a number of properties whereby the boundary varies. It is noted a number of the adjoining properties are residential in use and include 2 storey properties with returns to the rear. The existing building on site includes several floors with numerous returns and recent single storey extensions.

Site history

A history search has been carried out for the site and surrounds, whereby it is noted there have been several previous approvals on this site for extensions with applications being lodged in 2010, 2005, and 2001, while the original permission for the change of use of this castle to a home dates back to 1984. There is also a relatively new housing development to the rear of the site (Castle Heights).

There is also an associated Full application under consideration (LA07/16/0836/F), while there was also a recent PAD (Pre Application Discussion) regarding potential development on this site (REF LA07/16/0020).

LA07/16/0020/PAD- Kings Castle Nursing Home, Pre-application Discussion (PAD), Single Storey Extension, Completed.

During the processing of this PAD an office meeting was facilitated whereby representatives from Historic Environment Division (HED) were also in attendance, at which time the agent/applicants were advised of HED concerns and position that the extension is unacceptable.

It is noted the layout indicated during this PAD is very similar to that now proposed.

Representations

Letters of objection have been received from 5 Hill Street, Tumelty Planning Services who acts on behalf of 1, 3, 5, 7 Hill Street and 45 Kildare Street, whereby the main issues raised include:

- further loss of privacy,
- overshadowing, loss of light and loss of privacy of adjoining residents,
- the extension will dominate adjoining properties which already gives the impression of imprisonment,
- will lead to noise and general disturbance,
- the development on this site is already at saturation point whereby the extension does not take account the privacy needs of adjoining properties,

See file for full content of representations received. The issues raised will be dealt with below.

It is noted the epic system has registered 11 objections, although 2 letters have been received from Tumelty Planning Services, who acts on behalf of 5 properties, thus has registered 10 objections. (This is the total number received to date 19-10-16)

As part of the processing of this application, neighbour notification and advertising was undertaken in July 2016.

(Having account the extent of the red line neighbour notification was undertaken with several properties along Kildare Street, Hill Street and also Castle Heights).

Consultees

Taking into account the location and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI, NIEA, Environmental Health, N.I Water, Shared Environmental Services and Rivers Agency

The comments from the respective consultees are noted and it is considered no additional consultations or information is required to determine this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS4, PPS6 and supplementary guidance.

As stated above the site is located within the development limits of Ardglass, and is also within the boundary of the Conservation Area, Area of Archaeological Potential and a LLPA, whereby the existing building is Listed.

This site is centrally located within the village of Ardglass and has historic value whereby it is clear from the above this is a sensitive area.

As outlined above this site is irregular in shape which extends to adjoin a number of properties, whereby the existing building includes several floors with a number of returns and recent additions.

It is proposed to construct a single storey extension to the front side of this existing building adjacent to the entrance along Kildare Street.

This extension will be sited in the front corner of the site, adjacent to no.45-49 Kildare Street and 1-7 Hill Street.

It is noted from a site inspection this portion of the site where the proposed extension will be sited, includes oil tanks, sheds, several small outbuildings and a raised grassed area with several mature trees at present.

As stated above this extension will be single storey, providing 5 additional bedrooms with en-suites with corridor link.

This extension will include a hipped roof being approx 3m high to the eaves and 5.5m high to the eaves, whereby the finishes will include natural slate roof, clipped eaves, cast iron RWG's natural stone walls to match existing castle and timber window frames.

It is acknowledged this extension will be sited immediately adjacent to the boundary adjoining several properties along Kildare Street and Hill Street, however having account the current situation on the ground including existing outbuildings and sheds and existing boundary stone wall, and raised garden area and side gable of no.45, it is considered the proposed extension will not result in any significant increased or unacceptable impact on the amenity of adjoining residents in terms of overlooking, overshadowing, loss of light or dominant impact in this urban context.

As stated above the extension will be single storey whereby the roof will slope away from the boundary thus reducing the potential impact, whereby the existing boundary wall will also partially screen views. It is also noted the rear return, although single storey is also blank.

While it is noted there have been several objections to this proposal it is considered it will not result in any unacceptable impact on the amenity or enjoyment of any adjoining property, while the finishes are also considered to respect the existing character.

The site plan submitted indicates the existing mature trees will be retained where possible although it is noted the extension will be sited very close to the crown spread of these trees.

As stated above the existing building is Listed, whereby Historic Environment Division (HED) were consulted who have advised the proposal is unacceptable being

contrary to policy BH8 and BH11 of PPS6 (Extension or Alteration of a Listed Building and Development Affecting the setting of a Listed Building).

Policy's BH8 and BH11 of PPS6 outline a number of criteria that are required to be met if planning permission will be granted, whereby HED are of the opinion the proposal is contrary to these policies.

The agent was made aware of the comments from HED in August via a letter issued on 3rd August and was afforded an opportunity to submit further supporting information. Reference was also made to the recent Pre Application Discussion as referred to above.

Further supporting information was submitted by the applicant/agents consultant (D Piggot), however HED remain of the opinion the proposal will have an adverse impact on the Listed Building. It should be noted the proposals did not change.

In light of the comments from HED, Refusal is recommended.

Recommendation: Refusal

Refusal Reasons:

- **The proposal is contrary to Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the essential character of the building and its setting are not retained and its features of special interest do not remain intact and unimpaired.**
- **The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of the Listed Building, as the detailed design does not respect the listed building in terms of scale, massing and alignment.**

ITEM NO	31				
APPLIC NO	R/2014/0658/F	Full	DATE VALID	12/12/14	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr John McMullan		AGENT	CD Consulting Unit 54 Enniskillen Business Centre 21 Lackaghboy Road Enniskillen BT74 4RL 02866329787	
LOCATION	Lands 340m South West of 22 Slievegrane Raod Saul Downpatrick Co Down BT30 6PF				
PROPOSAL	Installation of a wind turbine on a tubular tower of up to 40m height with blades up to 59.5m (to tip height)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0

- 1 The proposal is contrary to policy RE1 of the Departments Planning Policy Statement 18, in that the development would if permitted, have an unacceptable adverse impact on the landscape character and visual amenity of the area through the scale, siting and size of the turbine.
- 2 The proposal is contrary to Policy RE1 of the Departments Planning Policy Statement 18: Renewable Energy, in that the development would, if permitted, cause harm to the safety of nearby residents by reason of shadow flicker.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2014/0658/F

Date Received: Dec 2014.

Proposal:

Full permission is sought for the Installation of a wind turbine on a tubular tower of up to 40m height with blades up to 59.5m (to tip height), on lands 340m south west of no.22 Slievegrane road, Saul.

Applicant: Mr J McMullan

Location:

This site is located in the countryside, between Downpatrick and Saul, outside the boundary of the local AONB although is within an Area of Constraint on Mineral Developments as identified in the Ards and Down Area Plan 2015. It is noted the site is located relatively close to the boundary of the settlement development limit of Downpatrick whereby the associated lands on the inner edge of this development limit are zoned for housing.

Site Characteristics & Area Characteristics:

The site outlined in red comprises a portion of a field which is accessed via the Slievegrane Road, across several fields. This site is set back some distance from the road, whereby the lands rises steadily from the road towards the application site, which occupies an elevated location.

Site History

A history search has been carried out for the site and surrounds whereby no relevant history was observed relating to the application site, however it is noted there are several applications for wind turbine developments in the vicinity of the site, those under reference numbers R/14/0392, R/14/0394, R/14/0476.

Representations

No representations in support/opposition to the proposal have been received to date (14-06-16).

Having account the extent of the red line no neighbour notification has been undertaken as part of this application, although the application was advertised in the local press in Jan 2015.

Consultations

Due to the nature of this proposal and location and constraints of the site and area, consultations have been carried out with HED, NIW Windfarms, Environmental Health, Transport NI, BIA, NATS, Arqiva, and Ofcom, who offer no objections to this proposal subject to conditions.

Policies: RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS18, and supplementary guidance Best Practice Guidance to PPS 18 and Wind Energy Development in Northern Ireland's Landscapes (August 2010), PPS21.

PPS21- Sustainable development in the countryside

As stated above the site is located in the countryside, thus policy PPS21 applies. This policy states that with regards to development proposals for renewable energy project in the countryside, PPS18 applies.

PPS 18 - policy RE 1

Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) Public safety, human health or residential amenity,
- b) Visual amenity and landscape character,
- c) Biodiversity, nature conservation or built heritage interests,
- d) Local natural resources, such as air quality or water quality, and
- e) Public access to the countryside.

Wind Energy Development

Applications for wind energy development will also be required to demonstrate all of the following:

- (1) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
- (2) that the development has taken into consideration the cumulative impact of existing wind turbines, those of which have permissions and those that are currently the subject of valid but undetermined applications;
- (3) that the development will not create a significant risk to landslide or bog burst;
- (4) that no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunications systems;
- (5) that no part of the development will have an unacceptable impact on roads, rail or aviation safety;
- (6) that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

(7) that above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

Assessment

This proposed turbine will be some 40m high to the hub, with 19.50m blades (59.50m high to blade tip), and will have a maximum generating capacity of 250kw. As part of this application a P1 form, site location plan, site plan, detailed plans, supporting brief and environmental due diligence report, shadow flicker map, cross section, and landscape visualisation maps/images have been submitted.

It is noted from the information submitted, and speaking to local residents the applicant (Mr McMullan) lives at no.22 Slievegrane Road, which is approx 350m north east of the site for the proposed turbine. It is noted a sizeable area of the surrounding agricultural lands are within the control/ownership of the applicant. There is also a farm holding including dwelling on lands immediately south of the applicants property, however these are clearly outside the lands owned/controlled by the applicant, although appear to share a common access.

Policy RE1:

(a) Public safety, human health or residential amenity

The location of the turbine is considered to be sited outside the critical distances required by Transport NI (TNI) and that which is detailed in the accompanying best practice guidance (BPG) for PPS18 with regards to 'fall over'. With regards to a single turbine it indicates that a safe separation distance is considered to be the height of the turbine to the tip of the blade plus an additional 10% which in this instance would equate to a recommended separation distance of approximately 66m.

All other consultees regarding aviation and security safety have also responded with no objections to the proposal.

PPS 18 states that in this region, only properties within 130 degrees either side of north, relative to the turbines can be affected by shadow flicker. The policy also states that at distances greater than 10 times the rotor diameters from a turbine, the potential for shadow flicker is very low. An analysis of the plans submitted by the applicant and history search acknowledges that the existing dwelling and holding to the south of the applicants dwelling falls within this distance, which would be 390m in this instance.

Current guidance advises that careful site selection, design and planning can help avoid the possibility of shadow flicker, however it is recommended that shadow flicker at neighbouring dwellings within 500m should not exceed 30 hours per year or 30 minutes per day.

As there is an existing dwelling within the required distance, in the absence of any supporting information from the agent to the contrary, in having a precautionary

approach, concerns are expressed regarding potential shadow flicker of this neighbouring property.

Environmental Health has considered the potential noise impact of the proposed turbine and has offered no objection to the proposed development.

It is therefore my opinion that due to the location of the proposed turbine and separation distance to any existing/approved dwelling, no unacceptable adverse impact on residential amenity should result in respect of noise related matters.

(b) Visual amenity and landscape character

With regard to Wind Energy Development in Northern Ireland's Landscapes (Supplementary Guidance), the site appears to fall within LCA 93- Portaferry and North Lecale.

Within this Landscape Character Area, it states this landscape is of exceptionally high sensitivity to commercial wind energy development due to its small scale and complexity, prominent skylines and important settings, and high visibility. There is a very strong concentration of valued landscape characteristics and features, reflected in the areas AONB designation. Many of these features are vulnerable to damage or intrusion as a result of wind energy development. This LCA however is less sensitive to domestic and community scale wind energy development.

The proposal is for a single 250kw wind turbine with a hub height of 40m and a rotor blade diameter of approx 39m, giving an overall blade tip height of around 59.5m. The structure is to be positioned in a field and will be set back approx 350m from the Slievegrane Road, although at an elevated location. This turbine will be accessed via the existing entrance serving no.22 and the adjoining holding and will then cut across 2 fields.

While it is acknowledged it is unrealistic to completely screen and conceal wind turbines due to their size and nature, concerns are expressed regarding the siting proposed for this turbine, which is located towards the top of an existing drumlin, comprising a large open field.

It is also acknowledged there is some tree cover and higher points in the locality of the site, whereby the area is also characterised by rolling topography and landform with drumlins, however it is considered a turbine of this size and at this location will create a prominent impact when viewed from several surrounding viewpoints including from parts of Slievegrane Road, Struell Wells Road and even from the front of the new hospital.

As advised above the site is located in the countryside whereby the roads in this area are relatively minor and windy in nature lined by hedgerows and planting, which will obscure views of the site in places.

However the visualisation maps and viewpoints reaffirm the dominant impact the turbine will have when viewed from certain points in the surrounding area.

It is also noted this site is not in an AONB, and is located inland and away from the lough, shore edge, however it is considered its elevated location will have a significant and unacceptable adverse impact on this skyline and landscape area.

(c) Biodiversity, nature conservation and built heritage interests

The site is agricultural in nature and does not appear to be part of any special designations.

It is noted the site is located outside the boundary of the local AONB, although is within an Area of Constraint on Mineral Developments as identified in this plan, however there do not appear to be any registered archaeological sites or monuments in the vicinity of the site, which are likely to be affected by the proposal. It is noted St Patricks Monument is located in the vicinity of the site and is also visible from the site.

Historic Environment Division (HED) were consulted as part of this application who offer no objections.

(d) Local natural resources

It is felt that there will be minimal impact on local natural resources through the implementation of such a proposal.

(e) Public access to the countryside

As the turbine is located on private lands owned by the proposer it is felt that the proposal will not impact on any rights of way, public access or public roadway. This proposed turbine will be accessed via the existing laneway and access serving no.22 and will then run along the boundary of several fields, to ensure its impact is limited.

In addition to the above, consideration must also be given to the impact the proposed development would create when considered with existing turbines in the area, those which have permission and those that are currently the subject of pending applications.

Within the planning history outlined above, 3 other applications for wind turbines were observed as being within the surrounding locality, namely R/14/0394 , R/14/0392, and R/14/0476, some of which have been approved while some remain on-going, however it is noted the approved turbine has not yet been erected. It is noted the siting proposed is located some distance from these other approved/pending turbines thus cumulative impact issues are considered to be limited.

Following consideration of the application a letter issued to the agents on 18th May outlining concerns and advising that the proposal is considered unacceptable due to its open and elevated location and will have an unacceptable adverse impact on the visual amenity and landscape character of the area.

The agent was afforded an opportunity to submit further information in support of the application, however nothing further has been received to date (15-06-16).

Taking into account the above Refusal is recommended being contrary to PPS18.

Recommendation: Refusal**Reasons:**

- The proposal is contrary to policy RE1 of the Departments Planning Policy Statement 18, in that the development would if permitted, have an unacceptable adverse impact on the landscape character and visual amenity of the area through the scale, siting and size of the turbine.
- The proposal is contrary to Policy RE1 of the Departments Planning Policy Statement 18: Renewable Energy, in that the development would, if permitted, cause harm to the safety of nearby residents by reason of shadow flicker.

ITEM NO	1		
APPLIC NO	LA07/2015/0087/F	Full	DATE VALID 3/30/15
COUNCIL OPINION	REFUSAL		
APPLICANT	Martin Ward Rockmount Convenience Complex 32 Rathfriland Road Newry BT34 1JZ	AGENT	Bernard Dinsmore Chartered Architects 24a Duke Street Warrenpoint BT34 3JY 028 417 53698

LOCATION 32 Rathfriland Road
Newry

PROPOSAL Varying of condition 3 of P/2010/0171/F which currently reads "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays" to read "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, deliveries of fuel and other goods, as well as the preparation for opening shall not occur outside the hours of 0600 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays."

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	5	0	Addresses	Signatures	Addresses	Signatures
			0	0	0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement, paragraph 4.11 and 4.12 in that the proposed varying of condition 3 of planning approval P/2010/0171/F to extend the weekday hours for the servicing, deliveries of fuel and other goods, as well as the preparation for opening not occurring outside the hours of 0600-1900 will have a demonstrable impact on the residential amenities of the surrounding residential properties by way of noise.



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**Newry, Mourne
and Down**
District Council

Reconsideration of amended proposal following recommendation to refuse on delegated list issued 21st January 2016

Application Reference: LA07/2015/0087/F

Delegated List issued 21st January 2016

Date Received: 30th March 2015

Proposal: Varying of condition 3 of P/2010/0171/F which currently reads "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays" to read "The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, deliveries of fuel and other goods, as well as the preparation for opening shall not occur outside the hours of 0600 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays." (amended)

Location: 32 Rathfriland Road, Newry

Site Characteristics & Area Characteristics:

The site occupies a 2-storey flat roofed red brick commercial shop and petrol filling station with associate overhead canopy and totem signs on the Rathfriland Road in Newry City. The surrounding area is however predominantly residential with the exception of an accountancy business adjacent to the site at no. 30 Rathfriland Road.

Site History:

P/2010/0171/F - approval for extension and alterations to existing petrol filling station and convenience store with siteworks including amended parking layout - approved 8th February 2011.

Consultations:

Environmental Health – prior to the last delegated list recommendation (21st January 2016), public health recommended refusal due to the loss of residential amenity to nearby residents. This application was deferred and a new proposal description generated following clarification from the agent as to what the applicant actually wanted. This however was made clearer, and a new proposal description generated stating specifically what the condition would be on any approval notice and what it is replacing on the former decision notice. Public Health opinion remains the same in that the proposal to vary the condition and receive deliveries of fuel and other goods 1 hour earlier during the week and prepare the shop for opening all from 6am would still be detrimental to the residential amenity of nearby residents by way of noise.

Objections & Representations

Originally there was 1 objector whose reasons were:

- the current breach of condition 3 of P/2010/0171/F resulting in the shop received deliveries before 6am and opening at 6 is detrimentally affecting the health and well-being of the objector due to lack of sleep. There is also an issue with regarding to lighting from the signage.

This objector has also informed the Council that deliveries are now being as early as 5:20 (bread) during the week and 4am on a Saturday morning. Fuel deliveries have also been made at 12midnight.

A new objector made representations after the first Council recommendation and their objections relate to:

Already opens before 6am; large HGVs parking outside their entry endangering health and mental wellbeing.

10 neighbours notified – 1 Upper Damolly Road, 30 Rathfriland Road, 4,5,6 &7 Beechmount Road, 4,5,6 &7 Hollywood Grove – representations made from 4 &5 Hollywood Grove. All notified of amended proposals.

Re-advertised following amendment to proposal description following removal from delegated list on 24th and 26th August 2016 and then again 19th and 21st October 2016.

Consideration and Assessment:

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies inside the settlement of Newry and Planning Permission was approved on the site under P/2010/0171/F for extension and alterations to existing petrol filling station and convenience store with siteworks including amended parking layout.

The original proposal involved varying the condition previously stipulated on planning approval P/2010/0171/F to change the opening hours of the shop during the week from 7am-11pm to 6am-11pm. This however was varied to change the hours for the servicing and deliveries of fuel and other good as well as the preparation for opening

not occurring outside the hours of 0600 and 1900 hours Monday to Friday. The applicant's agent confirmed that the shop will not open before 7 but that they want to change the hours to receive goods and prepare the shop for opening by 1 hour during the week to 6am.

As discuss in the earlier site report, the main impact as a result of this change is the potential to impact on the amenity of neighbouring residents. The convenience store and petrol filling station is located albeit on a busy arterial route into and out Newry City but mainly within a residential area. A planning enforcement case was opened regarding the unauthorised earlier opening hours, complaints were made to Newry and Mourne (now Newry Mourne and Down) environmental health department relating to noise issues as a result of this earlier opening hour. Subsequently the present application was made to vary condition 3 of the previous planning approval to seek approval for the earlier opening times. Environmental health in their latest response recommends that a loss of amenity to nearby residential properties will be experienced due to noise. The same environmental health department have also served a Noise Abatement Notice under section 65 of the Clean Neighbourhoods and Environment Act (NI) 2011 to the company secretary on 4th November 2015 due to noise.

Therefore based on the environmental health findings and final response following the new amended proposal description, I believe that the opening hours should not be varied and should remain as previously condition under P/2010/0171/F due to the potential noise nuisance and that currently experienced.

The objectors' issues have been considered by both planning and environmental health. This application is dealing solely with the varying of condition 3 of the previous approval in terms of the opening hours. With regard to the lighting issue, environmental health is still investigating.

Recommendation:

Refusal on amenity grounds.

Refusal Reasons/ Conditions:

The proposal is contrary to The Strategic Planning Policy Statement, paragraph 4.11 and 4.12 in that the proposed varying of condition 3 of planning approval P/2010/0171/F to extend the weekday hours for the servicing, deliveries of fuel and other goods, as well as the preparation for opening not occurring outside the hours of 0600-1900 will have a demonstrable impact on the residential amenities of the surrounding residential properties by way of noise.

Case Officer Signature:
Date: 17/11/2016
Authorised Officer Signature:
Date: 17/11/2016

ITEM NO	2			
APPLIC NO	LA07/2015/0364/F	Full	DATE VALID	5/13/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Lindsay Martin C/O Paperclip Architects		AGENT	Paperclip Architects Unit 4:1 37-39 Queen Street Belfast BT1 6EA NA

LOCATION Lands to rear of 23 Ballymaderfy Road
Kilkeel
Co Down
BT34 4SW

PROPOSAL Retention of existing building for light industrial purposes (Storage and repair of farm plant and machinery) as farm diversification project

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 paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm, it does not involve the re-use or adaptation of existing established farm buildings, it has not been demonstrated that there are no other buildings available to accommodate the proposal, and the building is not satisfactorily integrated with an existing group of buildings.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the 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, and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which would provide a backdrop, and therefore would not visually integrate into the surrounding landscape.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0364/F

Date Received: 13th May 2015

Proposal: Retention of existing building for light industrial purposes (Storage and repair of farm plant and machinery) as farm diversification project

Location: Lands to rear of 23 Ballymaderfy Road, Kilkeel, Co Down, BT34 4SW
The site is located halfway between Rostrevor and Kilkeel and just to the north of the small settlement of Ballymaderfy.

Site Characteristics & Area Characteristics:

The site contains a bungalow with a small detached garage and a large shed 35 metres from the rear of the dwelling. The bungalow is white dashed with flat brown tiles on the roof and white PVC windows. The shed is built in block and smooth rendered. The roof and sliding door are formed with profiled metal sheeting. There was little inside the shed except some vehicle seats. The entire curtilage is hardcored and is enclosed by block walls to the north, south and west. There is a mixed hedge to the eastern side. The site sits in a slight dip in the landscape and appears prominent from the higher parts of Ballymaderfy Road to the north and south. There is little enclosure or screening.





View from north



View from south

The site is located halfway between Rostrevor and Killeel and just to the north of the small settlement of Ballymaderfy. It is a rural area outside settlement limits on the Banbridge / Newry and Mourne Area Plan 2015. It is within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. The site is located between the County Down coast and the western part of the Mourne Mountains. Development in the area consists of clustered farm groups with some dispersed single houses. The dominant land use is agriculture. There is a history of surface water flooding on part of the site.

Site History:

It is believed that the shed was erected on the site during 2008 / 2009. At that time it was used in connection with a coach hire business which subsequently went into insolvency. Enforcement Notices for the change of use and the operational development of the shed were served on the then landowner Mr Kevin Cunningham on 3rd February 2010. The Notice requiring demolition of the building took effect on 8th March 2010 and was not appealed. It remains in force and the building is not immune from enforcement action.

Application P/2010/0521/F for retention of shed for servicing of vehicles and retrospective extension of commercial yard was made on 30th April 2010 and was refused on 17th July 2012 based on PPS4 policy PED2 and PPS21 policies CTY1 and CTY13. It was not appealed.

Summons action was initiated against Mr Cunningham in 2013, but by this time the land had been sold to a Mr Lindsay Martin. Legal advice was taken to confirm that this did not invalidate the Enforcement Notices which related to the land.

Application P/2013/0944/F for retention of building to be used for the purposes of agriculture was submitted on 16th December 2013. The applicant was given as a Mr Trevor Cunningham, despite Mr Martin now owning the land. However, the P1C Forms submitted referred to Mr Martin's farm business which is located at Nutts Corner in County Antrim. The application was refused on 10th July 2014 based on policies CTY12 and CTY13 of PPS21 and was not appealed. It was agreed that fresh notices should be served on the present landowners.

Jurisdiction on the on-going enforcement action passed from the DOE to Newry, Mourne and Down District Council on 1st April 2015 under the provisions of paragraph 4 of Schedule 2 of the Planning (2011 Act) (Commencement No. 3) and (Transitional Provisions) Order (Northern Ireland) 2015. The present application was submitted on behalf of Lindsay Martin on 13th May 2015. Further enforcement action has been held pending the outcome of the application.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS15 – Planning and Flood Risk
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

Consultations:

TransportNI – No objections provided the building is for agricultural use only.

NIEA – No objections based on archaeology or land contamination. However, Water Management Unit requires additional information including a site drainage plan and information on storage arrangements for vehicle parts.

Environmental Health – No objections.

Rivers Agency – Drainage Assessment not required. Informatives provided.

DARD – The farm business has been in existence for more than 6 years and claims single farm payment.

Objections & Representations

The application was advertised in the *Mourne Observer* on 10th June 2015. Four dwellings were neighbour notified on 29th July 2015. No third party objections or representations were received.

Consideration and Assessment:

The main issues to be considered are the principle of the farm diversification project, integration, road safety and impacts on amenity of existing dwellings and the Mournes AONB.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan, and is unzoned. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

Proposals for light industrial uses would normally be assessed under PPS4. The 2010 application for a similar use was refused on this basis. However, the present applicant has indicated that he wishes for this application to be considered as farm diversification under PPS21. The Design and Access Statement prepared on his behalf by O'Callaghan Planning indicates that "the applicant has become a member of this small rural community and the facilitating of this proposal would enable the applicant to sustain himself on this smallholding. He seeks to bolster his farm income by delivering a service to the surrounding rural community, albeit on a small scale." However, the maps of the farm business submitted with the application indicate that Mr Martin resides at Nutts Corner, County Antrim, and that his landholding is based at the same location. While DARD have indicated that he has an active and established farm business, there is no obvious link to the present site at Kilkeel and it would not appear feasible to operate a single farm business at two sites 55 miles apart. The Council sought clarification on this point and a further supporting statement by O'Callaghan Planning was submitted. It was argued that a change in family circumstances had prompted the applicant to move to County Down and he is now rooted in the Ballymaderfy community. He had recently rented land in the area in conacre and purchased a flock of sheep. However, a supposed Conacre Licence Agreement submitted with the supporting statement is not signed by the landowner and there is no indication of where this land is located in relation to the site, or whether it has necessary sheep handling facilities. It contains inaccuracies such as in the table where the Maximum Eligible Area (MEA) is claimed to be more than twice the size of the field in question. At paragraph 10 of the supporting statement, it is stated that Mr Martin does not have a DARD map of his lands taken in conacre as he has not yet claimed Single Farm Payment subsidies on this land (nor is he likely to do so since the landowners are claiming SFP themselves due to recent changes in DARD's regulations). In actual fact, the changes referred to have the opposite effect in that they would prevent the landowner claiming SFP if the land is let and they are not undertaking decision making or the financial risk associated with actively

farming the land. If the applicant has taken local land in conacre for grazing livestock, he would be the only person able to claim SFP on it under the new scheme. Furthermore, when I inspected the site, I spoke to a lady who was living in the house and she advised that Mr Martin does not live in the area. This challenges the assertion that the applicant has made this his family home and is rooted in the Ballymaderfy community, and together with the above points, throws doubt on the authenticity of the overall submission. Nonetheless, I will proceed to assess it on the basis of a farm diversification proposal.

As there is no significant change to the policy requirements for farm diversification following the publication of the SPPS and it is 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.

PPS21 Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes farm diversification proposals if they are in accordance with Policy CTY11. Farm Diversification proposals must be run in conjunction with the agricultural operations on the farm and should involve the reuse or adaptation of existing buildings on the farm. As this building is unauthorised, it cannot be considered as an established existing building and must be treated as a new building for the proposed use for plant and machinery repairs. Policies CTY13 and CTY14 will therefore be applicable.

There is no policy definition of how a proposal runs in conjunction with the agricultural operations of a farm. The supporting statement refers to two appeal decisions, 2009/E029 and 2012/A0073 which indicated the PAC expected the applicant to be involved in the diversification business and not simply deriving a rental income from it. It is argued that the applicant's driving role behind this proposal and his central position within the farm business would confirm that the proposal will be run in conjunction with the established agricultural operations on the farm. However, it remains unclear what the connection between the two operations and separate sites will be. It would be difficult for the applicant to carry on any agricultural activity at Nutts Corner if the proposed storage and repair of farm plant and machinery business was to operate a normal working day at a site 55 miles away. If he is to be actively involved in farming his holding at Antrim, what will be his role in the diversification project in south Down? Would the proposed business really have anything to do with the agricultural operations at Nutts Corner, or would it in effect operate as a completely separate business in the countryside, most likely with separate personnel? In light of the fact that major inconsistencies have been found in the submitted evidence, including the claim by the occupier of the house on site that the applicant is not living in it, I am not convinced that this is a genuine farm diversification proposal to be run in conjunction with the agricultural operations on the farm. The policy sets four additional criteria for farm diversification proposals.

Criteria (a) requires that the farm business is currently active and has been established for at least 6 years. DARD advised that the farm business (based at Nutts Corner) was established for more than 6 years and claims single farm payment, the main means used to determine that the farm is active. Therefore criteria (a) is met.

Criteria (b) requires that in terms of character and scale, it is appropriate to its location. The building is of a much larger scale than a typical domestic garage or outbuilding, though there are a few other such buildings in the surrounding rural area. The building, although set back from the road, is quite prominent in the landscape, though on balance, its scale is not considered inappropriate for its location. While it still fails to integrate due to a lack of enclosure, it was accepted by the previous planning authority in 2014 that the character and scale of the building was appropriate to its location and I consider that this remains the case. Criteria (b) is met.

Criteria (c) requires that there will be no adverse impacts on the natural or built heritage. There are no nearby designated sites or built heritage features that would be adversely affected. NIEA had no archaeological objections to the scheme. The wider AONB designation of which the site is a part would be the main concern under this test. More specific guidance is found in PPS2 policy NH6. As found above, the siting and scale of the shed is not out of keeping with the character of the area and the external finishes are typical of local agricultural buildings. Although it has some impact on local views due to its severe lack of enclosure, it is not considered contrary to PPS2.

Criteria (d) seeks to ensure no detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution. It is interesting to note that when assessing the same building and a similar use for vehicle servicing under the 2010 application, the principal of O'Callaghan Planning (who then worked for the Department of the Environment), wrote that "I consider it likely that the occupiers of that house (No. 23) will experience frequent loss of amenity by way of noise, nuisance, general disturbance and conflicting vehicular movements on this narrow road". While he identifies that some of this noise would have come from the manoeuvring of coaches, he clarifies that "additional noise is likely to be generated by repairs being carried out in the shed". However, in his submission on the current application, Mr O'Callaghan states, "this proposal is unlikely to generate a significant (adverse) effect in terms of noise, nuisance or general disturbance". It is unclear what has brought about this change to his professional opinion. Repair of farm plant and machinery, if it is truly light industrial, should by definition not cause detriment to amenity. However, given the proximity of the dwelling on site (which may be rented out) and others across the road, there is potential for some intermittent noise nuisance. The proximity of the access to the shed to the existing dwelling is also an issue since it would be used by noisy machinery. Although Environmental Health did not object on the basis of noise, it may be prudent to impose an hours of operation condition in the event of approval so that any noise was restricted to normal working hours. I would not recommend refusal on this basis given the position of Environmental Health. If the application was approved as light industrial use, but it later transpired that the use was causing harm to amenity, a further planning application for change of use to General Industrial use would be required. Regarding other potential pollution, vehicle repairs can lead to the discharge of harmful fluids which need to be adequately contained to prevent contamination of soil, groundwater or surface water. NIEA requested additional information including a site drainage plan and information on storage arrangements for vehicle parts. This information was not requested as the proposal is unacceptable in principle as farm diversification. It should be sought if the application is to be approved. It is likely that acceptable mitigation measures could

be employed to prevent pollution of the surrounding area, though these would need to be shown on the plans.

The policy goes on to state that proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings. This building is unauthorised, so it does not enjoy established use status and must be considered as a new building. It also cannot be described as a farm building as no agricultural operations relating to the farm business are undertaken from it, and indeed, even the adjoining house was not lived in by a member of the farm business. A new building will be considered in an exceptional case where there is no existing building that can accommodate the proposed use. It is claimed that there are no existing buildings at the Nutts Corner farm that could accommodate the proposal. It is difficult to objectively assess this point as the farm maps supplied are not full sheets or have been cut and pasted into other documents. I contacted the agent, Mr Uel Weir several times to request full original copies of DARD maps of the whole farm, but no further information has been forthcoming. The supporting statement argues that as this is a separate agricultural holding where the applicant has recently taken up residence, the presence of any farm buildings at Nutts Corner would not necessarily be determining. However, the Council has evidence that this statement is false as he was not living at Ballymaderfy Road after the statement was submitted and the house was let. There is also no evidence that this is an agricultural holding as no detail of farming activity or specific lands farmed in the vicinity have been given. On balance, the case that a new building is necessary at this location has not been conclusively proved.

If a new building was justified on the site, policy requires that it is satisfactorily integrated with an existing group of buildings. While there is a dwelling and garage on the same site, they are 35 metres away from the shed and do not necessarily read with it in critical views, particularly from the north. The shed appears to sit on its own with no sense of enclosure or grouping with buildings.

The application fails to meet the requirements of policy CTY11 as it has not been demonstrated that the farm diversification proposal will be run in conjunction with the agricultural operations on the farm, it does not involve the re-use of an established farm building and the building is not satisfactorily integrated with an existing group of buildings. Therefore it is also unacceptable under policy CTY1 as development in the countryside.

The supporting statement makes an argument that part of the site has commercial history and that a separate enforcement case on use of the land as a taxi/coach hire business was closed due to potential immunity. It states that the applicant would be prepared to forfeit the taxi business if the new use was considered a substitute. However, it must be pointed out that this use has now ceased and that there is no Certificate of Lawful Use in place to demonstrate that there is or was an established commercial use on the site. When I inspected the site it was being used as part of the residential curtilage and contained children's play equipment. Also, even if the use was established, it would not justify what is effectively a new building in the countryside for a different use. This argument cannot be sustained.

The visual impact of the building and its ability to integrate into the local landscape will be assessed under policy CTY13. The DOE consistently opposed the retention of the building on this basis and the Council continues to do so. Its scale, height and

massing is clearly in excess of a building normally found within a residential curtilage in the rural area. While its set-back reduces its prominence slightly, it is not enclosed by any significant vegetative screening and would rely on new landscaping for integration. There are no nearby landscape features which would aid screening or provide a backdrop that would overcome the concerns set out above. The proposal is contrary to criteria (b), (c) and (f) of CTY13. The supporting statement does not specifically address policy CTY13, though when assessing the same building under the 2010 application, Mr O'Callaghan wrote that "In my opinion, the means of enclosure are not adequate for this form of development and whilst the development is not prominent, I consider the proposal to be contrary to policy CTY13." There has been no change to the situation on the ground or the level of enclosure to the building since then. With regard to CTY14, the building was earlier found to be in keeping with the rural character of the area. As this policy was not previously used as a refusal reason, it will not be introduced for this application.

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. TransportNI is content with the proposal without any access improvements provided it is for agricultural use only. The repair of farm machinery not associated with the applicant's business would be a commercial activity and could generate a significant amount of traffic in excess of the agricultural use envisaged by TransportNI. If the application was to be approved, TransportNI would need to be re-consulted for further advice on the standards required for a commercial operation.

There is some history of surface water flooding on the site, though as the building already exists and the ground level has been raised, Rivers Agency has advised that there is no need for a Drainage Assessment under policy FLD3 of PPS15.

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 CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm, it does not involve the re-use or adaptation of existing established farm buildings, it has not been demonstrated that there are no other buildings available to accommodate the proposal, and the building is not satisfactorily integrated with an existing group of buildings.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the 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, and the proposed

building fails to blend with the landform, existing trees, buildings, slopes and other natural features which would provide a backdrop, and therefore would not visually integrate into the surrounding landscape.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	3			
APPLIC NO	LA07/2015/0519/O	Outline	DATE VALID	6/23/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Gerard McEvoy 243 Dublin Road Newry BT35 8RL		AGENT	
				NA
LOCATION	Adjacent and directly south of Nr 43 Newtown Road Cloughue.			
PROPOSAL	Proposed infill sites to accommodate 2nr dwellings			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY 1, CTY 14 and 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 Newtown Road.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0519/O

Date Received: 19.06.2015

Proposal: Proposed infill sites to accommodate 2nr dwellings

Location: Adjacent and directly south of Nr 43 Newtown Road Cloughue.

Site Characteristics & Area Characteristics:

The site is a large grazing field located on the western side of Lower Newtown Road, situated approximately 2 miles south of Newtowncloghogue. The site is bounded on all sides by mature hedges with some mature trees along the south eastern boundary, the other boundaries are defined entirely by mature hedges. The site is flat across the entirety of its surface; there are no internal divisions in the site. By way of Area Plan definition, the site is located in the open countryside, outside of any settlement development limits.

Site History:

There is no recent planning history on the site itself.

Consultations:

No objections, subject to conditions. Also, no third party objections to the proposal.

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland
Banbridge Newry and Mourne Area Plan 2015
PPS 21 – Sustainable Development in the Countryside

Consideration and Assessment:

The SPPS provides a framework for the preparation of new Local Development Plans by Councils; in relation to infill dwellings the policy simply states that the infilling of a small gap with up to 2 dwellings will be permitted, this is less prescriptive than the retained policy so that has precedence.

Policy CTY 8 of PPS 21 has a general presumption against ribbon development but makes an exception for the infilling of a small gap site capable of housing up to a maximum of two dwellings within an otherwise substantial and continuously built up frontage. This is defined as being a line of 3 or more dwellings along a road frontage without accompanying development to the rear.

The gap on this proposed site is 104 metres long across the road frontage, the submitted concept plan shows two dwellings set within large plots, however if the size of the dwellings were reduced slightly it would be possible to provide a third dwelling on this site. If three dwellings were proposed, the substantial nature of the site would allow for sufficient amenity space to meet other required standards.

The dwelling to the immediate north of the site, has a road frontage of 41 metres and the curtilage is 0.11 in hectares. There are two dwellings to the south of the site. The dwelling to the immediate south has a plot size of approximately 0.19 hectares and a road frontage of 36 metres. On the indicative plans submitted by the agent, the southern proposed dwelling has a plot size of 0.28 hectares and a road frontage of 52 metres, while the northern proposed site has a plot size of 0.2 hectares and a frontage of 45 metres, both of which are significantly greater than those of the immediate dwellings surrounding the site.

The key issue in this case is whether or not the site complies with CTY 8 and in this case the Planning Department considers that the gap is substantial enough to accommodate a third dwelling, the gap forms an important visual break between the two clusters of development and fails to respect the existing development pattern along the frontage in terms of plot size.

RECOMMENDATION

It is recommended that this proposal should be refused for the stated reason below.

Refusal Reason:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY 1, CTY 14 and 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 Newtown Road.

Case Officer**Authorised Officer**

ITEM NO	4			
APPLIC NO	LA07/2015/0611/F	Full	DATE VALID	7/15/15
COUNCIL OPINION	REFUSAL			
APPLICANT	David McKee 25 Ballymageough Road Kilkeel BT34 4HW		AGENT	Quinn Design & Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY 41772377

LOCATION 27 Knockchree Avenue
Kilkeel

PROPOSAL Erect 7 dwellings in substitution to the approval granted under P/2006/2173/F

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 Banbridge, Newry and Mourne Area Plan 2015 in that the site is zoned as a development opportunity site (KL28) and it does not comply with the Key Site Requirement that any building on this site shall respect the built form of adjacent buildings and shall be a maximum of 2 storeys in height.
- 2 The proposal is contrary to Policy QD1 (criteria a & g) of Planning Policy Statement 7: Quality Residential Environments, in that it fails to respect the surrounding context of the site in terms of scale and design.
- 3 The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design, size and scale for the locality.
- 4 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that design changes are required to allow the Council to determine the application, and having not received 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.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0611/F

Date Received: 15th July 2015

Proposal: Erect 7 dwellings in substitution to the approval granted under P/2006/2173/F

Location: 27 Knockchree Avenue, Kilkeel
The site is located in a central part of Kilkeel, just within the town centre boundary.

Site Characteristics & Area Characteristics:

This is a flat rectangular urban site, which has previously been approved for housing. It formerly contained a health centre which has been demolished. It has most recently been used as a car wash, though following an enforcement investigation it has now been closed up and the frontage of the site secured with temporary fencing. Most of the surface of the site is gravelled with some small areas of tarmac and concrete. There is an uneven area to the rear where foundations have been installed for one dwelling. The site is bounded by galvanised palisade fencing and a 2m high rendered wall.





Typical housing in area

The site is within the development limit of Killeel, as defined on the Banbridge, Newry and Mourne Area Plan 2015. It is located within the town centre and is zoned as a development opportunity site (KL28). It is within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. The site sits in a mainly residential area, though there are some commercial buildings including a new ambulance station to the SW. Most dwellings in the area are two storey terraced or semi-detached, some with hipped roofs.

Site History:

P/2006/2173/F – Demolition of existing health centre and erection of 1 No apartment block (containing 6 units) and 4 town houses – Approved 11th February 2010. The agent submitted information to demonstrate that the access pre-commencement condition was complied with on 29th January 2015 and foundations for one house were excavated and concrete poured on 4th & 5th February 2015, prior to the expiry of the permission. This keeps the permission live and it is acceptable to describe the current application as a substitution.

LA07/2016/0356/F – Crèche & after school centre, ancillary storage building and related site works – Approved 17th October 2016. The approved building is single storey and will cater for 69 children and 17 members of staff. If the crèche is developed, there will be no room for housing on the site.

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards

- PPS7 – Quality Residential Environments – Policy QD 1*
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

* The Addendum to PPS7 – Safeguarding the Character of Established Residential Areas is not applicable as stated in Annex E of that document as the site is within a designated town centre.

Consultations:

TransportNI – No objections subject to standard conditions regarding the provision and gradient of the access.

NI Water – Public water supply and foul sewers available. No surface water sewer within 20m, but one could be requisitioned. There is available capacity at the receiving Wastewater Treatment Works.

Environmental Health – No objections provided the public sewer is used.

NIEA – Standard advice on sewerage and drainage.

Objections & Representations

The application was advertised in the *Mourne Observer* on 5th August 2015 and a total of 14 adjoining properties were notified of the application on either 25th August 2015 or 21st October 2015 as required under Article 8 (1)(b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

One objection was received from the owner of an adjacent dwelling (No. 33 Knockchree Avenue). It argues that the scheme will cause loss of privacy and light, block views and affect property values. Private views and the value of property are not material planning considerations. Impacts on privacy and light will be assessed in the consideration below.

Consideration and Assessment:

The proposal comprises four terraced dwellings along the rear of the site, the middle two of which will have a third storey, and three terraced dwellings along the road frontage, the middle one of which has a third storey. Each dwelling has a front bay window on the ground floor and a small single storey return to the rear. The walls will be smooth plastered, the roof will be flat black tiles and the windows will be white PVC. Each dwelling will have a chimney in the front of the roof. There will be a new access at the northern corner of the site leading to a shared parking area between the two lines of houses. There will be a small garden area to the rear of each property.

STRATEGIC POLICY

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local

character and environmental quality or residential amenity of these areas. 60% of new housing is to be located in appropriate 'brownfield' sites within the urban footprints of settlements. This is a previously developed urban site in a highly accessible location and so the proposal is in keeping with these objectives.

The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are the aim of supporting good design and positive place making while preserving and improving the built and natural environment. The Council has sought amendments to the scheme design to ensure it is in sympathy with the surrounding built environment, but the agent has failed to respond to these requests.

The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12:

- *increased housing density without town cramming* – the proposal for 7 dwellings equates to a rate of 42 dwellings per hectare (dph). This is slightly higher than the established pattern at Spelga Place / Donard Place to the SE (36 dph) or at Finlieve Place /Harbour Drive to the NE (38 dph). However, as the density is lower than the approved scheme on this site which contained 10 units and since it is not significantly higher than that found in the established residential area, the proposed density is considered acceptable.
- *sustainable forms of development* – the use of sites like this within the urban footprint is more sustainable than one-off housing developments outside development limits and is therefore to be encouraged. There are local facilities and services available in the nearby town centre which is at walking distance from the site.
- *good design* – the proposed design fails to respect the character of the surrounding residential area as it introduces several three storey elements. This would have an incongruous appearance in the streetscape. The agent was asked to change it but has failed to do so.
- *balanced communities* – as this proposal is for a small development, there is limited scope to provide different unit sizes and the developer will not be required by condition to provide any social housing.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the **Banbridge / Newry & Mourne Area Plan 2015** as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Kilkeel on the above Plan, within its town centre, and is zoned as a Development Opportunity Site (KL28). There is only one Key Site Requirement (KSR): that any building shall respect the built form of adjacent buildings and be a maximum of 2 storeys in height. The proposal clearly breaches this restriction and is therefore contrary to the Area Plan. The text goes on to state that there are a number of suitable uses for the site including civic, community, office use or residential. This, along with the planning history of the site, indicates that the site is suitable in principle for residential use.

URBAN DESIGN

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 should draw upon the positive aspects of the

character and appearance of the surrounding area. The site is suitable in principle for housing as discussed above. The proposed external finishes are considered acceptable. However, the design ignores the established character of almost all the surrounding development being two storey. It would not make a positive contribution to the townscape of the area. By failing to respect the surrounding context and character of the area, it is contrary to criteria (a) and (g) of policy QD1 of PPS7. The Council invited the agent to change the design to address the above concerns in April 2016 and again in October, but he has failed to do so. Therefore the application must be determined based on the submitted plans. The refusal reasons should include failure to supply necessary information.

There are no archaeological, built heritage or landscape features on the site that would need to be protected. The site is within walking distance of public transport and local services. Traffic calming measures are incorporated in the form of a speed control ramp. There is presently a wide verge along Knockchree Avenue which will provide adequate visibility at the new access. TransportNI has no objections subject to standard conditions on the provision of the access. Two parking spaces are provided per dwelling in a shared parking area, in accordance with published *Parking Standards*. The layout of the development will encourage informal surveillance of the shared parking area, helping to deter crime and promote personal safety.

There is no requirement under PPS8 for public open space in a development of this size. *Creating Places* indicates that there should be a variety of garden sizes with an average of 70 sq.m per house or greater. For any individual house, an area less than around 40 sq.m will generally be unacceptable. However, the agent has argued that these standards do not apply on previously developed sites as the paragraph specifically refers to greenfield sites. The private rear gardens in this development range from 25 sq.m to 52 sq.m, with an average of 34 sq.m. Five of the seven houses are below the 40 sq.m minimum. However, the fact that a similar level of open space was accepted for the four rear housing units previously approved on the site, and that this approval has commenced and remains live is a material consideration. The front block was previously to be 6 apartments and therefore did not require a separate private amenity area for each unit, so it is not directly comparable. The fact that an attempt has now been made to include private amenity space with screen walls to prevent overlooking from the shared parking area marks an improvement to the scheme, as does the inclusion of front gardens to these 3 dwellings which, while not private, still provides additional amenity space. Taking the above factors into consideration, the overall private amenity provision is found acceptable.

A new development on the site has the potential to impact on the residential amenity of neighbouring dwellings. The owner of No. 33 to the SE has objected on this basis. The dwellings along the frontage have been sited to respect the established building line along Knockchree Avenue. There is little scope to adjust the siting without harming the character of the area. The nearest dwelling is sited 4.5m from the gable of No. 33. This separation distance between gables is not unusual for the area. There will be a kitchen window facing it at ground floor level which will be mainly obscured by the existing fence which will remain. A first floor bathroom window will be fitted with obscured glass. On this basis, overlooking is unlikely to be an issue. With regard to loss of light or overshadowing, the new units will sit to the NW of the objector's house and the orientation of the dwellings in relation to the sun path

means that any loss of light would only be for a short period in late afternoon. This would not warrant refusal of the application in a central urban area. The views of the objector cannot be given determining weight.

In summary, the Council's main concern with the proposal is the height of the central section of each block. There is clear design guidance for this site in the Area Plan which requires a maximum of 2 storeys. The failure to comply with this KSR is determining.

DRAINAGE AND SEWERAGE

NI Water advised that public water supply and foul sewers were available with capacity to serve the development. A storm sewer can also be requisitioned. The size of the development means a Drainage Assessment is not required. If approved a condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health.

NATURAL HERITAGE

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. The development of housing on this site is considered appropriate in principle and in keeping with the character of the area. However, the policy requires that the design and scale of the proposal is in keeping with the locality. The three storey elements of this application clearly are not. To this extent it is contrary to policy NH6.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Banbridge, Newry and Mourne Area Plan 2015 in that the site is zoned as a development opportunity site (KL28) and it does not comply with the Key Site Requirement that any building on this site shall respect the built form of adjacent buildings and shall be a maximum of 2 storeys in height.
2. The proposal is contrary to Policy QD1 (criteria a & g) of Planning Policy Statement 7: Quality Residential Environments, in that it fails to respect the surrounding context of the site in terms of scale and design.
3. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design, size and scale for the locality.
4. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that design changes are required to allow the Council to determine the application, and having not received 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.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	7		
APPLIC NO	LA07/2015/0910/F	Full	DATE VALID 9/17/15
COUNCIL OPINION	REFUSAL		
APPLICANT	Kieran O'Callaghan 20 Chapel Road Camlough Newry BT35 7HN		AGENT Paul McAlister Architects LTD The Barn 64A Drumnacanvey Road Portadown Craigavon BT63 5LY 028 383 55111

LOCATION Site adjacent to and south of 20 Chapel Road Camlough

PROPOSAL 2 storey farm dwelling & double garage (amended plans)

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 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 Chapel Road.
- 2 The proposal is contrary The Strategic Planning Policy Statement for Northern Ireland and to 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 and the building relies primarily on the use of new landscaping for integration. The proposed dwelling would therefore not visually integrate into the surrounding landscape.
- 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 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
and Down**
District Council

Application Reference: LA07/2015/0910/F

Date Received: 17.09.2015

Proposal: The proposal seeks full permission for a 2 storey farm dwelling & double garage. Whilst the scheme has since been reduced to 6.7m in part, 1st floor accommodation is still available and it is considered the proposed description is still accurate.

Location: Adjacent to and south of 20 Chapel Road Camlough. The site is located approximately 1.3 miles North West of Camlough in the South Armagh part of the District.

Site Characteristics & Area Characteristics:

The site as defined in the red line on the site location plan takes in a rectangular shape consisting of the North Eastern portion of an agricultural field that includes part of an existing lane way and the area required for site splays. The northern boundary of the site is defined by hedging and timber fencing with more hedging along the roadside eastern boundary. The other boundaries of the site remain undefined. The site falls towards the West and the land starts to rise again in the field opposite to the East of the site. An associated dwelling (No. 20) is located to the north of the site where there are outbuildings and further farm buildings opposite and across the road. The area is rural in character with a dispersed settlement pattern. Development pressure is still at a relatively low level.

Site History:

No recent site history.

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:

NI Water – Generic Response

Transport NI – Following submission of amended plans, no objections subject to the attached conditions and informatives

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

Environmental Health – No objections however recommend that the dwelling is sited a minimum of 75m from farm dwellings.

Objections & Representations

No neighbours notified and application re-advertised on 12.10.2016. No objections or representations received.

Consideration and Assessment:Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement is a material consideration for this application however 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, the retained policies as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS Strategic Planning Policy Statement. 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.

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

Transport NI has confirmed they have no objections following the submission of revised plans showing adequate site splays.

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).

The policy states no dwellings or development opportunities can be sold off from the farm holding within 10 years of the date of the application. The applicant's DARD number has been checked for any previous use for a dwelling house, this produced a negative result. I have also conducted a planning search on the farm land which again has produced a negative result. I am satisfied there has been no development opportunities sold off or disposed from the farm holding. This meets the policy criterion (b) of CTY 10.

The new dwelling will be sited to cluster with an established group of buildings on the farm located adjacent to and immediately North of the site. Access to the dwelling will also be obtained from an existing lane also immediately North of the site. This satisfies the requirements of criterion (c) of CTY 10.

The Strategic Planning Policy Statement also re-emphasises the need for dwellings on farms to comply with the other policies regarding integration and rural character. These will be explored in further detail below.

Policy CTY8 states planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 confirms that ribbon development can be represented by buildings that are visually linked or have a common frontage. For the purposes of this application, the site, No. 20 and the associated buildings immediately North of No. 20 all have a common frontage and can be visually linked. The site would therefore add to ribbon development along this road and is therefore contrary to policy CTY8.

In terms of the design of the dwelling, the dwelling appears as three liner portions joined together all offset from each other. The front portion measures approximately 6.7m to the ridge of the dwelling with the remainder of the rear of the dwelling at lower ridge levels. The dwelling exhibits a mix of traditional rural features combined with a contemporary approach to the scheme which is acceptable for the area. However, with regards to integration it is anticipated that the site will rely primarily on new landscaping for integration due to the lack of established boundaries and with the majority of the roadside hedge removed for visibility. The new planting will invariably take a considerable length of time to mature and in the interim period at least, leave the dwelling lacking integration. The proposal is therefore considered to fail criteria (b) and (c) of policy CTY 13.

As the proposal will add to ribbon development as discussed above under policy CTY 8 this will have an adverse impact on the rural character of the area and consequently fail part (d) of CTY 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.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and to 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 and the building relies primarily on the use of new landscaping for integration. The proposed dwelling would therefore not visually integrate into the surrounding landscape.
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 Chapel 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 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:

Authorised Officer:

To Whom It May Concern,

I Siobhan Olarte wish to make deputation along with our architect at the planning meeting on the 7th December.

Our planning application has been refused on 3 grounds:

1-CY13 of PPS 21-Integration

We believe when compared to other houses on the Chapel Road that it integrates well with the surrounding land. Our architect has produced plans showing views of the planned house from various angles of the road, it is of low visual impact. There is existing mature hedgerow on 2 boundaries of the proposed site. We are very happy to plant native trees on the other 2 boundaries. We would also plan to plant a small woodland on part of the remaining field fronting onto Chapel Road.

2-CYT8 of PPS 21-Ribbon development

This is open to interpretation. Minister Alex Attwood carried out a review in July 2013 in which he stated there should be more flexibility in relation to clustering and visual linkage in respect of siting new dwellings on farms. Also ensuring sites were considered in relation to safety on the working farm.

There is a recent new dwelling on the same side of the road just below the site we are applying for in which the rules of ribbon development do not appear to have been enforced. A precedent has been set.

The Chapel road is 1-2 miles from the village of Camlough. There are many houses in the area, it would not be considered deep into the heart of the countryside, more an extension of the village boundary. The majority of the houses on the Chapel Road and surrounding area are alongside the road and have their frontage onto the road. Our site is to be accessed from a farm laneway and not directly onto the Chapel Road.

3-CY14 of PPS 21-Rural character

We are keenly aware of the need to keep the character of our beautiful countryside. However, planning is only one element of this. We believe that the home we wish to build will add to its surrounding environment as the site matures over the years. We wish to build a PASSIVE house. This would be the first in the locality, our aim is to have minimal impact on our environment and leave a sustainable way of living for future generations.

I appreciate the opportunity to speak at this meeting.

Regards

Siobhan Olarte

Deferred planning application LA07/2015/0910/F

Further to your letter of 24th November 2016 I wish to make representation at the forthcoming planning committee meeting.

As an experienced architect I do not agree with the interpretation of the policy in this instance and would note that the proposal is well integrated with the countryside and complies with all of the policies of Planning statement 21.

The new dwelling is clustered with the existing farmyard and has mature boundaries to two sides of the site.

I would not agree that it is ribbon development as it is clustered with the farm buildings and to say that any house in the countryside situated with a boundary to the main road would preclude 75% of new dwelling passed in the countryside.

The has also been a similar site passed a few hundred yards from the site and this site has a similar aspect on the side of the road.

There is a huge inconsistency in the way that applications are being assessed along this road and as an architect I am at a loss as to why our application is deemed unacceptable.

We would therefore ask that the committee reconsider the decision to refuse this application and I will make myself available to give representation on that day.

Regards

Paul McAlister

Paul McAlister Architects Ltd

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