



September 8th, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 13th September 2017** at **9:30 am** in **Site visits and then Boardroom, Monaghan Row.**

The Members of the Planning Committee are:-

Chair: Councillor G Craig

Vice Chair: Councillor K Loughran

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

Agenda

Site Visits

- 1.0 Site visit - LA07/2016/1331/0 - Joanna Magee - two detached dwellings and garages - lands adjoining and between 57 and 61 Churchtown Road, Downpatrick.**

N.B. Please assemble at Council Offices, Downshire Civic Centre, Downpatrick at **9.30 am** and Mr McKay will advise of the travel route for the 4 No. site meetings.

- 2.0 Site visit - LA07/2017/0287/0 - Mr & Mrs D McMullan - single dwelling and garage - lands contained between 4 and 6 Sawmills Road, Drumee, Bryansford, Newcastle.**
- 3.0 Site visit - LA07/2017/0049/F - Mr & Mrs McGivern - proposed garage and home office with gym - Ingleside, 5 Windsor Avenue, Newry.**
- 4.0 Site visit - LA07/2016/1483/F - Michael McConville - proposed free range poultry shed with 2 no. feed bins and a standby generator building (poultry shed to contain 16,000 free range hens) - land approx 100m NW of 16 Carrickrovaddy Road, Jerrettspass, Newry.**

Break

Lunch break in District Council Offices, Monaghan Row, Newry - 1.30 pm - 2.00 pm

Committee Business

- 5.0 Apologies.**
- 6.0 Declarations of interest.**

Minutes for Consideration and Adoption

- 7.0 Minutes of the Planning Development Committee Meeting held on Wednesday 16 August 2017. (Attached).**

📎 *Planning Mins - 16 August 2017.pdf*

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- 8.0 Minutes of the Planning Development Committee Meeting held on Wednesday 23 August 2017. (Attached).**

Committee Business

8a. Addendum list - planning applications with no representations received or requests for speaking rights. (Attached).

Addendum list - 13-09-2017.pdf

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Development Management - Planning Applications for determination

9.0 LA07/2017/0490/F - Mr Sean Matthews - erection of dwelling and garage (special circumstances) - lands to rear and 25m east of No. 20 Leitrim Road, Hilltown. (Case Officer report attached).

Rec: REFUSAL

- **N.B. 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, by resolution, be excluded during this item of business.**
- A request for speaking rights has been received from Martin Byrne, agent, in support of the application. **(Submission circulated under separate cover).**

LA07-2017-0490-F Sean Matthews.pdf

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10.0 LA07/2016/1331/0 - Joanna Magee - two detached dwellings and garages - lands adjoining and between 57 and 61 Churchtown Road, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

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

LA07-2016-1331-O Joanna Magee.pdf

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Item 10 - submission of support (J Magee).pdf

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11.0 LA07/2017/0287/0 - Mr & Mrs D McMullan - single dwelling and garage - lands contained between 4 and 6 Sawmills Road, Drumee, Bryansford, Newcastle. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2017-0287-O Mr and Mrs D McMullan.pdf* *Page 32*

📄 *Item 11 - submission of support (Mr & Mrs McMullan).pdf* *Page 38*

12.0 LA07/2016/1483/F - Michael McConville - Proposed free range poultry shed with 2no feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs) - Land approx. 100m NW of 16 Carrickrovaddy Road Jerrettspass Newry. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA017-2016-1483-F Michael McConville.pdf* *Page 47*

📄 *Item 12 - submission of support (McConville).pdf* *Page 54*

13.0 LA07/2017/0049/F - Mr & Mrs McGivern - proposed garage with home office and gym - Ingleside, 5 Windsor Avenue, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Mark McGivern, applicant, and Colin D'Alton, agent, in support of the application. **(Submission attached)**.

📄 *LA07-2017-0049-F Mr and Mrs McGivern.pdf* *Page 55*

📄 *Item 13 - submission of support (Mr & Mrs McGivern).pdf* *Page 60*

14.0 LA07/2015/0054/F - Murlough Farm Eggs - proposed poultry laying shed for up to 16,000 birds and 3m dia feeder bin - 355m SE of 23 Keel Point Dundrum. (Case Officer report attached).

Rec: REFUSAL

- This application is being removed from the schedule at the request of Councillor Clarke to enable new information submitted by the applicant to be given further consideration.

15.0 LA07/2017/0546/F - Golf Centre - proposed indoor amenity area, cafe, event rooms and associated car parking for use in conjunction with existing tourist facility (Golf Centre) - 39 Castlewellan Road, Newcastle. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Martin Bailie, agent and Michael McPolin, applicant, in support of the application. **(Submission attached).**

LA07-2017-0546-F Golf Centre.pdf

Page 81

Item 15 - submission of support (Golf Centre).pdf

Page 86

16.0 LA07/2017/0794/0 - Ms Mariam Burney - dwelling and garage under Policy CTY10 of PPS21 - 40M sw of 78 Crabtree Road,, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

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

LA07-2017-0794-O Mariam Burney.pdf

Page 88

Item 16 - submission of support (Mariam Burney).pdf

Page 93

17.0 LA07/2015/1363/F - Henderson Group - proposed new petrol station with associated supermarket and car parking and development - 8 The Commons, Tullyvallen, Newtownhamilton. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Jim O'Connor (APS NI); Graham Park and Colm Devlin objecting to the application. **(Submission from J Hughes attached).**
- A request for speaking rights has been received from David Mountstephen, agent, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor B O'Muirí objection to the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor D Taylor objecting to the application.
- A request for speaking rights has been received from DEA Councillor P Bryrne

objecting to the application.

📄 *LA07-2015-1363-F Henderson Group.pdf* Page 97

📄 *Item 17 - submission of objection (Hendersons).pdf* Page 112

📄 *Item 17 - objection Cllr. O'Muiri (Hendersons).pdf* Page 113

📄 *Item 17 - submission of support (Henderson Group).pdf* Page 114

18.0 LA07/2016/1264/F - Mr & Mrs Richard Forsythe - erection of dwelling and domestic garage - located between No. 119 and 123 Harbour Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- This application is being deferred to the October Planning Committee Meeting at the request of Councillor Macauley.

📄 *LA07-2016-1264-F Mr and Mrs Richard Forsythe.pdf* Page 115

19.0 LA07/2017/0427/0 - Mr Oliver Murnion - proposed site for farm dwelling and domestic garage - 80m west of 53 Yellow Road, Hilltown. (Case Officer report attached).

Rec: REFUSAL

- This application is being deferred to the October Planning Committee Meeting at the request of Councillor Macauley.

📄 *LA07-2017-0427-O Oliver Murnion.pdf* Page 121

20.0 LA07/2016/1490/0 - Mr Brian McDowell - construction of replacement dwelling and garage - Tamary Road, Mayobridge, Newry. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *LA07-2016-1490-O Brian McDowell.pdf* Page 126

21.0 LA07/2017/0375/0 - Declan Kearney - farm dwelling and garage - 30m west of 34 Station Road, Adavoyle, Killeavy, Newry. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2017-0375-O Declan Kearney.pdf*

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📄 *Item 21 - submission of support (Declan Kearney).pdf*

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22.0 LA07/2017/0782/0 - Mr E Magee - replacement dwelling - site east-south of 3 Drummond Road, Gosford, Newry. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2017-0782-O E Magee.pdf*

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📄 *Item 22 - submission of support (E Magee).pdf*

Page 146

23.0 LA07/2017/0856/F - Brian Hollywood - proposed change of use from spa centre business to dwelling with some minor renovations - 20 Lough Road, Mullaghbawn. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *LA07-2017-0856-F Brian Hollywood.pdf*

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24.0 LA07/2017/0887/0 - Mr Richard Henning - site for infill dwelling and domestic garage - opposite 7 Jockeys Brae, Newry. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *LA07-2017-0887-O Richard Henning.pdf*

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For Noting

25.0 August 2017 Planning Committee Performance Report. (Attached).

📄 *AUGUST Planning Committee Performance Report.pdf*


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26.0 Record of meetings between Planning Officers and public representatives. (Attached).

 *Record of meetings 2017-2018.pdf*

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27.0 August 2017 Appeals and Decisions. (Attached).

 *Appeals and Decisions August 2017.pdf*

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Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Lorraine Burns	lorraine.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
Cllr Cadogan Enright	cadogan.enright@nmandd.org
Cllr Gillian Fitzpatrick	gillian.fitzpatrick@nmandd.org
Cllr Glyn Hanna	glyn.hanna@nmandd.org
Mr Liam Hannaway	liam.hannaway@nmandd.org
Cllr Valerie Harte	valerie.harte@nmandd.org
Cllr Harry Harvey	harry.harvey@nmandd.org
Cllr Terry Hearty	terry.hearty@nmandd.org
Cllr David Hyland	david.hyland@nmandd.org
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
Cllr Kate Loughran	kate.loughran@nmandd.org
Cllr Jill Macauley	jill.macauley@nmandd.org
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Ms Carmel Morgan	carmel.morgan@nmandd.org
Cllr Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr Mark Murnin	mark.murnin@nmandd.org
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Cllr Michael Ruane	michael.ruane@nmandd.org

Cllr Michael Savage	michael.savage@nmandd.org
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Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Adam Wilkinson	adam.wilkinson@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 16 August 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig

In attendance:

(Committee Members)

Cllr W Clarke	Cllr G Hanna
Cllr M Larkin	Cllr L Devlin
Cllr V Harte	Cllr K Loughran
Cllr J Macauley	Cllr D McAteer
Cllr M Murnin	Cllr M Ruane

(Officials)

Mr A McKay	Area Planning Manager
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms C Taylor	Democratic Services Officer

P/102/2017: APOLOGIES AND CHAIRPERSON'S REMARKS

The following apology was received:

Councillor C Casey

P/103/2017: DECLARATIONS OF INTEREST

Councillor Harte declared an interest in Planning Application LA07/2017/0172/F.

Councillor Devlin declared an interest in Planning Applications LA07/2017/0318/F and LA07/2017/0049/F.

**P/104/2017: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 19 JULY 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 19 July 2017,
(Copy circulated)

AGREED: On the proposal of Councillor Hanna seconded by Councillor Devlin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 19 July 2017 as a true and accurate record.

P/105/2017: PLANNING APPLICATION: LA07/2017/0172/F

Read: Report from Planning Department regarding draft Refusal Reasons for Planning Application: LA07/2017/0172/F – Lindsays Hill, Newry.
(Copy circulated)

The Chief Planning Officer explained at the Planning Committee Meeting held on 19 July 2017 it had been agreed Planning Officers be delegated responsibility for compiling reasons for refusal in respect of Planning Application LA07/2017/0172/F, based on the objections and concerns outlined by Councillor Larkin relating to the inappropriateness of placing an access bridge over a significant historical part of Newry; the creation of an inappropriate underpass and negative impact on the historic district of Lindsay Hill, and the reasons for the refusal be brought back to Committee at a later date for decision.

Councillor Larkin proposed and Councillor Ruane seconded to adopt the reasons for refusal in respect of Planning Application LA07/2017/0172/F – Lindsays Hill, Newry.

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

For:	5
Against:	2
Abstentions:	0

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to adopt the reasons for refusal in respect of Planning Application LA07/2017/0172/F – Lindsays Hill, Newry.

P/106/2017: ADDENDUM LIST

Read: Addendum List of Planning Applications with no Representations received or requests for speaking rights – Wednesday 16 August 2017. **(Copy circulated)**

AGREED: It was unanimously agreed to remove the following Planning Applications from the Addendum List:

- **Item 7 – LA07/2015/0054/F** – Murlough Farm Eggs – proposed poultry laying shed for up to 16,000 birds and 3m dia feeder bin – 355m SE of No. 23 Keel Point, Dundrum.
REFUSAL
(Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor W Clarke)
- **Item 10 – LA07/2016/1264/F** – Mr & Mrs Richard Forsythe – erection of dwelling and domestic garage – located between No. 119 and 123 Harbour Road, Kilkeel.
REFUSAL
(Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor G Hanna)

- **Item 17 – LA07/2017/0431/O** – Mr & Mrs Peter Byrne – demolition of outbuilding and construction of a dwelling and garage – Ashleigh House, 85 Byransford Road, Tollymore, Newcastle.
REFUSAL
(Withdrawn from the planning process by the Agent)
- **Item 18 – LA07/2017/0498/LBC** – Mrs & Mrs Peter Byrne – demolition of outbuilding and construction of a dwelling and garage – Ashleigh House, 85 Bryansford, Tollymore, Newcastle.
REFUSAL
(Withdrawn from the planning process by the Agent)

AGREED: On the proposal of Councillor McAteer seconded by Councillor Macauley 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 for Wednesday 16 August 2017:

- **Item 6 – LA07/2017/0318/F** – Telefonica UK Ltd – Proposed 15m telecommunications mast to carry 3 No. antennae and 2 No. radio dishes, 3 No. equipment cabinets and associated works including site compound. (Additional supporting info received) – On lands within William Kirkwood & Sons Timber Yard 5-9 Newcastle Road, Castlewellan.
APPROVAL
(Removed from Schedule - Committee agreed to include on Addendum List)
- **Item 15 – LA07/2017/0075/O** – D Brannigan – replacement dwelling – 31 Mearne Road, Downpatrick
APPROVAL
(Removed from Schedule - Committee agreed to include on Addendum List)
- **Item 32 – LA07/2016/0226/O** – Mark Devlin – Erection of residential development comprising 19 dwellings – Lands adjacent and south east of Nos 16 & 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road, Crossmaglen.
APPROVAL
(Removed from Schedule - Committee agreed to include on Addendum List)
- **Item 33 – LA07/2016/0227/F** – Mark Devlin – Erection of residential development comprising 2 No 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

(Removed from Schedule - Committee agreed to include on Addendum List)

- **Item 34 – LA07/2016/0228/F** – Mark Devlin – Erection of residential development comprising 2 No 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
(Committee agreed to include on Addendum List)
- **Item 35 – LA07/2016/0527/F** – Joan Henderson – change of house type from previously approved application P/2010/1299/F – 200m SE of 21 Levellyreagh Road, Rostrevor.
REFUSAL
- **Item 41 – LA07/2017/0952/0** – Sean Og Hoey – erection of in-fill dwelling and detached garage – between 20 and 22 Molly Road, Foughillotra, Jonesborough.
REFUSAL

P/107/2017: APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following Planning Applications from the Schedule:

- **Item 9 – LA07/2016/0865/F** – Mr & Mrs Dean Brown – proposed farm dwelling and domestic garage on lands 60m SE of 34 Wood Road, Castlewellan
REFUSAL
(On the advice of the Chief Planning Officer it was agreed to remove this application from the Schedule as a considerable amount of additional/new information has been received)

The following applications were then determined by the Committee:

(1) LA07/2017/0621/F – Patrick Treanor

Location:

80m west of 10a Newtown Road, Newtownhamilton

Proposal:

Site for dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin O'Callaghan, Agent, and Mrs Treanor, Applicant, presented in support of the application.

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

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

When the Committee came out of Closed Session the Chairperson reported the following decision had been taken:

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Harte, it was agreed by 5 votes For and 4 votes Against, to issue an approval in respect of Planning Application LA07/2017/0621/F, contrary to Officer Recommendation, on the basis that setting aside the personal circumstances, the Committee consider the dwelling on the site is bounded by development including the laneway to the applicants house; the area is locally known as a hamlet therefore a settlement already exists; the development will not lead to an extension of ribbon development along Newtown Road, and it is essential to have small settlements in the countryside.

Planning Officials be delegated authority to impose any necessary conditions.

(2) LA07/2016/0583/F – Felix McEvoy

Location:

60m SE of 36 Derryneill Road, Ballyward Castlewellan

Proposal:

Change of use from outbuilding to holiday chalet with associated alterations and extension

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Martin Bailie, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Devlin seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2016/0583/F to allow discussion between Planning Department and Agent/Applicant regarding a reduced scheme.

Planning Officers be delegated authority to issue decision thereafter.

It was unanimously agreed to consider both application LA07/2016/1306/LBC – Mr & Mrs P McDowell and application LA07/2016/1372/F – Mr & Mrs P McDowell together at this point in the Meeting, as the applications were related.

(3) LA07/2016/1306/LBC – Mr & Mrs P McDowell

Location:

25 Ballybannon Road, Ballylough, Castlewellan

Proposal:

Alterations to existing dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Conor Hughes, on behalf of Ian Butney Agent, presented in support of the application.

(4) LA07/2016/1372/F – Mr & Mrs P McDowell

Location:

25 Ballybannon Road, Ballylough, Castlewellan

Proposal:

Alterations to existing dwelling to create additional bedroom and living accommodation

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Conor Hughes on behalf of Ian Butnet Agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2016/1306/LBC and Planning Application LA07/2016/1372/F to allow Planning Department to consider revised plans.

(11.55am – The Meeting adjourned)

(12.05pm – The Meeting resumed)

(5) LA07/2016/1331/0 – Joanna Magee

Location:

Lands adjoining and between 57 and 61 Churchtown Road, Downpatrick

Proposal:

Two detached dwellings and garages

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin McAuley, Agent, and Joanna Magee, Applicant, presented in support of the application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2016/1331/O and arrange a Members' site visit.

(6) LA07/2016/1430/0 – Damian Fitzsimons**Location:**

90m NW of 44 Tyrella Road, Downpatrick

Proposal:

Proposed site for dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2016/1430/O, contrary to Officer Recommendation, on the basis that the Committee consider the farm an active business.

Planning Officers be delegated authority to impose any necessary conditions

(7) LA07/2017/0296/0 – Mark Galloway**Location:**

80m west of No. 3 Ballytrustan Road, Downpatrick

Proposal:

Proposed dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2017/0296/O, pending receipt of clarification in relation to ownership of buildings and clustering with existing farm buildings and information being provided to the satisfaction of the NIEA.

Planning Officers be delegated authority to issue decision thereafter.

(1.15pm – The Meeting adjourned)

(2.10pm – The Meeting resumed)

AGREED: The Chairperson advised that the meeting would adjourn after Item 27. Any remaining items would be considered at a reconvened session to take place on Wednesday 23 August 2017 commencing at 10am.

It was also agreed to defer Item 39 to the Planning Committee Meeting September 2017, at the request of the Agent, due to unavailability on 23 August 2017.

(8) LA07/2017/0630/F – Alan Marshall

Location:

Land to rear and NE of 45 and 29 Chestnut Meadows, Riverside Road, Ballynahinch

Proposal:

Proposed 3 No. pair of semi-detached dwellings and 1 detached dwelling with garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Devlin seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2017/0630/F, for the reasons recommended as per the Development Management Officer Report.

(9) LA07/2017/0228/F – Mr & Mrs Tate

Location:

Lands immediately north of 37 Dromore Road, Ballynahinch

Proposal:

Dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Sam Hawthorne, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2017/0228/F, contrary to Officer Recommendation, on the basis that the proposal would not have adverse impact on views.

Planning Officers be delegated authority to impose any necessary conditions.

(10) LA07/2017/0287/O – Mr & Mrs D McMullan**Location:**

Lands contained between 4 and 6 Sawmills Road, Drumee, Bryansford, Newcastle

Proposal:

Single dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Sam Hawthorne, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Devlin it was agreed to defer Planning Application LA07/2017/0287/O and arrange a Members' site visit.

(11) LA07/2017/0420/F – Mr & Mrs Gerard and Bernadette Curran**Location:**

50m NE of 90 Strangford Road, Chapletown

Proposal:

Replacement dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Sean Kennedy, Agent, presented in support of the application.

Noted:

Councillor D Curran has indicated support for this application

AGREED: On the proposal of Councillor Clarke seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application LA07/2017/0420/F, contrary to Officer Recommendation.

Planning Officers be delegated authority to impose any necessary conditions.

(12) LA07/2017/0424/F – A Martin

Location:

No. 117 Lisburn Road, Saintfield

Proposal:

Sun-room extension to side of dwelling, small extension to front of dwelling and provision of dormer windows to study over detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David Donaldson presented on behalf of an objector.

Gary Thompson, Agent and Mr Martin, Applicant, presented in support of the application.

Councillor McAteer proposed and Councillor Devlin seconded to accept the Officers recommendation in respect of Planning Application LA07/2017/0424/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: 4

AGAINST: 6

The proposal was declared LOST.

Councillor Clarke proposed and Councillor Macauley seconded to defer Planning Application LA07/2017/0424/O to allow further discussion between Planning Department, Applicant and Agent and that Planning Officers be delegated authority to issue decision thereafter.

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

FOR: 9

AGAINST: 0

The proposal was declared CARRIED.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2017/0424/O to allow further discussion between Planning Department, Applicant and Agent.

Planning Officers be delegated authority to issue decision thereafter.

(13) LA07/2017/0541/F – Chris Canning

Location:

Land adjacent to 161 Clay Road, Killyleagh

Proposal:

Conversion of 2 No. buildings for residential use

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Andy Stephens, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application LA07/2017/0541/F, contrary to Officer Recommendation, on the basis that the Committee consider the dwellings to be of local importance and subject to the buildings being retained in stone.

Planning Officers be delegated authority to impose any necessary conditions.

(14) LA07/2015/0545/F – Mr P Smith**Location:**

40m south west of 23a Castlewellan Road, Hilltown

Proposal:

Site for farm dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Keith Sommerville representing Colin O'Callaghan, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2015/0545/F, for the reasons recommended as per the Development Management Officer Report.

(15) LA07/2016/0423/F – Thomas Gollogly**Location:**

40m SE of 18 Lough Road, Mullaghbawn

Proposal:

Proposed replacement dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Keith Sommerville representing Colin O'Callaghan, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2016/0423/F to allow further discussion regarding a design more reflective of the character of the existing building

Planning Officers be delegated authority to issue decision thereafter.

(16) LA07/2016/1103/F – Ronan Morgan**Location:**

Rear of Nos. 10 and 10a Finnard Road, Rathfriland

Proposal:

Erection of two replacement dwellings with detached garages, in substitution for replacement dwellings approved under planning application P/2011/0537/F

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Keith Sommerville representing Colin O'Callaghan, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2016/1103/F, for the reasons recommended as per the Development Management Officer Report.

FOR DISCUSSION/DECISION**P/108/2017: PLANNING COMMITTEE MEETING
PERFORMANCE REPORT JULY 2017**

Read: Planning Committee Performance Report, July 2017. **(Copy circulated)**

AGREED: It was agreed to note the Planning Committee Performance Report July 2017.

**P/109/2017: MEETINGS BETWEEN PLANNING OFFICERS
AND PUBLIC REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representatives from April 2017 – July 2017. **(Copy circulated)**

AGREED: It was agreed to note the record of Meetings between Planning Officers and Public Representatives from April 2017 – July 2017.

P/110/2017: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – July 2017. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions July 2017.

The Meeting concluded at 5:10pm.

P/111/2017: DATE FOR RECONVENED SESSION

NOTED: It was agreed that Agenda Items 28, 29, 30, 36, 37, 38 and 40 would be discussed at a reconvened meeting of the Planning Committee on Wednesday 23 August 2017 at 10:00.

For adoption at the Planning Committee Meeting to be held on 13 September 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting (continuation of the session held on Wednesday 16 August 2017) of Newry, Mourne and Down District Council held on Wednesday 23 August 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig

Deputy Chairperson: Councillor K Loughran

In attendance:

(Committee Members)

Cllr W Clarke	Cllr G Hanna
Cllr M Larkin	Cllr L Devlin
Cllr J Macauley	Cllr D McAteer
Cllr M Murnin	Cllr C Casey

(Officials)

Mr A McKay	Area Planning Manager
Ms L Coll	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms O O'Toole	Planning Assistant
Ms L Dillon	Democratic Services Officer

P/112/2017: APOLOGIES AND CHAIRPERSON'S REMARKS

The following apologies were received:

Councillor M Ruane
Councillor V Harte

P/113/2017: DECLARATIONS OF INTEREST

Councillor Devlin declared an interest in Planning Application LA07/2017/0049/F – Mr & Mrs McGivern.

P/114/2017: APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:

(1) LA07/2016/1647/F – DBM Contracts

Location:

20m east of 6 Daisy Hill, Carnaget, Newry

Proposal:

Erection of two dwellings and retention of existing walls

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Keith Somerville presented on behalf of Colin O'Callaghan, Agent in support of the application.

AGREED: On the proposal of Councillor Casey seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2016/1647/F to allow further discussion between Planning and Agent/Applicant.

Planning Officers be delegated authority to delegate decision thereafter.

(2) LA07/2017/0038/O – Errol Flynn**Location:**

Immediately south of 91b Maphoner Road, Mullaghbawn, Newry

Proposal:

Site for dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Keith Sommerville presented on behalf of Colin O'Callaghan, Agent, in support of the application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed to issue a refusal in respect of Planning Application LA072017/0038/O, for the reasons outlined as per the Development Management Officer Report.

Noted: Councillor C Casey indicated he was not in agreement with this decision.

(3) LA07/2017/0582/O – Roisin Hanlon**Location:**

Lands adjacent and south west of 30 Ballymoyer Road, Newtownhamilton

Proposal:

Site for dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Keith Somerville presented on behalf of Colin O'Callaghan, Agent, in support of the application.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2017/0582/O, for the reasons outlined as per the Management Development Officer Report.

(4) LA07/2016/0748/O – Andrew Henry and Jemma Clarke

Location:

150m north of 81 Dundalk Road, Newtownhamilton

Proposal:

Erection of dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Neil Cornett Agent, Andrew Henry Applicant, and Councillor D Taylor presented in support of the application.

(11.00am – Councillor M Larkin joined the meeting)

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to issue a refusal in respect of Planning Application LA07/2016/0748/F, for the reasons as outlined as per the Management Development Officer Report.

(5) LA07/2016/1483/F – Michael McConville

Location:

Lands immediately 100m NW of 16 Carrickrovaddy Road, Jerettspass, Newry

Proposal:

Proposed free range poultry shed with 2 no fed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Philip Marshall Agent, Michael McConville Applicant and Councillor D Taylor presented in support of the application.

Councillor Macauley proposed and Councillor Hanna seconded to defer Planning Application LA07/2016/1483/F and arrange Members' site visit.

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

For: 7
Against: 2

The proposal was declared CARRIED.

AGREED: On the proposal of Councillor Macauley seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2016/1483/F and arrange Members' site visit.

(11.45am – Councillor L Devlin left the meeting)

(6) LA07/2017/0049/F – Mr and Mrs McGivern

Location:

Ingleside, 5 Windsor Avenue, Newry

Proposal:

Proposed garage with home office and gym

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin D'alton Agent, and Mark McGivern, Applicant presented in support of the application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to defer Planning Application LA07/2017/0049/F and arrange Members' site visit.

(12.10pm – Councillor L Devlin re joined the meeting)

(7) LA07/2017/0644/F – Mr C McKeown

Location:

70m NE of 23 Lissaraw Road, Camlough

Proposal:

Erection of dwelling (change of house type, amended access and garage from that previously approved under planning application P/2006/0809/RM)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John Harkness, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application

LA07/2017/0644/F, contrary to Officer recommendation, on the basis the Committee believe development had commenced on this site.

Planning Officers be delegated authority to impose any necessary conditions.

The Meeting concluded at 12.30pm.

For adoption at the Planning Committee Meeting to be held on 13 September 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 8a – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 13 September 2017

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 20 – LA07/2016/1490/0** – Mr Brian McDowell – construction of replacement dwelling and garage – Tamary Road, Mayobridge, Newry. **REFUSAL**
- **Item 23 – LA07/2017/0856/F** – Mr Brian Hollywood – proposed change of use from spa centre business to dwelling with some minor renovations – 20 Lough Road, Mullaghbawn. **REFUSAL**
- **Item 24 – LA07/2017/0887/0** – Mr Richard Henning – site for infill dwelling and domestic garage – opposite 7 Jockey's Brae, Newry. **REFUSAL**

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ITEM NO	11			
APPLIC NO	LA07/2017/0490/F	Full	DATE VALID	3/29/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Sean Matthews 20 Leitrim Road Leitrim Hilltown BT34 5XS		AGENT	Martin Byrne 20 School Road Jerrettspass Newry BT34 1SX 028 3082 1593
LOCATION	To the rear and 25m East of No 20 Leitrim Road Hilltown BT34 5XS			
PROPOSAL	Erection of dwelling and garage due to special domestic circumstances			
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 Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0490/F

Date Received: 16th March 2017

Proposal: Erection of dwelling and garage due to special circumstances

Location: Land to the Rear and 25m East of No 20 Leitrim Road Hilltown

Site Characteristics & Area Characteristics:

The site is located along the minor Leitrim Road, Hilltown. It is comprised of a 'U' shaped portion of land which surrounds the existing dwelling at No 20 Leitrim Road. The site is comprised of garden area to the south, with agricultural land outside the curtilage and to the rear and to the north of No 20. It is noted that an unauthorised mobile home is positioned in the garden area to the south of the dwelling.

The site is elevated above road level and is screened from the public road by the strong boundary hedge to the south, the presence of the unauthorised mobile home and the boundary fencing to the rear of No 20.

The surrounding landscape is typically undulating and predominantly used for agricultural, however, there are a number of single dwellings dispersed throughout the area.

Site History:

Previous history on the site includes

P/1988/1194 – Site for dwelling – Refused

P/1983-0194 – Bungalow – Approved

P/1979/1361 – Bungalow – Approved

P/1978/0640 – Bungalow - Refused

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3, and 21 (CTY 1, 6, 13 and 14), in addition, to the history and any other material consideration.

The application was advertised in the local press on 12th, 14th and 21st April 2017.

The following neighbours were notified of the proposal on 10.04.17

- 1, 3 and 5 New Line, Hilltown
- 22 and 24 Leitrim Road, Hilltown.

Consultations:

In assessment of the proposal consultations were carried out with NIEA Water Management Unit, Northern Ireland Water (NIW), and Environmental Health, no objections have been presented.

Objections & Representations

No objections or representations have been received.

Consideration and Assessment:

Planning Policy Statement 21 (PPS21) 'Sustainable Development in the Countryside' provides the relevant planning policy context for the proposed development. Policy CTY1 thereof indicates that there are types of development acceptable in principle in the countryside. A dwelling based on the personal and domestic circumstance of the applicant will be granted provided the criteria of Policy CTY 6 are met.

The applicant has stated that his reasons for choosing this site relate to the health and well being of his parents, stating that his parents would find it extremely difficult to manage day to day if he did not live close by. He has also considered an extension to the existing dwelling as an alternative solution, but has ruled this out as he finds this unsuitable given his own future family plans.

Having assessed the above, it is considered that insufficient evidence has been provided which would justify a dwelling at this location and on this basis a recommendation to refuse will be put forward.

Recommendation: Refusal

Refusal Reason

The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

Signed

Date

Signed

Date

ITEM NO	4			
APPLIC NO	LA07/2016/1331/O	Outline	DATE VALID	10/6/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Ms Joanna Magee 8 Wicket Lane Saintfield BT24 7FJ		AGENT	
LOCATION	Lands adjoining and between 57 and 61 Churchtown Road Downpatrick			NA
PROPOSAL	Two detached dwellings and garages			
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 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 Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a small site sufficient to only accommodate two dwellings and the proposal would, if permitted, result in the addition of ribbon development along Churchtown Road.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1331/O

Date Received: 6th October 2016

Proposal: Two detached dwellings and garages (infill Development)

Location: Lands adjoining and between 57 and 61 Churchtown Road, Downpatrick.



Site Characteristics & Area Characteristics:

The site in question is part of an agricultural field, which is a flat site with an access running adjacent to the northern boundary; this access serves 2 dwelling houses which sit behind the site in question. The site is relatively flat and there is a strong planted boundary to the southern side of the site. The western boundary is not defined and remaining boundaries are defined with a post and wire fence.

The area is a rural area not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located within the Strangford and Lecale Area of Outstanding Natural Beauty. The area is a rural area with various single dwellings of differing styles located on surrounding sites.

Site History:

R/2001/1244/RM – 140m W of 57 Churchtown Road, Downpatrick – Dwelling – granted – 26-11-2001

R/2007/0559/F – 59A Churchtown Road, Downpatrick – proposed garage for boat and vintage tractors – Granted – 8-11-2007

R/2003/0528/RM – 160m W of 57 Churchtown Road, Downpatrick – new dwelling – granted – 08-08-2003

R/2004/0246/F – 57 Churchtown Road, Downpatrick –proposed double garage and store to rear of building – granted – 20-04-2004

R/2002/0160/O – 160m W of 57 Churchtown Road, Ballylenagh, Downpatrick – dwelling – granted – 11-09-2002

R/1993/1087 – Adjacent to 57 Churchtown Road – dwelling house - refused – 23-05-1994

R/1986/0771 – Adjacent to 57 Churchtown Road – dwelling and stables – refused – 15-12-1986

Planning Policies & Material Considerations:

The application is considered against the Ards and Down Area Plan 2015 and also policies PPS 2, Natural Heritage, PPS 3 Access, Movement and Parking and PPS 21 Sustainable Development in the Countryside and SPPS along with relevant design guidance.

Consultations:

Transport NI – initially responded advising that Transport NI were in discussions with the applicant and were awaiting amended drawings. Transport NI was re consulted upon receipt of the amended plan and has responded with no objections and have provided conditions if deemed an approval.

NI Water has no objections to the proposal

NIEA Drainage and Water – has no comment to make on the application and referred to standing advice.

Objections & Representations

The application was advertised in the local press 19th October 2016 which expired 2nd November 2016. Neighbour notification was issued 12th October 2016 which expired 26th October 2016. To date there have been no representations received in relation to the application.

Consideration and Assessment:

The application is considered against CTY 8 Ribbon Development. This policy advises that permission will be granted for a small gap site, sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage which respects the existing settlement pattern.

There are two dwellings, no 59 Churchtown Road and 59A Churchtown Road which are set back from the site in question and are accessed off an existing lane, these two dwellings do not contribute to the substantially built up frontage and are discounted.

Property no 61 Churchtown Road has a frontage of 25m

Property no 57 Churchtown Road has a frontage of 21m

Property no 55 Churchtown Road has a frontage of 37m

The site included within the red line offers a frontage of 52m and the adjacent lands which appear associated with No 61 Churchtown Road but not within the approved curtilage has a frontage of 51m. The gap from building to building is 106m.

The policy indicates that 3 or more buildings are required along a road frontage and there are three buildings in this instance. Policy states that a gap site sufficient to accommodate up to a maximum of two dwellings within an otherwise substantial and continuously built up frontage would be considered acceptable. As the above measurements demonstrate the gap between buildings would have the ability to accommodate more than 2 dwellings in the context of the frontages and plot sizes demonstrated. Adjacent to the site in question is a private access lane serving two properties to the rear of the site, it is noted that this access will remain and the general access arrangement at the road and including the lane and associated grass section there is an opening of 14m, this cannot be altered with as the access would be situated as such to provide a sight splay and would provide a visual break albeit not to the degree of a public road.

A supporting document was submitted 25th May 2017 which put forward the argument that the gap could not accommodate 3 no dwellings as the plot sizes would not be respective of what exists on site at present. it was also claimed that not including unlawful buildings in the consideration of the gap was a flawed interpretation of the policy.



The site in question can accommodate two dwellings, there is the width available to accommodate two dwellings and offer plot sizes that respect the plot sizes of 55 and 57 Churchtown Road. No 61 Churchtown Road clearly sits on a smaller plot than the remainder of the dwellings in the area. It is noted that the curtilage of the dwelling appears to be sprawling into the adjacent paddock however the paddock does not appear to have been the historically associated with the curtilage of the dwelling therefore the plot size frontage of 25m is considered. On this basis there would be the possibility of consideration of a 3rd dwelling on these lands provided all other aspects of policy were adhered to. There is also the necessity for a gap to remain to allow for the access which serves dwellings to the rear of the site in question nos, 59 and 59A as previously described.

The supporting information submitted by acting agent in May 17 does not give a realistic presentation of the considered plot sizes. It is also noted not all the buildings shown associated with 61 have the benefit of planning permission and when considering the gap, building to building, the gap is of such a size as to allow for the possibility for more than 2 dwellings and therefore the policy requirement has not been met. It is also noted that the size of the plot serving no 61 is small in length and depth and a similar plot size could be accommodated on the lands adjacent despite this differing from the size of plots of 57 and 55 Churchtown Road. There is a mix of development existing within the immediate area.

As this gap has not been considered acceptable it must also be considered that the proposed development would add to ribbon development in the area due to close proximity to no 55 and no 57 Churchtown Road.

The site would be able to accommodate development within the remits of CTY 13 Integration and Design of Buildings in the Countryside.

The proposed development would cause a detrimental change to and further erode the character of the rural area in that it adds to a ribbon of development existing along Churchtown Road and therefore is contrary to CTY 14 Rural Character.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to 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.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a small gap sufficient to only accommodate two dwellings and the proposal would, if permitted, result in the addition of ribbon development along Churchtown Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development.

Case officer:**Authorised by:****Date:**

SUPPORTING STATEMENT IN RESPECT OF ITEM 14

LA07/2016/1331/O – Two detached dwellings & garages

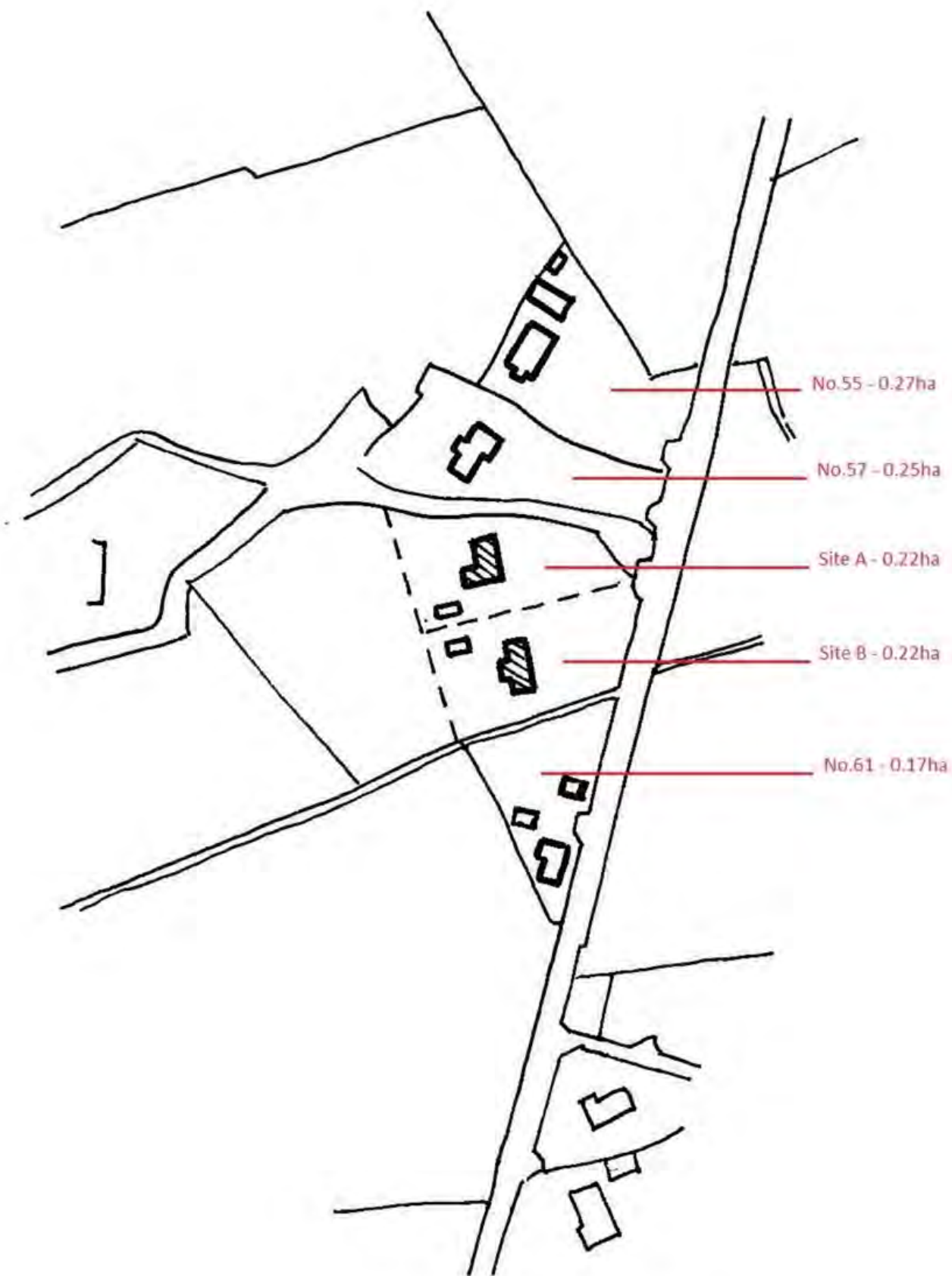
Lands between 57 & 61 Churchtown Road, Downpatrick

- The introduction of PPS21 brought about changes to the previously outdated rural infill policy as part of a drive to **create sustainable development opportunities in the countryside** in a manner which also protects the countryside from unnecessary or inappropriate development.
- Accordingly, Policy CTY 8 now permits a maximum of two infill houses within an otherwise substantial and continuously built up frontage **provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
- The submitted concept plan identifies that the scale of **the plot sizes for the proposed infill sites are almost identical to the plot sizes of No's 55 & 57 to the north**, and only slightly larger than that of No61 to the south.
- The planning officer has suggested that the gap site is too large to accommodate only two houses. It would not be possible to squeeze a third dwelling adjacent to No61 as this would result in the sub-division of that plot into two small plots of just 0.085 and would therefore **not respect the existing development pattern along the frontage**, as required by Policy CTY 8.
- Development of the site with two dwellings as proposed is **entirely in keeping with the plot sizes of the adjoining properties** and **respects the pattern of development along the road frontage in terms of plot depth, width, and the siting of the proposed dwellings** in accordance with the requirements of the infill policy.
- Application LA05/2015/0256/O was granted approval by Lisburn & Castlereagh City Council for two infill dwellings with a gap between buildings that measured almost 190m **(the gap in this instance is only 110m between buildings – ignoring the existing stable building)** therefore it must be compliant with planning policy.
- To simply use the calculation of the width between buildings to establish if it is large enough to accommodate more than the permissible two dwellings is a flawed interpretation of the policy, **as it completely disregards any assessment of the existing development pattern, the position of existing mature boundaries, siting of buildings and existing plot sizes.** This is an important aspect of the policy, as CTY 8 states that development is only acceptable where the existing development pattern is respected.

CONCEPT LAYOUT PLAN (NTS)

2No infill dwellings with detached garages

Between 57 & 61 Churchtown Road, Downpatrick



ITEM NO	8			
APPLIC NO	LA07/2017/0287/O	Outline	DATE VALID	2/23/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr & Mrs D McMullan 4 Sawmill Road Drumee Newcastle BT31 9GJ		AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA 02897561488
LOCATION	Lands between 4 & 6 Sawmill Road Newcastle			
PROPOSAL	Single dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, would not respect the existing development pattern along Sawmill Road in terms of plot size and plot frontage onto the road.
- 3 The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Planning Policy Statement 2; Natural Heritage in that the development would be likely to have a significant effect on protected species including Bats, Badgers and Otters and insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0287/O

Date Received: 23rd February 2017

Proposal: Single dwelling and garage

**Location: Lands contained between 4 and 6 Sawmills Road, Drumee,
Bryansford, Newcastle.**



Site Characteristics & Area Characteristics:

The site in question is located on land that currently serves as a side garden for no 4 Sawmill Road at present. The site slopes from a north eastern direction to a south western direction down to an existing river. There is a stone wall between the site and the road and there are a mix of walls and planting surrounding the remainder of the site with trees to the bottom of the site.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is located within the Mourne Area of Outstanding Natural Beauty and also within a Countryside Policy Area. There are dwellings within the surrounding area located on generous plot sizes.

Site History:

R/2012/0223/F – 1 Sawmill Road, Castlewellan – proposed replacement dwelling and garage – granted 28-09-2012

R/2005/0486/F – 156 Newcastle Road (now 6 Sawmill Road) – new garage – granted – 09-05-2005.

R/2003/1491/F – 156 Newcastle Road, Castlewellan (now 6 Sawmill Road)
Proposed replacement dwelling retaining existing garage – granted – 6-02-2004

R/1989/0351 – Adjacent to 154 Newcastle Road, Castlewellan – replacement dwelling – refusal 24-08-1989.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

NI Water – No objections

NIEA - The development would be likely to harm bats and badgers protected by law and insufficient information has been submitted to establish otherwise.

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

Transport NI No objections to the application however have advised a new access will be required and the P1 should be amended to reflect this.

Objections & Representations

The application was advertised 15th March 2017 which expired 29th March 2017, neighbours were notified 9th March 2017 which expired 23rd March 2017, to date there have been no objections.

Consideration and Assessment:

The application is considered against Sustainable Development in the Countryside CTY 8 Ribbon Development.

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

An exception would be permitted for development of a small gap sufficient to accommodate up to a maximum of two houses within an otherwise substantial and built up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental factors.

The agent submitted a concept map to demonstrate the suitability of the site.

Property no 4 Sawmill has a frontage of 100m and within this setting there is a dwelling and detached garage, albeit in extremely close proximity to the dwelling.

Property no 6 Sawmill Road has a frontage of 191m and the site consists of a dwelling and two out buildings that are partly screened from the road due to a high stone wall running the length of the frontage.

Property no 2 does not face onto Sawmill Road but instead faces onto a private lane and it is the lane that adjoins the Sawmill Road, therefore property no 2 is not included in the consideration as it is not part of the existing frontage as it does not share a common frontage with the remainder of dwellings.

The resulting frontage of property no 4 would be 62m with the frontage of the site in question offering 38m.

Physically there is a separation distance of 74m between buildings and therefore physically there is sufficient room to accommodate an additional dwelling however the site presented would not respect the existing size and scale, siting and plot size of the existing frontage.

Property no 4 and 6 and their associated out buildings are set in substantial plots with gardens surrounding and offer a considerable frontage to the road, specifically in the case of property no 6 which is clearly identified with the stone walled frontage. The size of the proposed plot is not reflective of what exists in the area and would also alter the plot size and siting of the existing dwelling no 4. The proposed dwelling would appear to be in a restricted site when read in comparison with the nature of the surrounding development. The scale and nature of development existing would be difficult to repeat in the proposed plot due to the restricted size of the plot in comparison to existing development along the frontage. It is also noted that the site presented is sloping in nature and the design solution to accommodate a dwelling on this plot is likely to be very different from the style and form presented at present.

While it has been accepted that there is a continuous frontage of 3 or more buildings in a row the application is not considered acceptable in terms of CTY 8 Ribbon Development in that the proposed site does not respect the existing plot sizes nor will the resulting frontage be respective of what exists at present.

The application is also considered against CTY 13 Integration and Design of Buildings in the Countryside and on the basis of an outline application it appears a dwelling of suitable design could be accommodated on the site.

Given the nature of the site with heavy planting and mature trees to the rear of the site and a river corridor passing the rear of the site consideration is given to PPS 2, NH 5 Habitats, Species or Features of Natural Heritage Importance.

Planning permission will only be granted for a development proposal which is not likely to result in an unacceptable adverse impact on specific features including priority habitats, priority species and wetlands including river corridors.

NIEA was consulted on the application and has responded with comments from Natural Heritage and Conservation Areas stating that Natural Environment Division has concerns with the proposal and considers that, in the absence of further information, the proposal would be contrary to the Habitats Regulations and PPS 2. The response recommends that a preliminary ecological appraisal should be completed for the site to assess any potential impact upon any protected or priority species. The site is bounded by a wooded river corridor which may support otters which are a European Protected Species. The site also has the capability to support bats and badgers and in the absence of further information an assessment of the impact cannot be made. As the application has not been accepted in principle it would not be reasonable to put the applicant to the expense of providing the requested information, rather a refusal reason will be addressed to address this information's absence from the outset.



Above is a flood map from Rivers Agency flood maps.

The site itself is not contained within any Rivers Agency designations on this basis and from the evidence found when using flood maps it does not appear necessary to consult with Rivers Agency.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to Strategic Planning Policy Statement 2015 (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.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, would not respect the existing development pattern along Sawmill Road in terms of plot size and plot frontage onto the road.
- The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Planning Policy Statement 2; Natural Heritage in that the development would be likely to have a significant effect on protected species including Bats, Badgers and Otters and insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.

Case officer:

Authorised by:

Date:

Proposed Speaking Rights Agenda in respect of Planning Application LA/2017/0287/O

1.0 Case Officer Report:

Case Officer acknowledges/ states: *“Physically there is a separation distance of 74m between buildings and therefore physically there is sufficient room to accommodate an additional dwelling”*

Concept documents 2 & 3 further affirm.

Case Officer acknowledges/ states: *“ it has been accepted that there is a continuous frontage of 3 or more buildings in a row “*

2.0 6 Sawmills Road -- A unique material consideration.

The 1.78 Ha - 4.39 Acre “Plot” size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer’s report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Support Documentation affirms.

3.0 PAC Decision 2011/A0044

Commissioner Pauline Boomer concluded - as highlighted our emphasis).

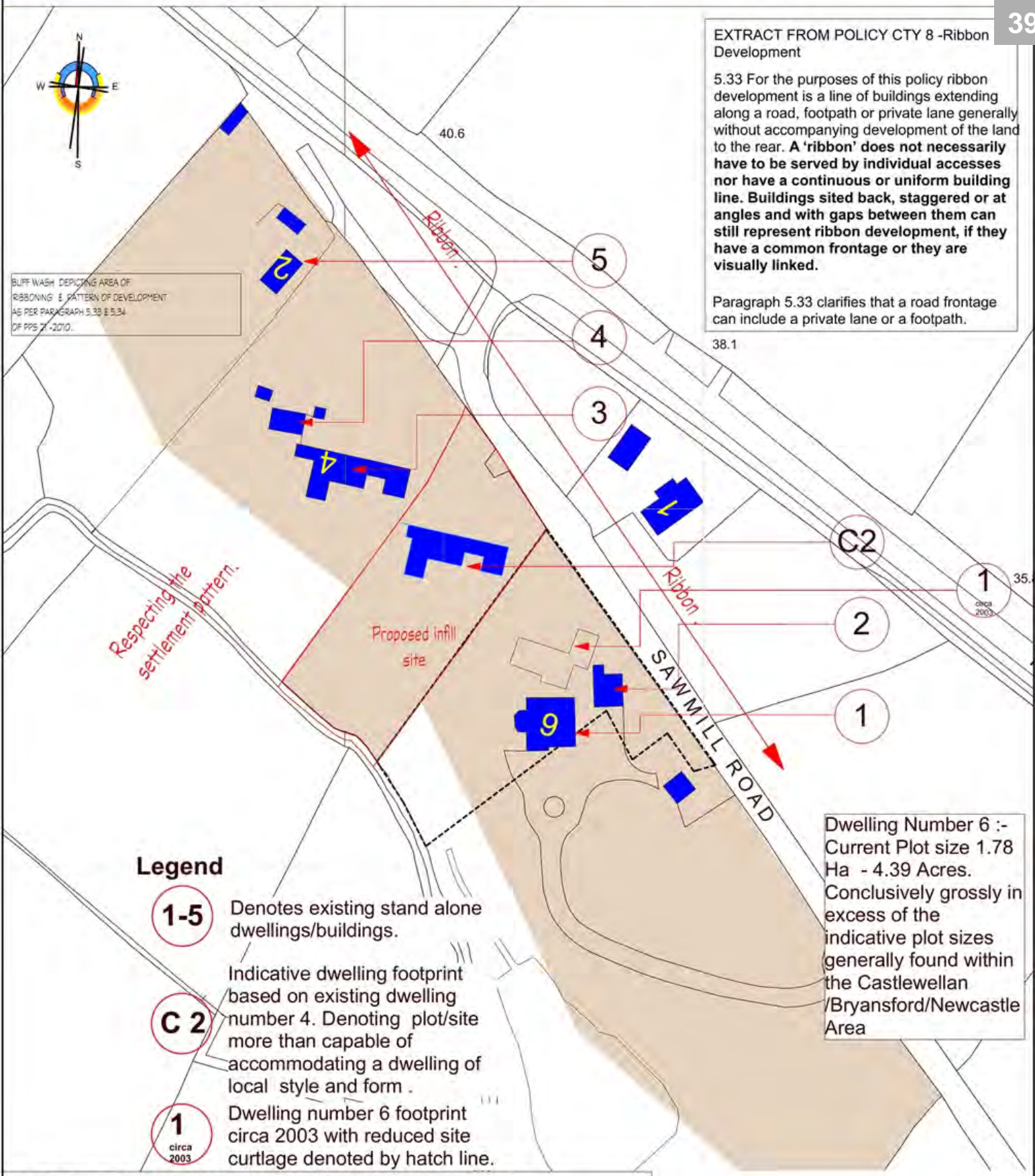
“There is ambiguity in this policy between the definitions of ribbon development and substantial frontage and in such circumstances, the interpretation of policy most favourable to the appellant should be applied.”

4.0 Council: Negative Condition

If granting approval Council either issues approval with a negative condition to address the NIEA response or holds the application subject to the submission of Ecology report.

5.0 Conclusion:

It is respectfully held that Council in this unique situation grant approval



EXTRACT FROM POLICY CTY 8 -Ribbon Development

5.33 For the purposes of this policy ribbon development is a line of buildings extending along a road, footpath or private lane generally without accompanying development of the land to the rear. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

Paragraph 5.33 clarifies that a road frontage can include a private lane or a footpath.

BLUFF WASH DEPICTING AREA OF RIBBONING & PATTERN OF DEVELOPMENT AS PER PARAGRAPH 5.33 & 5.34 OF PPS 21 -2010.

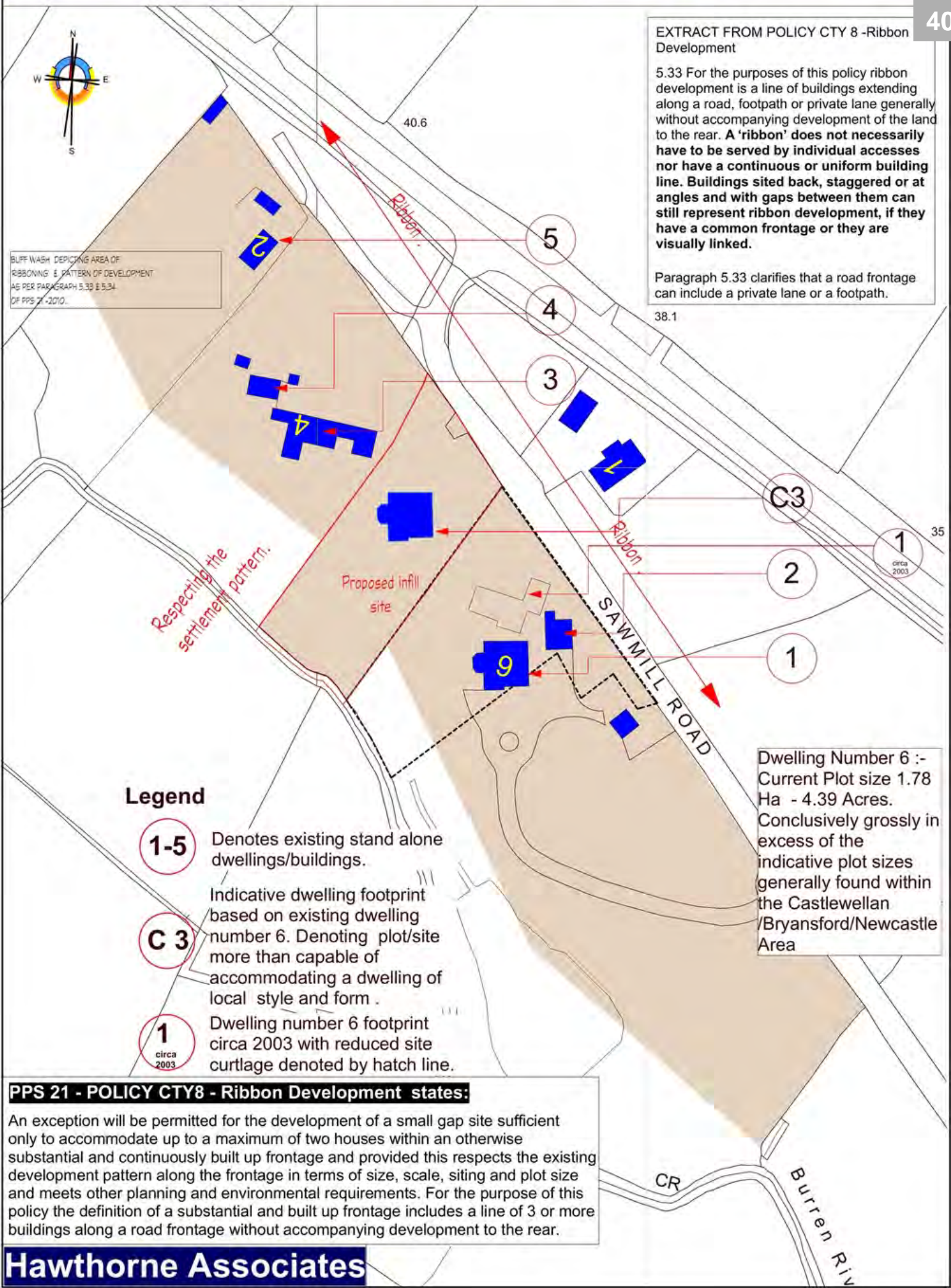
Legend

- 1-5** Denotes existing stand alone dwellings/buildings.
- C 2** Indicative dwelling footprint based on existing dwelling number 4. Denoting plot/site more than capable of accommodating a dwelling of local style and form .
- 1** Dwelling number 6 footprint circa 2003 with reduced site curtlage denoted by hatch line.

Dwelling Number 6 :-
 Current Plot size 1.78 Ha - 4.39 Acres.
 Conclusively grossly in excess of the indicative plot sizes generally found within the Castlewellan /Bryansford/Newcastle Area

PPS 21 - POLICY CTY8 - Ribbon Development states:

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.



EXTRACT FROM POLICY CTY 8 -Ribbon Development

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Paragraph 5.33 clarifies that a road frontage can include a private lane or a footpath.

BLUFF WASH DEPICTING AREA OF RIBBONING & PATTERN OF DEVELOPMENT AS PER PARAGRAPH 5.33 & 5.34 OF FPS 7 -2010.

Respecting the settlement pattern.

Proposed infill site

SAWMILL ROAD

Legend

- 1-5** Denotes existing stand alone dwellings/buildings.
- C 3** Indicative dwelling footprint based on existing dwelling number 6. Denoting plot/site more than capable of accommodating a dwelling of local style and form .
- 1** Dwelling number 6 footprint circa 2003 with reduced site curtlage denoted by hatch line.

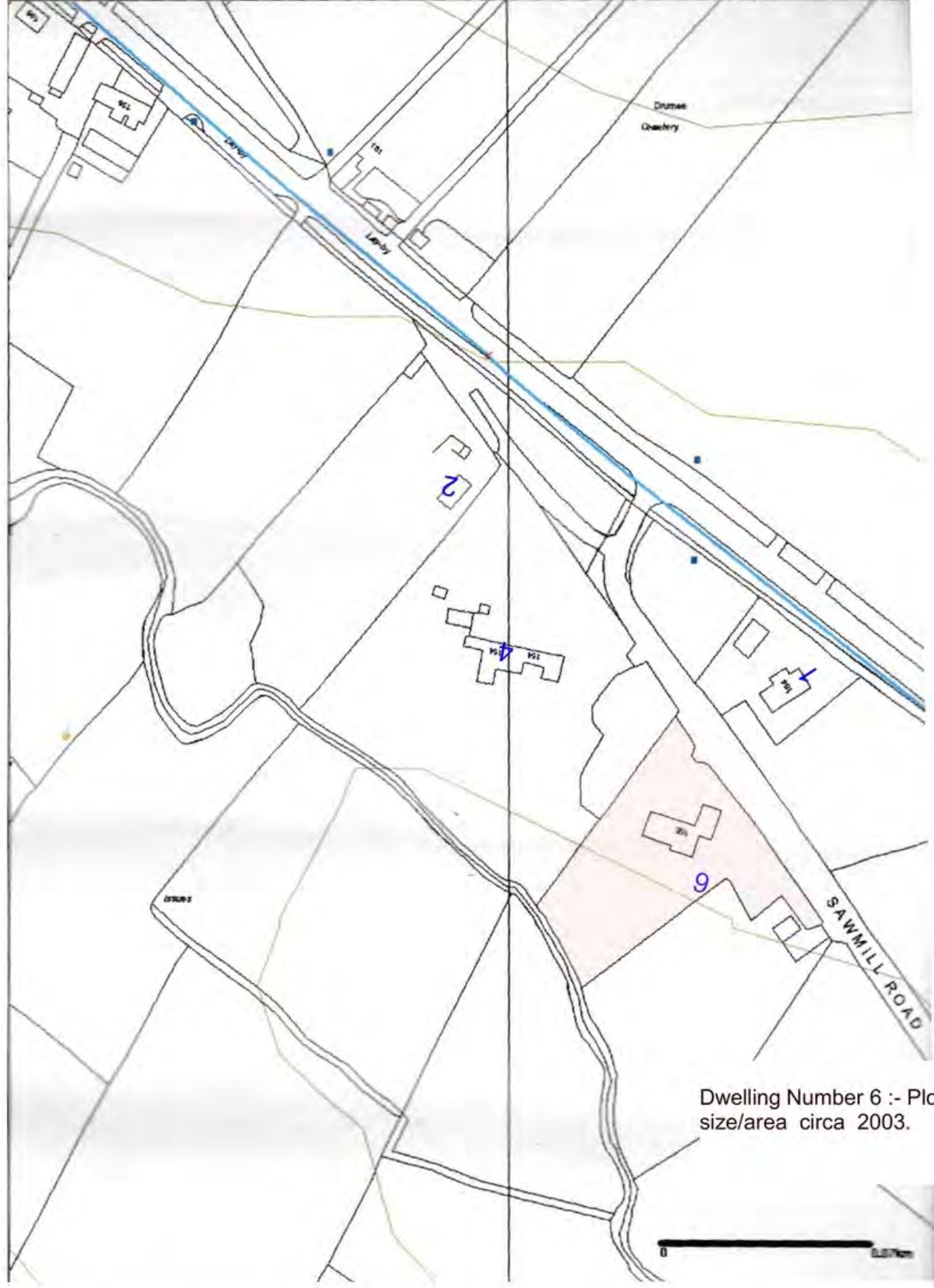
Dwelling Number 6 :-
Current Plot size 1.78 Ha - 4.39 Acres.
Conclusively grossly in excess of the indicative plot sizes generally found within the Castlewellan /Bryansford/Newcastle Area

PPS 21 - POLICY CTY8 - Ribbon Development states:

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.



Center: 335593,334013 MapSheet: Scale 1: 1250 Date 01-21-2003

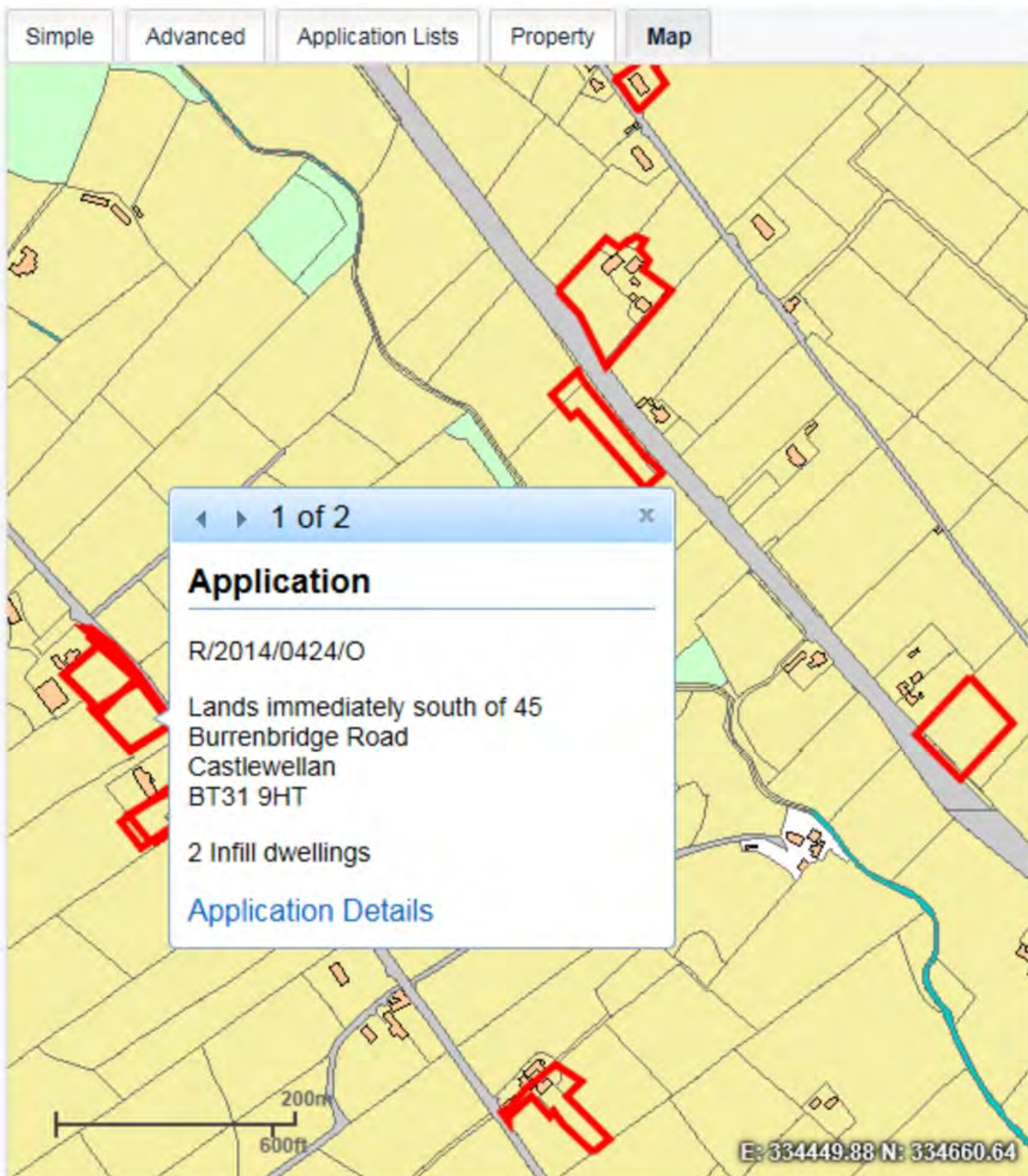


Dwelling Number 6 :- Plot size/area circa 2003.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.



Approved Plot Frontages – circa 44 Metres.

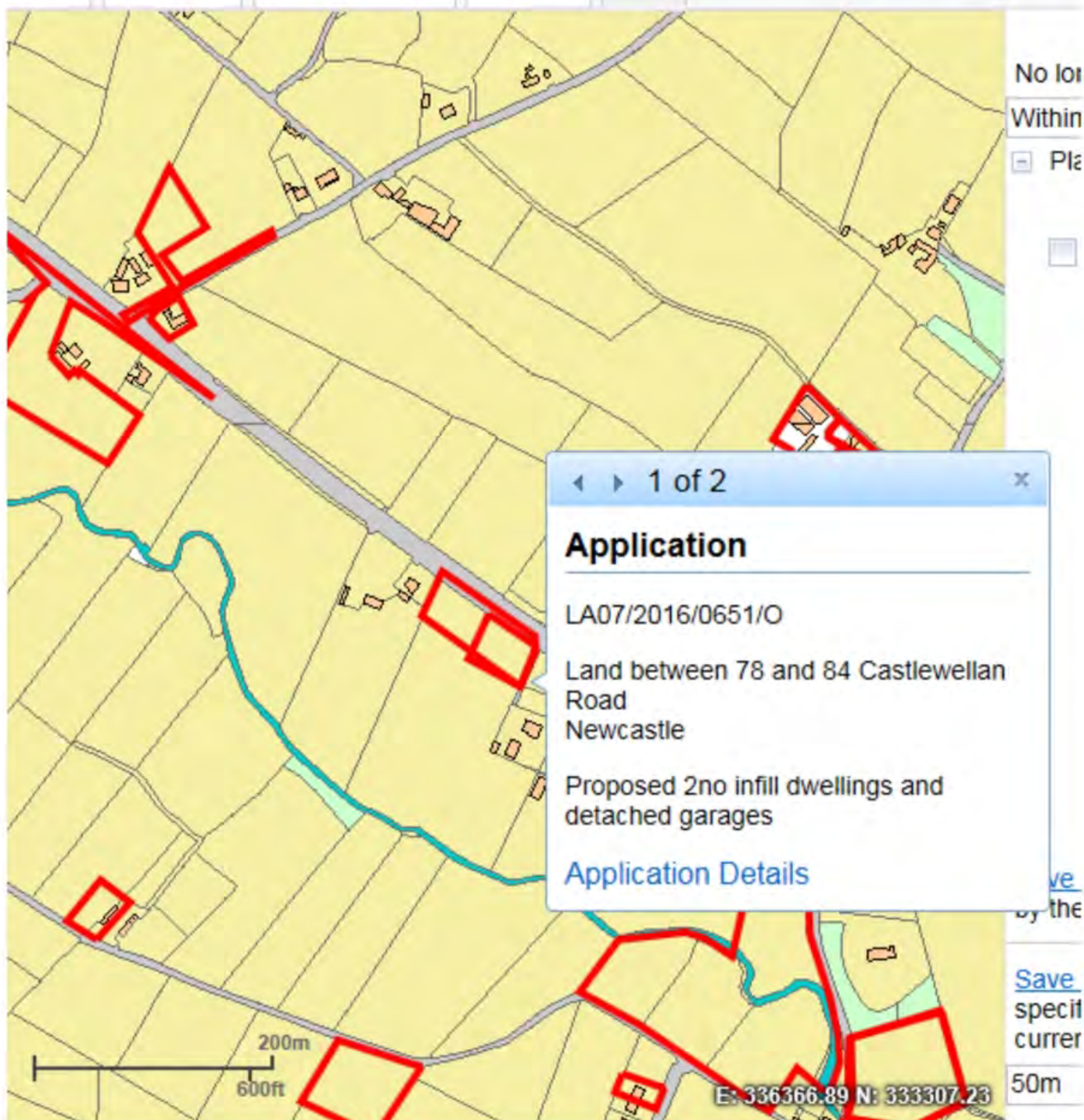
Plot depth circa 40 Metres.

This example affirming the 1.78 Ha - 4.39 Acre "Plot" size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer's report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.



Approved Plot Frontages – circa 47 Metres

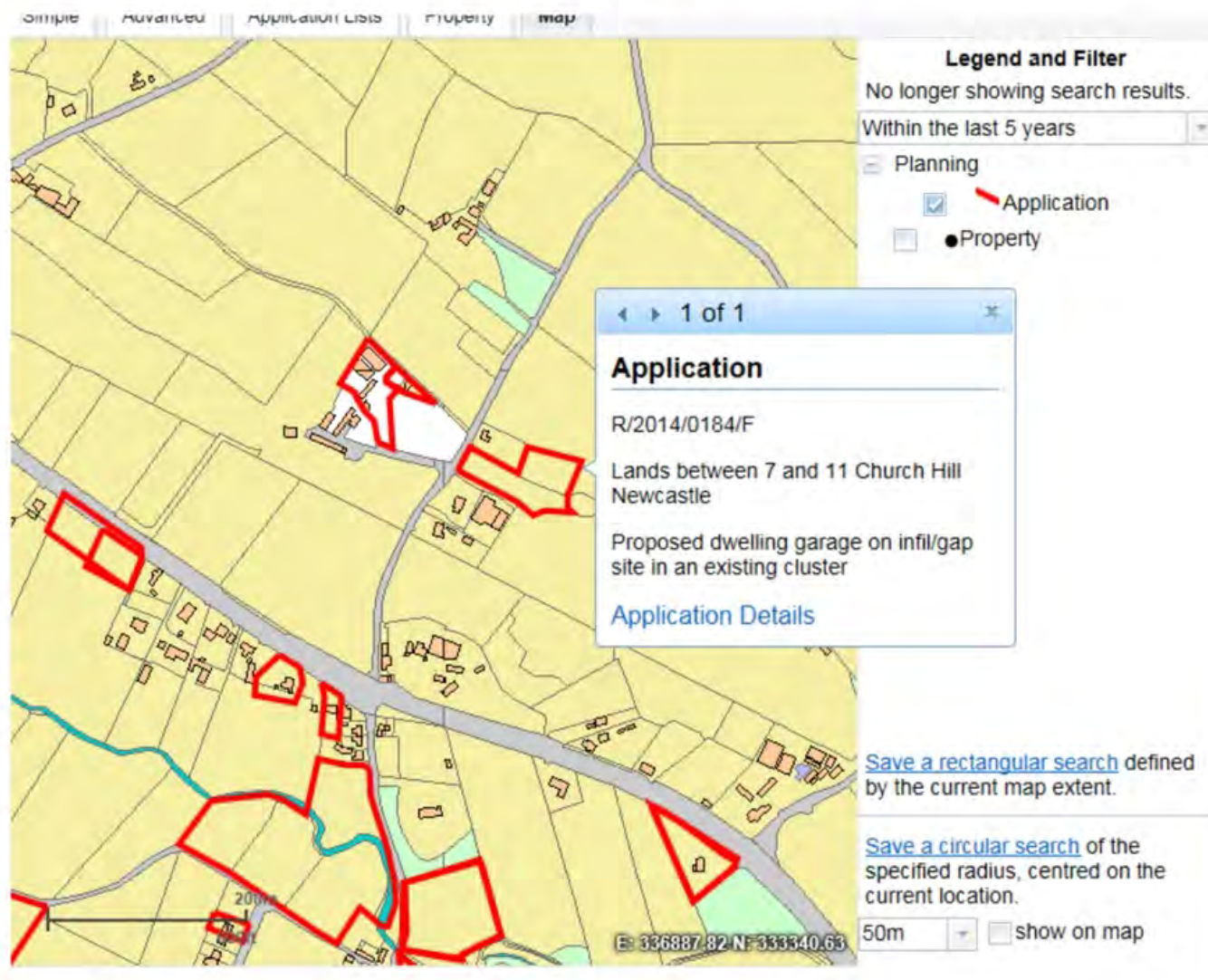
Plot depth circa 40 Metres

This example affirming the 1.78 Ha - 4.39 Acre "Plot" size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer's report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.



Approved 14/08/2014

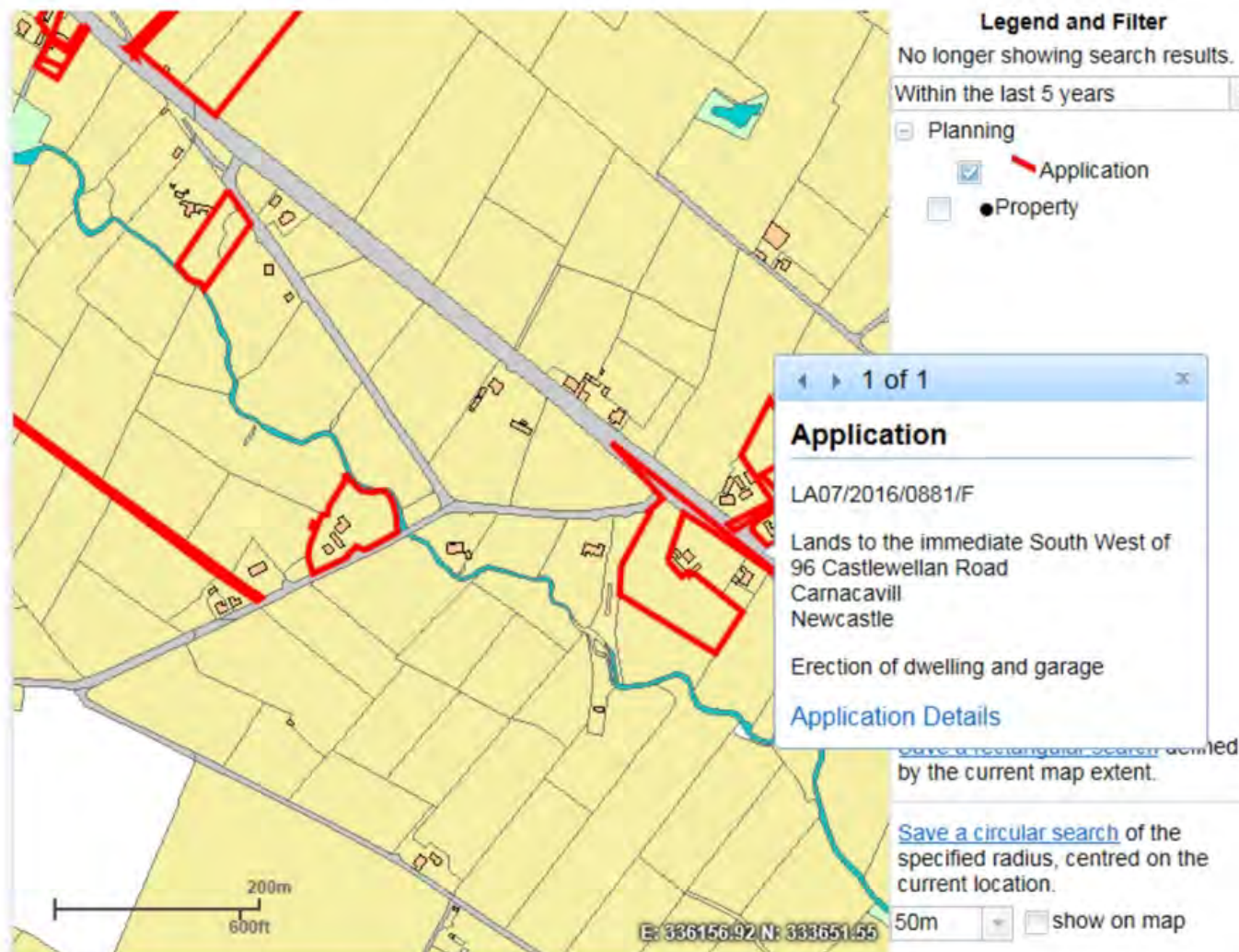
Approved Plot Frontage – circa 25 metres.

This example affirming the 1.78 Ha - 4.39 Acre "Plot" size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer's report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.



Approved Plot Frontage – circa 25 Metres.

Plot depth circa 67 Metres

In this example, the Case Officer’s Report - Part extract states *“As stated above the levels of this field are below road level and continue to slope away to the rear boundary and river. As such this site is considered to be low lying whereby the levels proposed will respect existing, whereby these levels, existing planting, vegetation and boundary treatment will assist in the integration of this dwelling. As such it is considered the proposal does not offend Policy CTY13 and 14 of PPS21”*

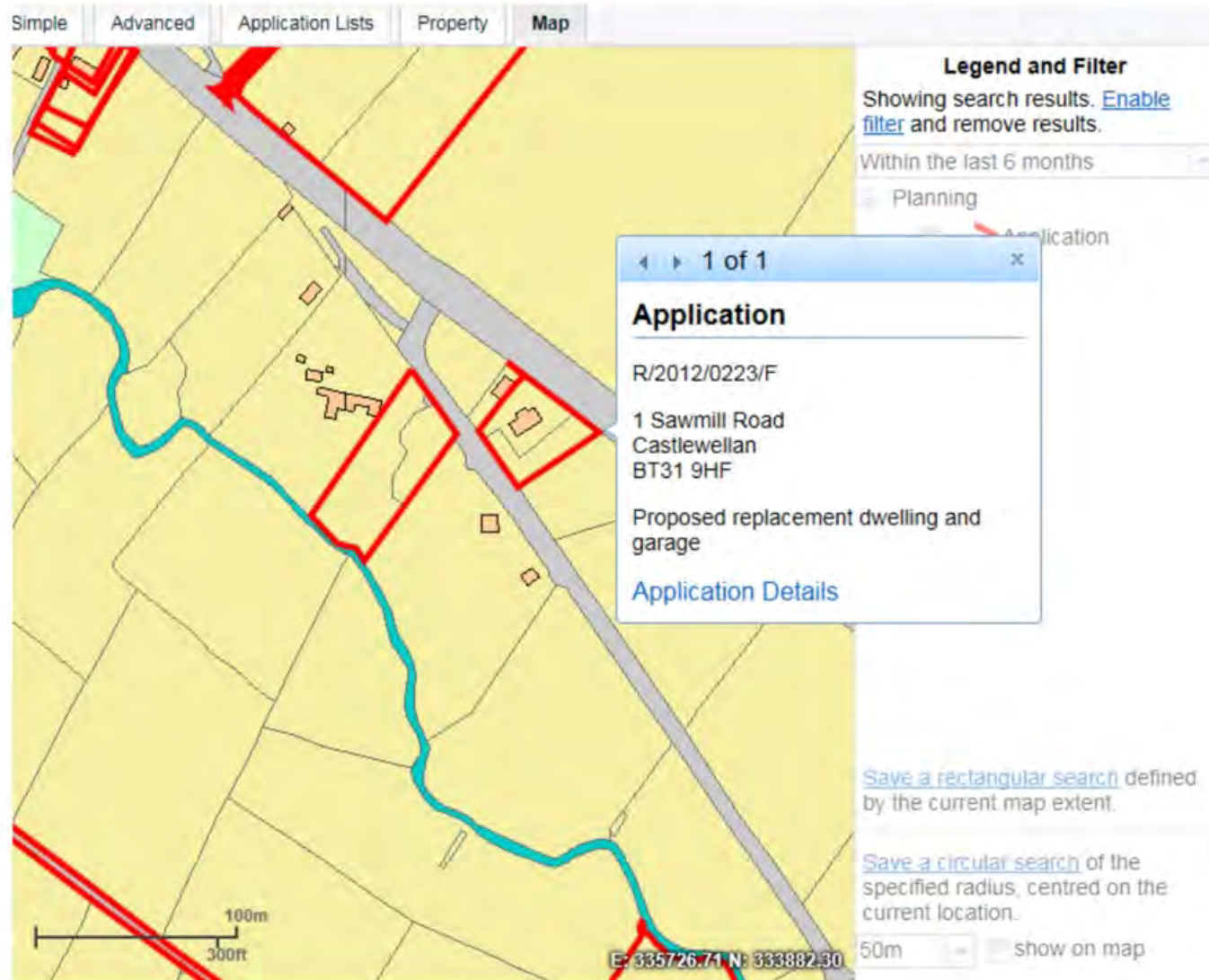
These levels / grades and gradient when compared to/against current application site are LA07/2016/0287/O are virtually identical.

This example affirming the 1.78 Ha - 4.39 Acre “Plot” size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer’s report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.



Approved Plot Frontage – circa 40 Metres

Plot depth circa 45 Metres

Application site LA07/2017/0287/O has an identical frontage width proposal corresponding to the immediately opposite property 1 Sawmill Road Castlewellan.

This example affirming the 1.78 Ha - 4.39 Acre "Plot" size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer's report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

ITEM NO	5			
APPLIC NO	LA07/2016/1483/F	Full	DATE VALID	11/3/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Michael McConville 19 Carrickrovaddy Road Jerrettspass Newry BT34 1SN		AGENT	Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN 028 86763515
LOCATION	Land approx. 100m NW of 16 Carrickrovaddy Road Jerrettspass Newry BT34 1SN			
PROPOSAL	Proposed free range poultry shed with 2no feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	4	0	0	0
			Addresses	Signatures
			Addresses	Signatures

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21 in that
 - it is not appropriate to this location due to the unacceptable character and scale of the development;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 - the proposal is sited away from the existing farm buildings and it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and
 - that health and safety reasons exist to justify an alternative site away from the existing farm buildings;
 - that the alternative site away is essential for the efficient functioning of the business.

- 2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
 - the impact of ancillary works would damage rural character; and therefore would not visually integrate into the surrounding landscape and would result in a detrimental change to the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1483/F

Date Received: 03.11.16

Proposal: Proposed free range poultry shed with 2no feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs)

Location: Land approx. 100m NW of 16 Carrickrovaddy Road, Jerrettspass

Site Characteristics & Area Characteristics:

Site comprises of small portion of a much larger elevated and roadside agricultural field fronting onto Carrickrovaddy Road.

Site History:

No planning history

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015

PPS3, DCAN 15 and Parking Standards: Transport NI comments dated 22.11.16 have no objections

PPS6: No impact to built heritage or archaeological interests

PPS15: Rivers Agency in comments dated 12.01.17 have raised no objections

SPPS and PPS21 (CTY12, CTY13 and CTY14)

Active and Established Agricultural holding:

DAERA in their consultation response dated 14.12.16 advise that the farm business has been in existence for more than 6 years and single farm payments have been made within the last year indicating that the farm is active and established at this location.

Necessary for the efficient operation of the holding

In correspondence from the agent dated 3rd November 2016 he advises that the poultry shed represents a major economic investment for the applicant which is essential for the long term survival of the existing holding, diversification of this type will support the farm income and ensure long term survival.

Sited beside existing farm buildings on the holding

Mr Mc Cornville's holding is registered to No. 19 Carrickovaddy Road which comprises of an existing farm dwelling and agricultural buildings. The proposed site is located approximately 200m NW away from the farm buildings and is not visually linked or grouped with them. The policy is very specific with regard to new buildings in that they 'must be sited beside the existing farm' to which this proposal fails to adhere.

The agent has set out in correspondence (dated 21.04.17, 16.03.17 and 03.11.16) justification for an alternative site elsewhere on the holding stating that there are no suitable buildings within the holding built to meet specifications required, land immediately beside existing farm buildings is unsuitable as it cannot meet 'maximum' density levels for 16000 birds (2000 birds per hectare British Egg Industry Council 21.04.17/ 2500 birds per ha Ulster Farmers Union 16.03.17) and in the interests of biosecurity the separation of poultry units from other farm activities negates risk of disease to flock.

Despite the justification provided above it has not been adequately demonstrated that there are no alternative sites available at another group of buildings on the holding, nor has there been any health and safety reasons outlined to justify an alternative site away from the existing farm buildings. Proposals are not deemed exceptional, do not meet the requirements of planning policy and a poultry shed could be located beside the existing farm buildings meeting the requirements of planning policy

Character and Scale appropriate to Location

The proposed shed is of typical character and scale of poultry houses located in the countryside.

Integration/ Landscaping

The site is located on elevated land with long distant views from Jockeys Brae, Knockduff Road and Tandragee Road from these vantage points the site would not fulfil the criteria of CTY 13 due to the prominent and open nature of the site. It is difficult to envisage how a poultry shed including ancillary works or even in the case of a modest dwelling could be adequately integrated when it is located on such an open and exposed site with no degree of enclosure or screening.

The proposed poultry shed will be located mid frontage of a much larger roadside agricultural field with no means of separation of the site from surrounding ground. This portion of the site has only one existing vegetative boundary along the frontage

which will be entirely removed to accommodate visibility splays along with ancillary works to provide access/ hard standing along with the formation of a level platform to facilitate development will require extensive site works and thus the open and prominent nature of the site will be clearly amplified and exposed when viewed from the Carrickvaddy Road in either direction.

The poultry shed proposed for this site cannot be adequately integrated as it will sit higher than the roadside boundary and will require substantial landscaping in order to be adequately integrated. Any new build at this location will appear dominant in the local landscape and will cause an adverse visual impact and an unacceptable change in rural character of this area.

Adverse Impact on Natural Built Heritage

HED Monuments have raised no objections in their consultation dated 29.06.17

Impact to Amenity

Objections have been received from neighbours at Nos.14 Carrickvaddy Road and Brilliant Red Limited of 10 Carrickvaddy Road these properties are sited approximately 120 – 197m away from the proposed poultry house, properties 15, 16 and 17 are located much closer (80-100m) and no issues have been raised by these occupiers. Environmental Health has considered the objections but has raised no concern with regard to impact to amenity. The proposed location of the poultry house will not cause adverse impact to the amenity of nearest neighbours through loss of light, privacy etc.

Consultations:

NIEA (17.02.17) - No objections raised

Rivers (12.01.17) - No objection

DAERA (14.12.16) - Farm business i.d for more than 6 years and single farm payments within last year

Environmental Health (13.12.16) - Non objection in principle

Transport NI (22.11.16) - No objection

HED (29.06.17) - Content

Objections & Representations

13 Neighbours notified

Advertised November 2016

4 letters received from 2 Objectors

Issues:

- Smell
- Dust
- Noise
- Vermin
- Road Infrastructure
- Viability of project
- Free range definition
- Request for notification for speaking rights

Consideration of Issues:

Environmental Health have considered objections and have raised no concerns with regard to smell, dust, noise, vermin etc. nor have they raised any general concerns with regard to impact to amenity. Transport NI have also raised no concerns with regard to road infrastructure.

In terms of viability of the project or indeed the free range definition this is outside the remit of the planning authority to comment.

With regard to request of speaking rights the objectors/ objectors representative will be notified should the application be presented before committee.

Consideration and Assessment:

Objections have been fully considered. Proposals fail to meet the requirements of planning policy for the reasons set out above and is recommended for refusal

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21 in that

- it is not appropriate to this location due to the unacceptable character and scale of the development;
- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
- the proposal is sited away from the existing farm buildings

and it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and

- that health and safety reasons exist to justify an alternative site away from the existing farm buildings;

- that the alternative site away is essential for the efficient functioning of the business.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY13 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
- the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
 - the impact of ancillary works would damage rural character;
- and therefore would not visually integrate into the surrounding landscape and would result in a detrimental change to the rural character of the countryside.

Case Officer

Authorised Officer

Photographs



7th September 2017

Our Ref: 15173

Your Ref: LA07/2016/1483/F

Re: Proposed Free Range Poultry Shed with 2No. Feed Bins and a Standby Generator Building at Land Approx. 100m N.W. of 16, Carrickrovaddy Road, Jerrettspass, Newry, BT34 1SN, for Mr. Michael McConville. (Poultry Shed to Contain 16,000 Free Range Egg Laying Hens)

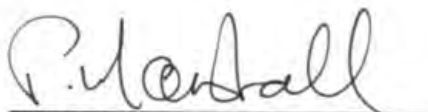
This scheme was discussed last month at Committee and it was agreed that the Committee members would visit the site.

I understand this visit will take place on the morning of the next Committee Meeting (13th September 2017).

I trust the site visit will prove that no distant views exist where the proposed shed can be seen and with additional landscaping (as allowed under PPS 12 Section C) will visually integrate into the immediate landscape.

The reason for site selection remains as previously indicated and I trust the Members and indeed the Planners have acquainted themselves with the various Rules and Regulations with regard to Range Areas required for this size of Free Range Poultry Unit.

I trust I will be able to answer any further queries the Committee Members may have and I would urge the Committee to reverse the Planning recommendation and pass this scheme which will bring investment and employment into this area and revitalize a struggling Farm Business.



PHILIP MARSHALL

For Henry Marshall Brown Ltd.

Encs.

ITEM NO	7		
APPLIC NO	LA07/2017/0049/F	Full	DATE VALID 1/13/17
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr & Mrs McGivern Ingleside 5 Windsor Avenue Newry BT34 1EQ	AGENT	Colin Dalton (Gray Design LTD) 5 Edward Street Newry BT35 6AN 028 3025 1885
LOCATION	Ingleside 5 Windsor Avenue Newry BT34 1EG		
PROPOSAL	Proposed garage with home office 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 designation NY104 of the Banbridge, Newry and Mourne Area Plan 2015, paragraph 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy ATC2 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character, in that the proposed building does not respect the built form of the area, does not make a positive contribution to the townscape and fails to maintain or enhance the overall character of this Area of Townscape Character.
- 2 The proposal is contrary to Para 1.13 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT1 in that:
 - (a) the scale, massing, design and external materials are not sympathetic with the built form would detract from the character of the surrounding area;
 - (c) the proposal would result in an unacceptable loss of trees and landscape features which contribute significantly to the local environmental quality



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**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/0049/F

Date Received:

04/07/2016

Proposal:

Proposed garage with home office and gym

Location:

Ingleside, 5 Windsor Avenue, Newry, BT34 1EG

Site Characteristics & Area Characteristics:

Located along Windsor Avenue, in an exclusively residential area, the site comprises a relatively sized road side plot enclosed by a 3m high wall and mature roadside foliage and comprising a chalet style dwelling built into the sloping hillside, which includes a lower level garage built into the design. To the front, there is an existing landscaped garden with steeply winding driveway access. The plot sits between No.7, a single storey dwelling to the north, and No. 3 to the South, an established nursing home, with the shared southern boundary formed by steel fencing and a collection of mature trees which extend to the roadside. The area is characterised by mature plot sizes which benefit from mature roadside vegetation. There are a number of listed buildings in the vicinity, including Glebe House, a grade B listed former rectory, located further south of No.5.

Site History:

P/2010/0180/F: Erection of extension to the rear of dwelling with minor alteration and refurbishment works, permission granted

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015 (BNMAP)
- PPS 6 'Planning, Archaeology and Heritage'
- Addendum to PPS6 'Areas of Townscape Character'
- Addendum to PPS 7 'Residential Extensions and Alterations'

Consultations:HED: Historic Buildings:

Considers that the proposal satisfies Policy BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage as it has no greater demonstrable harm on the Listed Building. (Subject to conditions attached)

HED: Historic Monuments:

On the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements

Transport NI:

no response required given domestic use i.e.no proposed intensification of existing access.

Objections & Representations

- 8 Neighbour notified issued 30/01/2016 (statutory expiry 13/02/2017)
- Application advertised in 3 press publications (statutory publication expiry 17/02/2017)
- 0 objections or responses have been received.

Consideration and Assessment:

This application seeks full permission for the development of a garage with home office and gym within the curtilage of an existing dwelling.

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The subject site is located within the settlement limits of Newry (NY01) and is also within Windsor Hill designated Area of Townscape Character (NY104) as identified by the BNMAP 2015. In addition, the site is in proximity to a designated archaeological site and monument (Soutterain, historical reference DOW046:048.)

Historic Environment Division having considered the information provided is content that the proposal (subject to conditions) would meet the policy requirements of PPS6 in terms of policy BH11 and the archaeology requirements.

Para 6.21 of the SPPS in addition to Policy ATC2 of the Addendum to PPS6 stipulate that new development in an ATC should only be permitted where it would maintain or enhance the overall character of the area and respect its built form. In addition, policy EXT1 of the addendum to PPS7 sets out the criteria which must be met for all residential extensions and alterations which includes garages.

Windsor Hill ATC comprises many large houses of varying architectural styles, which benefit from mature landscaped plots which are important to the setting of the individual houses and character of the area as a whole. This proposal comprises the development of a garage with home office and gym sited in the south western area of the curtilage, close to the roadside and forward of the existing building line. In

terms of siting, this does not respect the existing settlement pattern of the area. In addition, policy EXT1 seeks to avoid garages being sited wholly in front gardens or those which extend in front of the established building line, as they can over-dominate the front of the property and detract from the street scene, which I feel would be the case in this context.

Both Policies EXT1 and ATC2 seeks to protect landscape features which contribute to the distinctive character of the area and encourage their integration in a suitable manner into the layout of development. This proposed siting proposed would involve the removal of mature road side trees and established foliage which I feel would be a significant loss to the character of this area.

As outlined by policy EXT1, garages should be subordinate in scale and similar in style to the existing property, taking account of the local character and level of visibility of the building from surrounding views. The design proposed includes a split level building, built into the site's contours, which measures 11m in length by 7.5m in width, with a height of 8.25m from finished floor level to its highest point. Proposed finishes are to match those of the existing dwelling, including dashed painted rendered walls, non-profiled roof slates and uPVC window frames and rainwater goods. Given the existing and proposed boundary arrangement, the proposed building is not expected to unduly affect the privacy or amenity of neighbouring residents. In addition, sufficient space would remain within the curtilage of the property for recreational and domestic purposes, including parking.

Whilst the scale of the building is subordinate to the existing dwelling, given the siting proposed, the building would sit at a ridge level of approximately 28m at its highest point, some 10m higher than the road level. Whilst the existing wall and proposed landscaping to the south would help to screen the building when travelling along Windsor Avenue, the development, in my opinion would over-dominate the front of this plot and detract from the character of the existing street scene.

The agent was made aware of the initial concerns in respect of policies EXT1 and ATC2. A justification for the need was returned, which include the restrictions of this site to accommodate the building in an alternative location. Given that the fundamental concerns are in relation to siting and the restrictive nature of the site, amended drawings were not requested. Considering this, together with the fact that an existing (albeit) smaller garage exists, together with the above assessment, I am of the opinion that the proposal is inappropriate in the context of this site and would in my opinion detract from the character of this ATC and does not respect the existing built form. Were this development to be approved, it could set a precedent for similar road side development in the area.

Recommendation: Refusal

Reasons for refusal

1. The proposal is contrary to the designation NY104 of the Banbridge, Newry and Mourne Area Plan 2015, paragraph 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy ATC2 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character, in that the proposed building does not respect the built form of the area, does not make a positive contribution to the townscape and fails to maintain or enhance the overall character of this Area of Townscape Character.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT1 in that:
 - (a) the siting and massing are not sympathetic with the built form would detract from the character of the surrounding area;
 - (b) the proposal would result in an unacceptable loss of trees and landscape features which contribute significantly to the local environmental quality

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



GRAY DESIGN LIMITED

Architecture Interior Design Project Management

60

Planning Office
Newry Mourne & Down Council
O Hagan House
Monaghan Row
Newry

Proposed garage with home office and gym

7th August 2017

Ref. GD2999

Your Ref. LA07/2017/0049/F

Dear Sir / Madam,

We understand that the above application is to be presented with the opinion to refuse on the grounds of

1 *The proposal is contrary to the designation NY104 of the Banbridge, Newry and Mourne Area Plan 2015, paragraph 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy ATC2 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character, in that the proposed building does not respect the built form of the area, does not make a positive contribution to the townscape and fails to maintain or enhance the overall character of this Area of Townscape Character.*

2 *The proposal is contrary to Para 1.13 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT1 in that:*

(a) the scale, massing, design and external materials are not sympathetic

(b) with the built form would detract from the character of the

(c) surrounding area;

(d) the proposal would result in an unacceptable loss of trees and landscape

(e) features which

contribute significantly to the local environmental quality.

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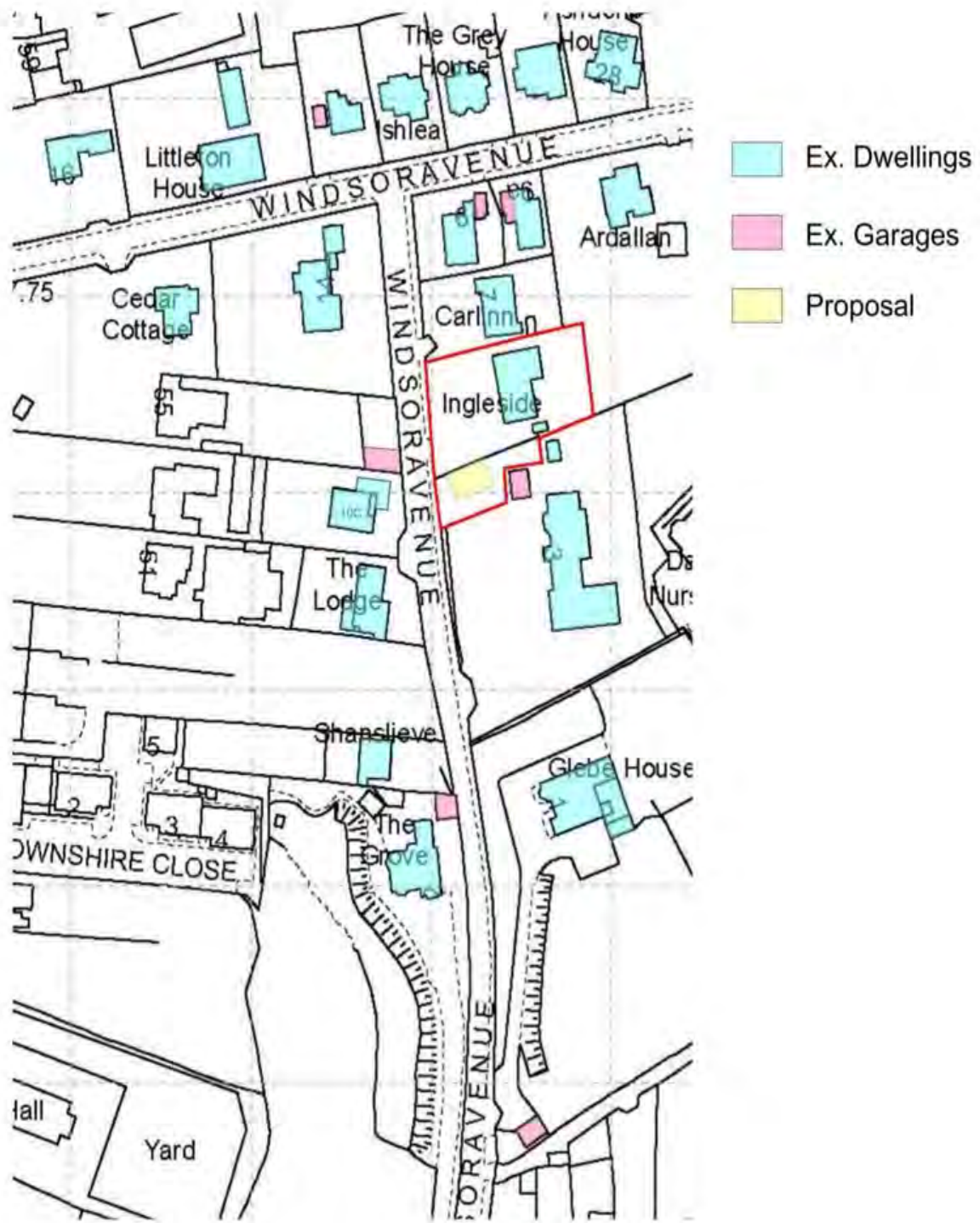
We would request that the Planning Service afford us speaking rights at the meeting on the 16th of August 2017 and provide the following additional information in support of our application;

Regarding point 1 – the case officer stated the following in the report “.....the development of a garage with home office and gym sited in the south western area of the curtilage, close to the roadside and forward of the existing building line. In terms of siting, this does not respect the existing settlement pattern of the area. In addition, policy EXT1 seeks to avoid garages being sited wholly in front gardens or those which extend in front of the established building line, as they can over-dominate the front of the property and detract from the street scene, which I feel would be the case in this context.”

We would be of the opinion that the proposal is not forward of the building line as there is no continuous building line on Windsor Avenue, see the sketch on the next page, clearly showing the development along Windsor Avenue steps in and out along the road frontage. Therefore we feel it does respect the existing settlement

In fact there are 4Nr garages located to the front of dwellings on Windsor Avenue (shown in pink) including one directly across from the proposal on the road edge.

When the applicant purchased this property some years ago it was in bad disrepair they applicant at great expense refurbished the property to retain the original character and intends to construct the garage with the same high attention to detail.



The dwelling opposite the application site has recently constructed an extension to the front of the dwelling (LA07/2015/0191/F) – this extension is located closer to the road edge than our current proposal and is currently being used as a commercial beauty salon.



In the case officers report it is agreed that the proposal is subordinate to the existing dwelling but it is noted that the ridge level would sit approximately at 28M at its highest point – to clarify on our section the 28M level is the os datum in relation to sea level, our garage has a proposed ridge level (l from Windsor Avenue of approx. 4.9M, this is considerably lower than the dwelling and almost 3.3M below the neighbouring garage to the rear. As can be seen from the sketch below the existing 3.4M high stone wall conceals the split level construction. See below existing and proposed street elevations / existing and proposed sections.

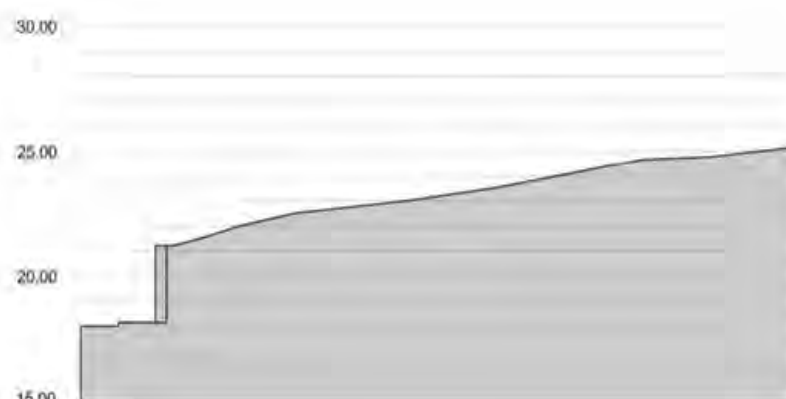


FRONT ELEVATION FROM WINDSOR AVE

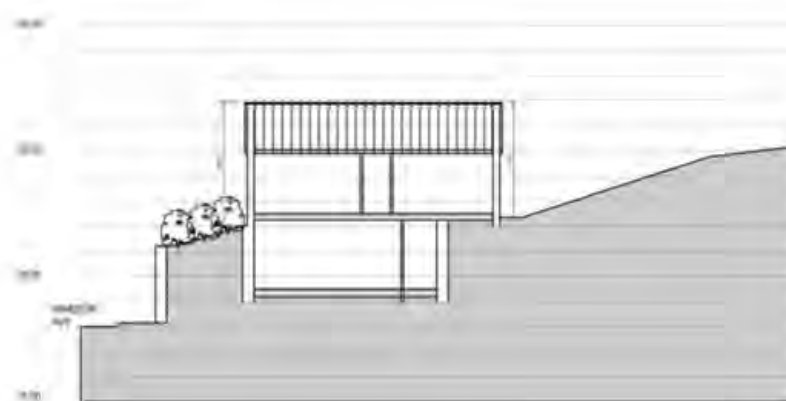


FRONT ELEVATION FROM WINDSOR AVE





SECTION AA



SECTION AA

As was noted in the case officer's report it was confirmed that there is no other location available on the site for this garage, however there is reference to an existing garage – we would like to confirm that the existing "garage" is 2.1 x 3.8 room– which is used as a store.

The case officer reports that it is the opinion that this will over-dominate the site and has also recommended refusal due to loss of landscaping and trees. The proposed location for the garage is currently overgrown with dead shrubs and very poor mix of vegetation including some dangerous trees which the applicant has been advised to have to be felled – this area is currently very overgrown and impossible to maintain. It is the intention of the applicant to remove all these shrubs / trees – these works are to proceed irrespective of the outcome of this application. Below are some photographs taken of the overgrown area.





Justification.

Currently (as can be seen from the photos below) the driveway to the dwelling is very steep and can only be approached from the South due to the 334deg turn which is impossible to manoeuvre when approached from the North. Currently the owners are required to reverse back down the steep drive and onto the main road as there is no turning area available at the dwelling. Visitors coming to the house are required to park on Windsor Avenue – this has created both a problem for visitors and the applicants childminder who is the children's grandparents - currently the children have to run down the driveway onto the main road to get in and out of the car.

As can be seen from the drawings we propose to create a garage that allows cars to park in and also creates a turning area at the bottom of the driveway.

In the winters due to the frosty weather the applicant is forced to park both cars on the main road as there is no area (as we are proposing) at the bottom of the driveway.

Windsor Avenue for anyone that is familiar with the areas is a short cut from the Belfast road to the Rathfriland road and is very busy at most times of the day .

One of the primary reasons for this application is to create a **SAFER** entrance for the applicants and also a SAFER area off the main road for visitors to park and enter and exit in forward gear.





Conclusion

The applicant has spoken to the neighbours who are more than happy to have this entire area tidied up as it is also causing issues with vegetation overgrowing onto their property.

As was mentioned in the case officer's report, we were not afforded the opportunity to submit further or revised drawings and hope the information contained in this report clarifies the issues raised.

And finally we are happy to take on-board any further comments the councillors or department have regarding the application and also if any revision are required to the application.

Yours Faithfully



Colin Dalton

For and on behalf of GRAY DESIGN LTD

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

Council Newry, Mourne and Down

Date 9/13/17

ITEM NO	1			
APPLIC NO	LA07/2015/0054/F	Full	DATE VALID	2/19/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Murlough Farm Eggs 23 Keel Point Dundrum BT33 0NQ		AGENT	John Kirkpatrick Architect Fox Hollows 20 Ballyknockan Road Saintfield BT24 7HJ 02890812806

LOCATION 355m SE of No 23 Keel Point Dundrum BT33 0NQ

PROPOSAL Proposed poultry laying shed for up to 16,000 birds and 3m dia feeder bin.

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	2	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Policies NH1 and 3 of Policy Statement 2: Natural Heritage, in that development would, if permitted, have an unacceptable adverse impact on the conservation objectives of the designated sites.
- 2 The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) in that insufficient information regarding a Nutrient Management Plan has been submitted to enable the Authority to make an informed decision on the proposal.
- 3 The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and CTY12 of PPS21 in that insufficient information, by way of an odour assessment, has been submitted to enable the Authority to make an informed decision on the impacts of the proposal on neighbouring residential amenity.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0054/F

Date Received: 19.02.2015

Proposal: The application is for full planning permission for a proposed poultry laying shed for up to 16,000 birds and 3m dia feeder bin.

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 at Keel Point and is accessed via an existing laneway leading to a number of poultry sheds.

Site History:

TPO/1994/0014 Murlough Keel Point, Dundrum Tpo Confirmed 08.03.1995

R/2013/0423/F Adjacent To 23 Keel Point, Dundrum, Proposed New Dwelling & Garage Permission Granted 04.02.2015

R/2012/0395/O Adj To 23 Keel Point Road, Dundrum, Newcastle, Proposed Farm Dwelling And Garage Permission Granted 27.06.2013

R/2011/0252/F Approximately 300m South East 23 Keel Point, Dundrum, Proposed Alterations And Extension To Existing Chicken House Permission Granted 07.11.2011

R/2010/0893/F Murlough Farm Keel Point Dundrum Bt33 0nq. Proposed Change Of Use From An Existing Barn To A Dwelling House To Include Proposed Extensions (Additional Information) (Amended Plans) Permission Granted 19.04.2013

R/2009/0111/F 23 Keel Point, Dundrum, Proposed Second Dwelling On Existing Farm. Application Withdrawn 06.10.2010

R/2006/0051CA Land To The Rear Of 25 Keel Point, Dundrum Change Of Use Enforcement Case Closed

R/2005/1128/F 23 Keel Point, Dundrum, Newcastle. Change Of Use From Farm Buildings To Bio-Fuel Production. Permission Granted 05.02.2007

R/2005/1109 Murlough Farm, Dundrum, Co Down. Change Of Use From An Agricultural Building To A Bio Diesel Plant. Pre Application Enquiry - Non Committal

R/2005/0816/O Site Adjacent To No 23 Keel Point, Dundrum. Proposed Farm Retirement Dwelling. Permission Refused 07.07.2006

R/2005/0196CA Lands Approx 50m Southeast Of 25 Keel Point, Murlough Lower, Dundrum, Down, The Unauthorised Use Of Land For The Siting Of A Mobile Home Enforcement Case Clo2s3e.0d3.2012

R/2003/0124CA Site To The West Of 25 Keel Point, Dundrum. Unpermitted Building Enforcement Case Closed

R/2003/0123CA To The Rear Of Murlough Farm, 25 Keel Point, Adjacent To Dundrum Nature Reserve, Dundrum, Downpatrick Operational Devt Enforcement Case Closed

R/1993/0201 Murlough Farm Murlough Dundrum Alterations To Dwelling And New Conservatory Permission Granted

R/1991/0274 Adj To 21 Keel Point Dundrum Farm Residence With Guest Accommodation Permission Refused

R/1989/0904 Address Unknown. No O.S. Address Point Falls Within This Polygon Historical Application

R/1985/0450 Site 2 Murlough Farm, Dundrum, Newcastle. Farm Dwelling Permission Granted

R/1985/0449 Site No 3 Murlough Farm Dundrum Newcastle. Farm Dwelling Permission Granted

Pla2/6/014/94 Land At Murlough, Keel Point, Dundrum TPO Confirmed 24.05.1995

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside and within the AONB 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 :-

- Planning Policy Statement 2 Natural Heritage
- Planning Policy Statement 3 Access, Movement and Parking
- Planning Policy Statement 21 Sustainable Development in the Countryside;
- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Consultations:

- NI water – statutory
- Transport NI – No objections
- NIEA Water Management – require Nutrient management plan
- NIEA – Natural Heritage Division – additional info requiring habitats reg impact of ASSIs
- Historic Environment Division – No objections
- DAERA – No objections
- Environmental Health – site specific odour assessment required
- SES - additional info requiring habitats reg impact of ASSIs

Objections & Representations

In line with statutory requirements two neighbours have been notified on 29.04.2015 and again with amended plans on 24.03.2016. One letter of objection was received by the neighbour at 25 Keel Point, The application was advertised in the Mourne Observer 29.04.2015.

Consideration and Assessment:

The SPPS states in relation to Agriculture and Forestry development provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances. Policy CTY 1 of PPS 21 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is an agricultural shed in accordance with Policy CTY12.

The site is located within the AONB as designated within the Ards and Down Area Plan 2015.

Environmental Impact Assessment

The application falls within Schedule 2 1c - The carrying out of development to provide for intensive livestock installations (unless included in Schedule 1). It is considered that the impact of the proposal can be fully assessed via the normal planning and consultative process and subject to meeting the relevant policies, that any necessary mitigating measures can be agreed during the assessment of the application to ensure that there are no adverse impacts on the environment and local population. The likely environmental effects are not considered so significant to warrant an Environmental Statement.

PPS 21 – Sustainable development in the Countryside

With regard to non-residential development, CTY 1 states that planning permission will be granted in the countryside in nine instances, one of which is agricultural development in accordance with PPS 21 policy CTY 12. The latter indicates that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it complies with stated criteria. Paragraph 5.56 of PPS 21 advises that "for the purposes of this policy (i.e. CTY 12) the determining criteria for an active and established business will be that set out under policy CTY 10". Criterion (a) of CTY 10 refers to a farm business being currently active and having been established for at least 6 years. The amplification text states that an applicant will be required to provide a DARD business ID number along with other evidence to prove active farming. CTY 12 refers to development on an active and established holding. The Justification and Amplification section states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY10.

Policy CTY10 advises that

-the farm business is currently active and has been established for at least 6 years;

The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.

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

a) It is necessary for the efficient use of the agricultural holding.

Details of this farm business accompany this application including form P1C which has details of the farm business number and maps to accompany the farm business. DARD (Now DAERA) has confirmed that the business is active and has been

established for at least 6 years. Therefore the applicant has an active and established farm business.

b) It is appropriate to the location in terms of character and scale.

The proposal is for a proposed poultry shed to house up to 16,000 birds along with a feeder bin. The proposal involves the removal of an existing shed which currently houses 6,000 birds with a new shed which measures 16m wide x 86m long in the footprint of the previous shed. Another existing shed is also being removed. The egg store measures 7m height (eaves 3.8m), with the rest of the building measuring 6m in height (eaves 2.8m). The finishes include corrugated iron roof painted green, with the walls to be finished with cedar timber siding painted green. This type of building would be typical of the rural area and is to be built on the footprint of an existing chicken shed, albeit much larger in scale, built adjacent to the existing farm buildings. The materials and finishes are sympathetic to the rural area. The prevalence of these types of poultry sheds in the rural is becoming more and more widespread, and it would not be unusual to find this type of building in the rural area. However, a full assessment of the location cannot be undertaken given that the issues with this site specific location in terms of amenity are not resolved (see objection letter and Environmental Health assessment further in report).

c) It visually integrates into the local landscape and additional landscaping is provided as necessary.

The views of the site would be limited Keel Point, and Murlough beach.

The proposal will have a greater visual impact on the landscape. However, given the low profile nature of the building, it is considered that the form of, and finishes to, the building are not out of keeping or incongruous in the rural area, this combined with its set back from the road and the fact that these types of buildings are now typical in the rural area. A landscaping condition requiring full planting could therefore need to be used in this case.

d) It will not have an adverse impact on the natural or built heritage;

The application site is within 7.5 km of Murlough SAC/ASSI, Lecale Fens SAC/Corbally ASSI, Eastern Mourne SAC/ASSI, Ballybannan ASSI, Ballykilbeg SAC/ASSI, Tyrella and Minerstown ASSI and Castlewellan Lake ASSI (hereafter referred to as designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

Natural Environment Division and Shared Environmental Services have been consulted regarding the proposal. NED objects to the proposal as it likely to have an adverse impact on the conservation objectives of the designated sites. PPS 2 is therefore considered.

Potential impacts - Nitrogen deposition resulting from ammonia emissions from the proposed facility has the potential to alter the vegetation community structure of the designated sites. The agent submitted a Nitrates Plan. However, based on the SCAIL results, the predicted ammonia concentration on Murlough SAC/ASSI was predicted as 96% (SAC) and 76% (ASSI) of the Critical Level. The predicted ammonia concentration on Lecale Fens SAC was predicted as 48% (SAC) and 45% (ASSI) of the Critical Level. Based on these levels NIEA recommends that planning permission is refused as the applicant has demonstrated that the emissions from the proposal will be in breach of the current permitted Process Contribution of 10%. NED therefore objects to this proposal as it currently stands. The applicant should note that SCAIL is a conservative modelling tool and may wish to consider conducting detailed Air Dispersion Modelling. This should assess the potential impact from all existing and proposed poultry units, storage and landspreading of all poultry litter from the entire farm operation i.e. all livestock and their associated housing and grazing regimes; storage of slurry/litter/manure, and landspreading of said material. If any abatement measures will be utilised on the farm these should also be incorporated in any detailed modelling submitted. However, provision of detailed Air Dispersion Modelling will not guarantee recommendation for approval.

Thus as the proposal stands it is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH1 and 3, in that development would, if permitted, have an unacceptable adverse impact on the conservation objectives of the designated sites.

The application was also considered by NIEA - water management unit who require further information by way of a full nutrient management plan in order to make a full assessment.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

The nearest residential property is approx. 120m away a letter of objection has been received from the residents at 25 Keel Point the letter details:

Health issues, Pests, Smell, TPO along boundary of laneway and Access constructed without approval

A further email was sent by the objector, detailing that they think it is unfair to site the building closer to their property when in another planning application the applicant stated that it would be unhealthy to live close to the chicken sheds. They have stated that the application should be approved, but it should be sited further away from their home and sited 20/30m to SE on the site of the second existing shed.

Environmental Health were consulted as part of the processing of the application. They responded by stating that due to the close proximity to a residential property there are concerns that this property may be adversely impacted due to odour from the proposed poultry house. The agent responded by stating that by moving the

proposed shed this would serve very little if any benefits in terms of odour prevention. He states that there are currently 3 existing sheds within the 150m radius (one of which was approved under R/2011/0252/F). Moving the shed closer to the SE outside the 150m radius would result in a greater negative effect on wildlife and habitat given that it will be closer to an existing hedge. In addition there would be more digging required to provide a level building platform.

Therefore a site specific odour assessment with mitigation measures to protect amenity would be required in order to address the concerns of Environmental Health. This has not been submitted to date.

PPS 6 – Planning Archaeology and the Built Heritage

The former World War II airfield of RAF Murlough is located in close proximity to this proposed development. This airfield is listed in the Defence Heritage Project database (DHP) and is protected by Policy BH2 of PPS 6. Historic Environment Division: Historic Monuments (HED: HM) have received additional information from the developer (a desktop survey of the application site highlighting its military history and surviving associated features, and accompanied by current and historic photographs of the application site) and are satisfied there will be no impact upon the defence heritage site.

HED: HM has therefore assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Recommendation:

Taking into account all material considerations including the objection and the consultee responses and having considered all relevant planning policy the application is contrary to policy for the reasons stated below.

Refusal:

1. The proposal is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Policies NH1 and 3 of Policy Statement 2: Natural Heritage, in that development would, if permitted, have an unacceptable adverse impact on the conservation objectives of the designated sites.
2. The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) in that insufficient information regarding a Nutrient Management Plan has been submitted to enable the Authority to make an informed decision on the proposal.

3. The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) in that insufficient information regarding an odour assessment has been submitted to enable the Authority to make an informed decision on the proposal.

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	12				
APPLIC NO	LA07/2017/0546/F	Full	DATE VALID	4/11/17	
COUNCIL OPINION	REFUSAL				
APPLICANT	Golf Centre 39 Castlewellan Road Newcastle BT33 0JY	AGENT	Martin Bailie 44 Bavan Road Mayobridge Newry BT34 2HS 028 3035 1910		
LOCATION	39 Castlewellan Road Newcastle Co Down BT33 0JY				
PROPOSAL	Proposed indoor amenity area, café and event rooms and associated car parking for use in conjunction with existing tourist facility (Golf Centre)				
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 the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations Policy AMP 3 in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.

In assessment of the proposal, given its location outside the settlement limit PPS 21 is applicable. This type of proposal is not listed as one of those non-residential developments that would be granted permission.

It is noted however, that the application has described the proposed use to be in conjunction with an existing tourist amenity i.e. the adjacent Golf Centre. In assessment of this PPS 16 is applicable, which states that a tourist amenity (as defined by the Tourism (NI) Order 1992) is an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. The Golf Centre was approved on the basis of outdoor recreation (PPS8). It is considered, therefore, that while the golf centre maybe used by tourists, it is not a tourist amenity specifically designed for tourists. Equally, the proposed 'amenity centre' is not considered to be a tourist amenity when assessed against the above definition.

There is therefore, no policy basis for this type of application at this location and therefore the application will be recommended for refusal.

In assessment of the consultation responses, it is noted that NIEA have no objections to proposal subject to conditions relating to drainage, water, land and groundwater. As the site is located near DOW 043:088 Historic Environment Division were consulted, who have responded within no objections following consideration of the proposal against PPS6.

A response is pending from Transport NI following submission of a Transport Assessment.

The site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain, however, given the floorspace of the proposal exceeds 1000sqm a Flood Risk and Drainage Assessments are required. To date the applicant has submitted insufficient information to enable full consideration of the proposals impact.

Newry, Mourne and Down Environmental Health have no objections to the proposal.

Recommendation: REFUSAL

REFUSAL REASONS:

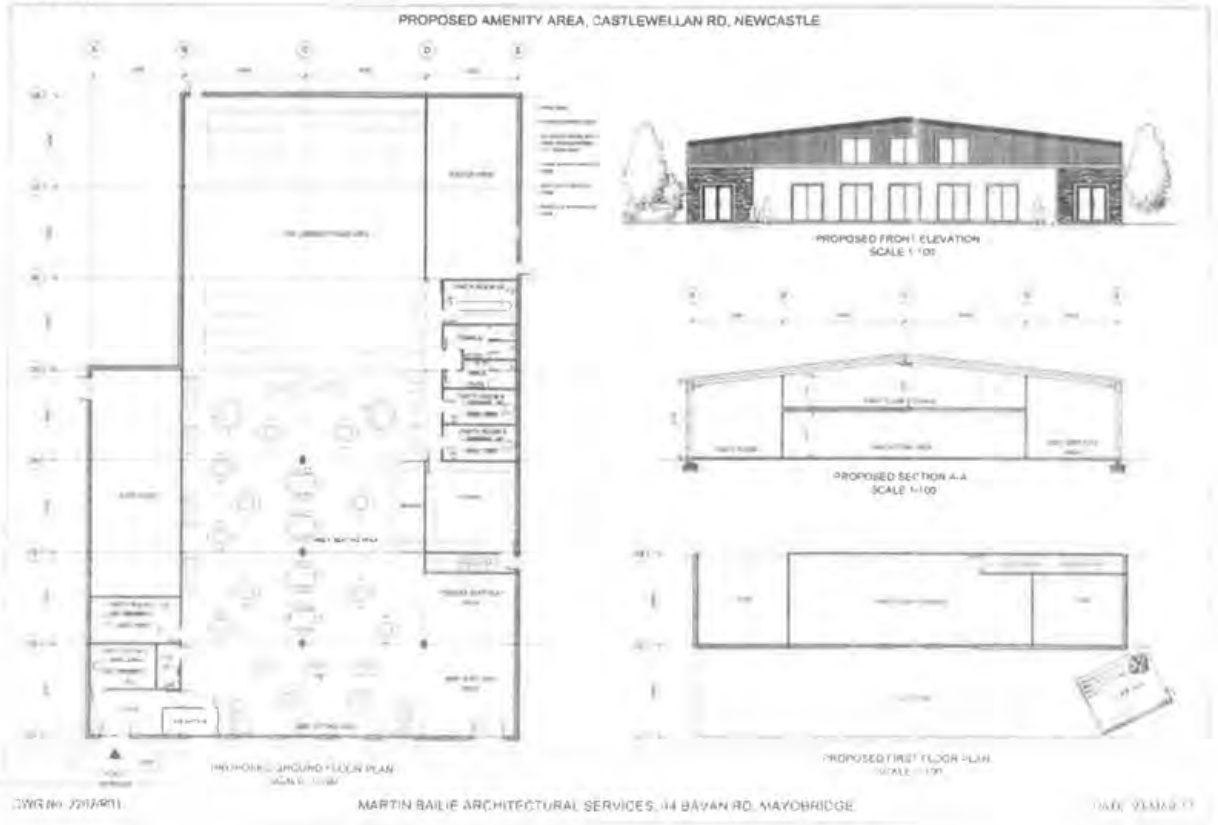
1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of PPS 3 Access, Movement and Parking in that the proposal would access onto a Protected Route for which there is no justification.

Sign

Sign



The internal arrangement of the building shows that it is proposed to be used for an indoor soft play area, with café. The Planning (Use Classes) Order (Northern Ireland) 2015 defines this type of use (indoor recreation) to be Sui Generis (No Class).



Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3, 8 and 16, in addition, to the history and any other material consideration.

The application was advertised in the local press on 26.04.17

Consultations:

In assessment of the proposal consultations were carried out with Rivers, Transport NI, Environmental Health, Northern Ireland Water (NIW), NIEA and HED.

Rivers Agency – Request a Flood Risk Assessment and Drainage Assessment given the floorspace proposed

Environmental Health – No objections

NIEA – No objections subject to conditions

NIW – No objections subject to conditions

HED – No objections

Transport NI – Response pending following submission of Transport Assessment.

The following neighbours were notified of the proposal on 20.04.17

- 37, 38, 41, 43, 44, 45, 47, 49 and 51 Castlewellan Road, Newcastle
- Burrendale Hotel
- Sunnyholme Caravan Park

Objections & Representations

No letters of objection or representations have been received.

Consideration and Assessment:

The proposal seeks full permission for the erection of an indoor amenity area, café and event rooms and associated car park for use in conjunction with existing tourist facility i.e. Golf Centre.

The proposed building will have frontage of 28.5m and will be 42m in length with a maximum ridge height of 7m. The building will be finished with insulated composite cladding to the roof and walls with polyester powder coated guttering, doors and windows. The front elevation will have a rendered finish with locally sourced stonework around the door openings. The building will be located immediately adjacent and north of the driving range.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0546/F

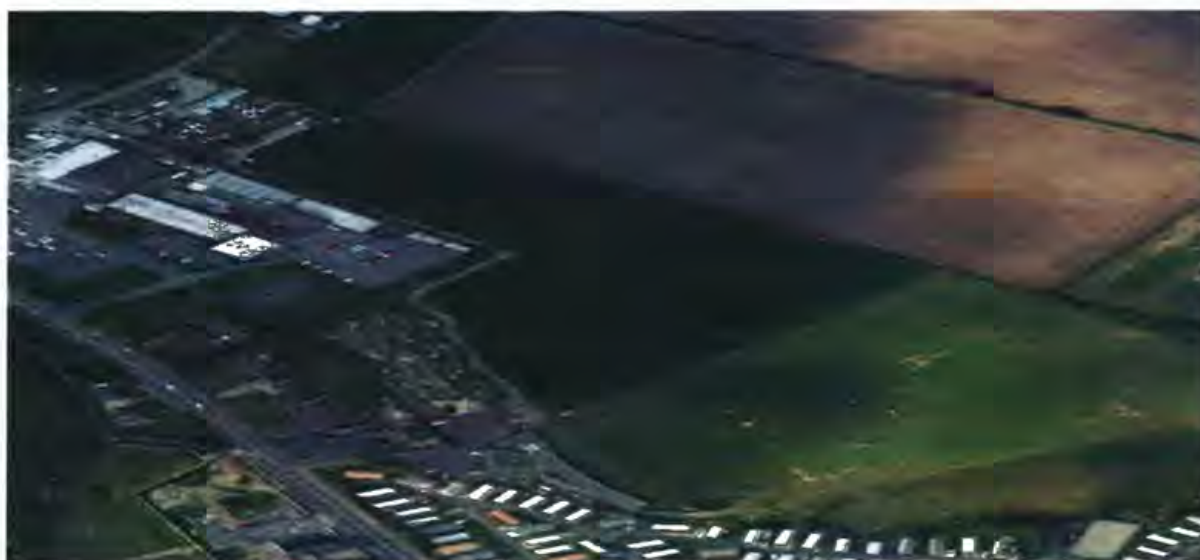
Date Received: 7th April 2017

Proposal: Proposed indoor amenity area, café and event rooms and associated car parking for use in conjunction with existing tourist facility (Golf Centre).

Location: 39 Castlewellan Road, Newcastle.

Site Characteristics & Area Characteristics:

The site is located off Castlewellan Road, Newcastle and is comprised of a 0.96 hectare portion of land, which contains the pitch and putt area associated with the adjacent Golf Centre and a portion of a greenfield, immediately adjacent.



The site is located outside and immediately adjacent the settlement limits of Newcastle as defined by the Ards and Down Area Plan 2015. It is noted that the site is located within the AONB and accesses onto a protected route (A50).

There are a mix of uses within the immediate area i.e. residential properties immediately to the west of the site, tourism accommodation to the north and south in the form of the Burrendale Hotel and Sunnyholme Caravan Park respectively, while the land to the east is used predominantly for agriculture.

Site History:

Previous history on the site relates to the approval of the Driving Range adjacent as can be seen in Planning reference R/2010/0836/F.

JOB REF 2202

STATEMENT FOR PLANNING COMMITTEE.

**PROPOSRD AMENITY AREA, CAFE AND EVENT ROOMS FOR USE IN
CONJUNCTION WITH EXISTING TOURIST FACILITY (GOLF CENTRE)
AT 39 CASTLEWELLAN ROAD, NEWCASTLE PLANNING REF
LA07/2017/0546**

The application under discussion has been recommended for Refusal for 2 reasons but we believe Roads Service are now satisfied with the access proposals so we are left with a single reason and that is; "The proposal is contrary to the SPPS and Policy CTY1 of PPS21 in that there are no overriding reasons why this development is essential in this rural location and could be located within a settlement."

We would contend that there are overriding reasons in this case and they are;

1. The site is not in a typical rural location. It is surrounded on 3 sides by development within the settlement of Newcastle. To the south is the Golf Centre and a Caravan Park. To the west is a large guest house and residential properties and to the North East is the Burrendale Hotel thus leaving only the Northern boundary next to what is the rural area in planning terms. For all intense and purposes the site is more win the settlement of Newcastle than out.
2. The site is within the approved boundaries of the Golf Centre which has the benefit of Planning Approval and was approved under PPS8 which deals with outdoor recreation and within paragraph 1.5 of this policy it states that such areas can "help to attract Business and Tourism and thereby contribute to the process of **urban regeneration**."
3. The Case Officer has noted that the Golfcentre "is not a Tourist amenity specifically designed for tourists" and "equally the proposed amenity centre is not considered to be a Tourist Amenity when assessed against PPS16 which defines that a "tourist facility or service provided primarily for tourists"

To elaborate on this definition we need to actually define what is a tourist and within PPS16 tourists are deemed to be "both overnight visitors and same day visitors". We would contend that our proposal caters for all tourists whether they be on a day trip from Castlewellan or Kilkeel or on a weeks visit from Dublin or Belfast.

Within the Newry, Mourne and Down Tourist Strategy 2017-2021 Newcastle is identified as a Hub Community and the Councils aims within this document are to develop new visitor attractions and amenities and to create wet weather facilities and enhanced recreational and family Leisure Amenities.

We would ask the Committee to look favourably on our proposal. The applicant currently runs the successful Golf Centre and has allowed the Council access to his lands for parking for major tourist events. His sister is proprietor of the adjacent Guest House and his mother and brother run Golf Links House and restaurant so you could say tourism in the Newcastle area is in the families blood. Michael wishes to develop local tourism through the proposal under consideration and will use private funding in conjunction with grant aid from LEADER subject to attaining Planning Approval. He has been accepted for funding by a Government Body so we ask that this is secured by approving this application and in turn a facility will be provide to Newcastle which will add to and enhance the Councils long term objectives for the town.

ITEM NO 14
APPLIC NO LA07/2017/0794/O Outline **DATE VALID** 5/24/17
COUNCIL OPINION REFUSAL
APPLICANT Ms Mariam Burney 78 Crabtree Road
 Ballynahinch BT24 8RJ **AGENT** Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768 057822

LOCATION 40m south west of 78 Crabtree Road Ballynahinch BT24 8RJ

PROPOSAL Dwelling and garage under Policy CTY10 of PPS21

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 SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Crabtree Road.
- 2 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0794/O

Date Received: 24th May 2017

Proposal: Dwelling and garage under policy CTY 10 of PPS 21.

Location: 40m SW of 78 Crabtree Road, Ballynahinch.



Site Characteristics & Area Characteristics:

The site in question is located on lands south west of 78 Crabtree Road and adjacent to agricultural buildings. The site is part of a larger agricultural field which is bounded to the rear with a line of mature trees. The southern boundary is also lined with mature planting. Agricultural buildings are located to the north of the site. The

site is accessed via an existing lane. The site is relatively flat with a slope generally to the south and is clearly visible from the public road.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, a section of the site falls within the pluvial surface water flood zone.

Site History:

R/2004/0755/RM – 78 Crabtree Road, Ballynahinch – proposed Replacement dwelling – Granted 10-09-2004

R/2003/0597/O – 78 Crabtree Road, Ballynahinch – proposed replacement dwelling – 24-02-2004 – granted

R/2000/0695/O – Opposite 78 Crabtree Road, Ballynahinch – site for dwelling – refused – 03-08-2000

R/1997/0683 – Adjacent to 78 Crabtree Road, Ballynahinch – Retirement farm bungalow – application withdrawn.

R/2006/0016/RM – opposite 68 Crabtree Road, Ballynahinch – new dwelling – Granted – 8-5-2006.

R/2001/1019/O – Opposite no 68 Crabtree Road, Ballynahinch – private dwelling – 18-02-2003- granted.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 3, Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

- NI Water was consulted on the application and has responded with no objections.
- Transport NI responded with no objections but have included conditions that should be attached to any approval granted.
- Rivers Agency was consulted due to the indication that there was pluvial flooding issues on a section of the site however Rivers Agency has responded with no objections.
- DAERA has responded to consultation to stating that the farm business identified on the P1C has been in existence for the last 6 years and has made claims in the last year however the applicant is not a formal member of the business.

Objections & Representations

The application was advertised in the local press on 7th June 2017 which expired 21st June 2017. There are no properties that satisfied the requirements to be neighbour notified. To date there have been no representations made in relation to the application.

Consideration and Assessment:

The application is considered against CTY 10 Dwellings on farms as a dwelling on farm is sought.

The policy requires the business to have been established for at least a 6 year period. The response from DAERA indicates that the farm business has been established for a period of at least 6 years and the fact that the business is in receipt of farm payments is an indicator that it is active.

The supporting statement confirms the agricultural lands are under the control of the family.

CTY 10 also states that a dwelling will be allowed provided no development opportunities have been sold off out with settlement limits within 10 years of the date of the application, which applies from 25th November 2008, this would include transfers to family members.

There are two relevant permissions within the planning history, the replacement dwelling granted under R/2003/0597/O and R/2004/0755/RM is still the address the farm is registered to. Planning history also exists for a separate dwelling granted under R/2001/1019/O and R/2006/0016/RM in the name of Mr Sheridan, the farm holder, this appears to have been registered or transferred to a family member on 1st April 2008, which would be before the date of consideration as stated in CTY 10 of 25th November 2008. From planning history on the farm lands there does not appear to have been any development opportunities sold off from the holding.

The third criterion of CTY 10 is that the dwelling is sited to cluster or visually link with a group of buildings on the farm and access shall be obtained from an existing lane. The site proposed can offer a siting that would be visually linked and sited to cluster with farm buildings, the breath of the site is 50m in length.

While the policy requires that the site must provide accommodation of a dwelling that will visually link and cluster the site must not offend other policy aspects. In this case the siting will create a row of three buildings and therefore creates a ribbon of development which would be contrary to CTY 8, this will be assessed later in the report.

The applicant is not a formal member of the farm business however the business owner has signed the P1C form therefore has the knowledge of the business number being used.

The application meets the requirements of CTY 10 Dwellings on Farms.

The application is also considered against CTY 13 Integration and Design of Buildings in the Countryside.

This is an outline application therefore the full design has not been submitted however it is believed that a new dwelling could be constructed on the site without being a prominent feature in the landscape.

The site has adequate boundaries in place to ensure the dwelling will integrate, the planting to the rear of the property should be conditioned to be retained to ensure the

backdrop remains for integration and also a degree of separation and privacy between the existing dwelling to the rear and the site proposed. The site will not rely on new planting in order to integrate.

Ancillary works will not cause any issues on the surrounding landscape, the site in question makes use of an existing lane and there are existing necessary services serving the farm yard and dwelling at present therefore services will not have to be taken any great distance.

A suitable dwelling can be designed for the site and would be further assessed through the reserved matters application. A dwelling can be accommodated on the site that respects the landform.

Policy CTY 8 is given consideration as the policy states that permission should be refused for a building which creates or adds to a ribbon of development.

While the site is set back from the road the sheds and the site itself would have a common frontage and visually link creating a ribbon of development of three buildings. Justification of policy 5.33 details the circumstances that would lead to ribbon development and this includes buildings that would have a common frontage and that are visually linked, this situation exists at this location and therefore the proposal would create a ribbon of development and therefore should be refused.

The application is also considered against CTY 14 Rural Character.

The application fails CTY 14 Rural Character as the development would create a ribbon of development and would therefore cause a detrimental change to, and further erode rural character of the area.

Recommendation:

Refusal

Reason for refusal:

- The proposal is contrary to SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Crabtree Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Case officer:

Authorised by:

Date:

Planning Committee Schedule of 13th September 2017

Planning reference: **LA07/2017/0794/O**

Proposal: **Dwelling and garage under Policy CTY10 of PPS21.**

Applicant: **Ms Miriam Burney**

Location **40m south west of 78 Crabtree Road, Ballynahinch.**

Recommendation: **Refusal**

Reasons

1 The proposal is contrary to SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Crabtree Road.

2 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Site Description

The application site is located on farm lands south west of 78 Crabtree Road adjacent to existing agricultural buildings associated with the farm holding. The site is part of a larger agricultural field which is bounded to the rear with a line of mature trees and similarly to the south boundary with the existing agricultural buildings to the north of the application.

The site is accessed via an existing lane which services the existing farm yard and dwelling. The application site is relatively flat sloping generally to the south.

The site is located within the countryside as defined in the Ards and Down Area Plan 2015.

Planning Policies & Considerations

SPPS

PPS 21

PPS3

Ards & Down Area Plan 2015

DCAN 15

Consultations and Representations

The following consultations were carried out

Transport NI

DAERA

NI Water

Rivers Agency

No objections were received from any of the consultees and following notifications of the relevant neighbours and advertisement in the local press no objections to the proposal were received either

Assessment of reasons for Refusal

The application site is submitted under policy CTY10 and as such it is considered necessary to be located in the Countryside

The criteria of Policy CTY 10 is clearly met in that the farm business is active and SFP is claimed, no dwellings or development opportunities have been sold off from the farm holding, the landowner is the applicants father.

The site clearly meets the requirements of Policy CTY10 as it clusters with the main group of farm buildings and the application site is capable of hosting a dwelling and garage on a mature site with suitable degree of vegetation.

The Planning Department argue that the chosen site is at variance with other Policies and state *“In this case the siting will create a row of three buildings and therefore creates a ribbon of development which would be contrary to CTY 8”*

The chosen site is the only available sites which is compliant with Policy CTY10 and while it is stated that the proposed site would give reason for concern in relation to ribboning while viewed in conjunction with the existing farm sheds it has to be noted that there exists a dwelling to the rear of the proposed site which has to be considered in relation to privacy issues and it is contended that the application site achieves this aim and as such no other sites that comply with the policy are available on the holding.

While justification of policy 5.33 details the circumstances that would lead to ribbon development it is contended that while a common frontage may exist the only available area for compliance with Policy CTY10 is the chosen site.

The 2nd reason for refusal under policy CTY14 Rural Character is also reliant on the argument that the site creates a ribbon of development and this also has to be weighed against the Policy CTY10 under which this application is made and it is again stated that the proposed site is the only available site acceptable under this policy and such should benefit from the grant of an approval.

Overview

The main issues of concern in relation to a dwelling on the farm under Policy CTY10 are met by this proposal.

The business is active and SFP is claimed thus satisfying criterion (a).

No development opportunities have be sold of the holding Criterion (b).

The building clusters with a group of buildings on the farm being located adjacent to existing farm buildings less than 40m from the proposed site and thus is compliant with criterion (c).

Access to the proposed site will be via the existing laneway and access point in compliance with the positive comments of Transport NI engineer and no objections were received from any of the formal consultees including DAERA.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the dwelling on this active farm.

ITEM NO	2			
APPLIC NO	LA07/2015/1363/F	Full	DATE VALID	12/21/15
COUNCIL OPINION	APPROVAL			
APPLICANT	Henderson Group PO Box 49 Hightown Avenue Newtownabbey BT36 4RT	AGENT	Henderson Group Property PO Box 49 Hightown Avenue Newtownabbey BT36 4RT 02890337873	
LOCATION	8 The Commons Tullyvallen Newtownhamilton Co Armagh BT35 0DA			
PROPOSAL	Proposed new petrol station with associated supermarket and car parking and development			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	13	0	1	0
	Addresses Signatures		Addresses Signatures	
	80	80	0	0



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1363F

Date Received: October 30th 2015

Proposal: Proposed new petrol station with associated supermarket and car parking and development

Location: 8 The Commons, Tullyvallon, Newtownhamilton, Co Armagh

Site Characteristics & Area Characteristics:

The site is the former Newtownhamilton Livestock Market, the business closed some time ago and the site has been cleared of all buildings and structures. It is situated at the northern end of The Commons, a public square within the development limit of Newtownhamilton. The site is flat and level with a small slope near its eastern boundary, the southern boundary of the site is marked with a post and wire fence of about 1 metre in height, the land rises up behind the site and there are mature trees along this boundary, there is a retaining wall along the north eastern side of the site.





There are a number of ornamental railings adjacent to the site that commemorates its past use.



The surrounding area is a mixture of commercial, civic and residential uses, Newtownhamilton Health Centre is located on the eastern boundary of the site. On the eastern side of the Commons is a listed church, behind this is a housing estate, there is further residential development on the southern side of the Commons and beyond that is Newtownhamilton Police Station.





On the western side of The Commons are the rears of the properties on the northern end of Main Street, a mix of commercial and residential. There is a vacant two storey dwelling on the south western corner of the site, behind this is Newtownhamilton Bus Depot and a petrol filling station.



Site History:

There is no recent planning history on the site itself.

Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 3, Access, Movement and Parking

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

Consultations:

Environmental Health No objections subject to the unit only being open between the hours of 07.00 to 23.00 and the implementation of odour abatement systems, and the storage and disposal of waste in a manner so as not to cause a nuisance to neighbouring properties.

NIEA Recommends the installation of a number of measures to control run-off from the car park and to prevent water pollution.

Historic Environment Division Has no objections in principle but requires additional information relating to the boundary treatments and to the re-use of ironwork salvaged from the application site.

Transport NI Content, subject to conditions.

Objections & Representations

A total of 66 nearby addresses have been issued with notification letters. The proposal has been the subject of 13 letters of objection and a petition of objection with 80 signatures. The objections relate to the impact of the proposal on Newtownhamilton Town Centres, they refer to a section of the SPPS which states that *"proposals for shops in villages and small settlements ought to be of a scale, nature and design appropriate to the character of the settlement."* Several objectors have also requested that a full Retail Impact Assessment is required for this proposal. These issues were considered as part of the Planning Authority's assessment of this proposal and will be considered below.

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

The SPPS primarily provides strategic guidance for the preparation of new Local Development Plans by Councils; however it has superseded PPS 5 as the primary policy for the assessment of proposals for retail development. Paragraph 6.272 states that the SPPS's Regional Strategic Policy must be taken into account in the preparation of LDP's and in the determination of planning applications. Paragraph 6.273 states that Planning Authorities must adopt a town centre first approach for retail and main town centre uses, but Paragraph 6.276 states that they should retain and consolidate existing district and local centres and ensure their role is complementary to the role and function of the town centre. It states further that extensions should only be permitted where the applicant has demonstrated that no adverse impact will result on town centres in the catchment.

Paragraph 6.280 requires Council to impose a sequential test for planning applications which are not in an existing centre and are not in accordance with an up to date LDP. The policy goes on to state that where it can be established that an alternatively sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferable site should be refused.

The sequential test is defined by paragraph 6.281 as being

Primary Retail Core

Town Centre

Edge of Centre and Out of centre, only where sites are accessible by a choice of good public transport modes.

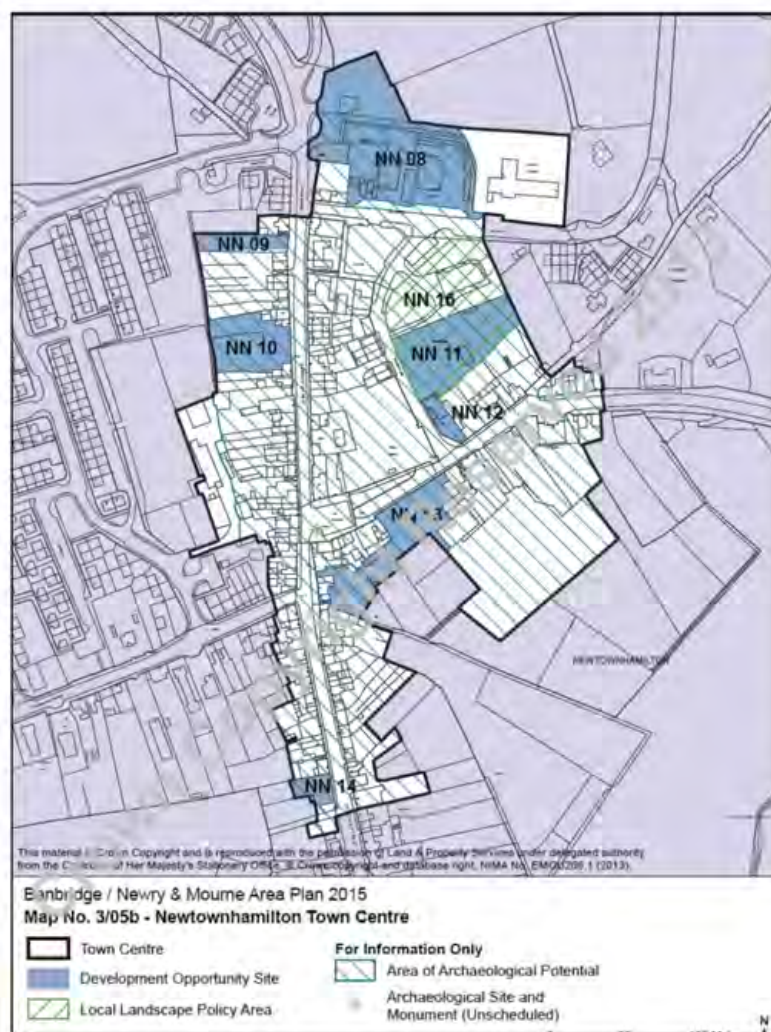
Paragraph 6.282 requires that in the absence of a current and up to date LDP, councils should require applicants to prepare an assessment of need which is proportionate to their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

The proposal seeks to provide a total of 926.36 square metres of floorspace, of which 579 square metres will be for sales. The Petrol Filling Station Element to the proposal will have pumps situated on 4 islands and will therefore be capable of servicing up to 8 cars at once.

The proposal is located on a site within the designated Town Centre of Newtownhamilton which has been designated as an opportunity site under the extant Area Plan. The SPPS contains a sequential approach which identifies such sites as being the first choice for retail developments and this proposal complies with the above mentioned criteria contained within the SPPS.

Banbridge/Newry and Mourne Area Plan 2015

The plan identifies Newtownhamilton as one of the towns in Newry and Mourne, Policy NN07 defines a town centre boundary and states that applications within it will be processed in accordance with prevailing regional policy.



The bulk of the site is designated as a Development Opportunity Site under Policy NN08 of the plan; the only Key Site Requirement is that proposals shall have a frontage of at least two storeys on to the Commons and the proposal complies with this.

Planning Policy Statement 3 Parking Standards

While the P1 form states that 926 square metres are being applied for, measurement of the floorplan puts the gross floor area at 979.265 square metres, calculating a parking requirement for non food retail on the basis of this higher figure provides a requirement for 70 car parking spaces. The submitted site layout plan shows that 71 car parking spaces will be provided; the majority of these will be around the perimeter of the site and along the front of the retail unit, however there will be a cluster of 18 spaces located adjacent to the petrol pumps and a line of 4 spaces provided along the roadside boundary of the site orientated approximately 45 degrees from the boundary. These are located far enough away from the pump islands that there should not be any issues if customers use the parking provided correctly.

The application also shows a lorry parking space adjacent to the unit, although the stated requirement is for 1 space per 750 square metres of gross floor area and a second space is theoretically necessary this requirement can be overcome through management of the site such as staggering delivery times to ensure that there will

not be lorries queuing to access the delivery space. However a submitted autotrack drawing showing that in order to manoeuvre into the space an articulated lorry will need to use some of the cluster of car parking spaces in the centre of the site.

Policy AMP7 of PPS allows for flexibility to be afforded in sites that are well accessible and serviced by public transport or where the proposal would benefit from spare capacity in nearby car parks or on street. The site is located within the Town Centre of Newtownhamilton, there is a car park immediately opposite the site and there are additional spaces in the surrounding streets, while there will be a conflict between a delivery vehicle and cars parked in the spaces in the centre of the site this is likely to only exist for the short period of time needed for a vehicle to carry out the manoeuvre, this is more a management issue for the operator of the site. There is sufficient capacity in the surrounding area to cope with any temporary issues caused by this and by the shortfall of a single space between the spaces provided and the number required by the policy.

Consultees

The proposal has been amended at the request of Historic Environment Division to retain the street furniture and conditions 12 and 13 have both been added to satisfy the requirements outlined by both the Archaeological and Built heritage section of the Historic Environment Division. Environmental Health has expressed that it has no objections to the proposal subject to the restriction of opening hours to between 07:00 and 23:00 hours as well as other conditions which are detailed below (Conditions 4-8). Transport NI has stated that it is content with the access arrangements for the store (See conditions 2 and 3).

Consideration of Objections:

All objections have been fully considered and the Planning Department consider that they do not warrant the refusal of this application. The objections relate to the impact of the proposal on Newtownhamilton Town Centres, they refer to a section of the SPPS which states that "proposals for shops in villages and small settlements ought to be of a scale, nature and design appropriate to the character of the settlement." However, as outline above, Newtownahmilton is designated as a town centre and thus this quote from the SPPS is not applicable for this proposal. Several objectors have also requested that a full Retail Impact Assessment is required for this proposal. However, the wording of the policy is that this is only necessary when the proposal is located outside of a town centre or if the proposal is located within a village or small settlement, the plan designates Newtownhamilton as being a town and the location of the site within the town centre means that a full Retail Impact Assessment is not necessary. The site, within the town centre and within a development opportunity site, is considered an appropriate location for this proposal.

Recommendation:

Therefore having considered all relevant material considerations the Planning Department considers that the proposal complies with policy and approval is recommended, subject to conditions and informatives.

Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the drawing no. 03 (Rev 3) bearing the date stamped 10-01-2017 prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. 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.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

5. A proprietary odour abatement system shall be installed to suppress and disperse odours created from operations on the premises.

Reason: To safeguard the living conditions of the residents on adjoining and nearby properties.

6. The outlet from any ventilation ducting shall terminate at a height not less than 1m above the ridge height of the building and shall be directed away from nearby properties.

Reason: To safeguard the living conditions of the residents on adjoining and nearby properties.

7. Waste shall be stored and disposed of in a manner so as not to cause nuisance to neighbouring properties.

Reason: To safeguard the living conditions of the residents on adjoining and nearby properties.

8. All plant and equipment used in connection with the premises shall be situated, operated and maintained to prevent the transmission of noise, Vibration and odours to nearby dwellings.

Reason: To safeguard the living conditions of the residents on adjoining and nearby properties.

9. All services within the development shall be laid underground

Reason: In the interests of visual amenity.

10. The development shall not become operational until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and agreed in writing with the Council.

Reason: In the interests of public health.

11. The development shall not become operational until drainage works have been completed in accordance with the drainage plans submitted as part of this application.

Reason: To safe guard the site and adjacent land against flooding and standing water.

12. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme shall provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

13. Prior to commencement of the development hereby approved, detailed plans relating to the landscaping of the front of the site and the re-use of salvaged ironwork detailing on the front boundary of the site shall be submitted to and agreed in writing with the Council.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.



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

Application Reference:

LA07/2015/1363/F

Dates Received:

30 October 2015

Proposal:

Proposed new petrol station with associated supermarket, car parking and development.

Location:

8 The Commons Tullyvallen, Newtownhamilton.

Addendum to Case Officer Report

Planning Policy and issues raised by objectors:

At the Planning Committee in April 2017 it was agreed that the Planning Department would review the application in light of the comments made by members regarding the impact of the Strategic Planning Policy Statement for Northern Ireland (SPPS), with particular reference to paragraphs 6.278, 6.285 and 6.290. This is dealt with below.

Paragraph 6.278 states that "Proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, and be of a scale, nature and design appropriate to the character of

the settlement.” However, the application site is within the town centre of Newtownhamiltown and on a development opportunity site and so this paragraph is not applicable or relevant for this proposal.

Paragraph 6.285 states that “Town Centre Health Checks will help form an evidence base for Local Development Plans. They will contain indicators such as existing town centre uses including resident population”. However, this paragraph relates to the preparation of development plans. It identifies the need to complete town centre health checks to help form an evidence base for the preparation of Local Development Plans. It is not relevant to this application. There is an extant Development Plan which designates this site as a town centre development opportunity site.

Before considering Paragraph 6.290 it is first appropriate to consider paragraph 6.283 as they both relate to retail impact assessment. Paragraph 6.283 states that “All applications for retail or town centre developments above a threshold of 1,000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need.” This wording means that a retail impact assessment is only necessary when the proposal is located outside of a town centre. This site is located within a designated town centre and consequently a full Retail Impact Assessment is not necessary and is not a matter for this application. Given that a retail impact assessment is not necessary under Paragraph 6.283 this means that Paragraph 6.290 which outlines the factors to be addressed in a retail impact assessment, under the implementation section, is not relevant.

At the Planning Committee meeting it was also agreed that the objectors be given one month to undertake and submit to the Planning Department, the findings of an analysis of the impact of the proposed development would have on existing businesses in Newtownhamiltown, should the application be approved. The Department contacted the objector on 9th August 2017 and requested the information within three weeks. This information has not been received. It is considered that sufficient opportunity has been allowed to submit this information following the committee meeting.

Recommendation:

Full Approval subject to conditions and informatives.

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

Retailers being Colm Devlin & Graham Parks will be addressing the following to council as I unfortunately am unable to attend on that date .

The village centre is minimum population the Census of 2011 takes in various outlying areas 6/7 mile way thus showing an exaggerated population for Newtownhamilton as such when it's made up of various wards outside the village unlike other areas such as Crossmaglen , Markethill , & Keady which show much less population when In fact that's not the case if all census was carried out equally within town r village centres then it would show Newtown with approx 700 people max everyone knows those other towns r way more populated that Newtown so how on earth can we be classed as a large town this is in my eyes where the system fails us as in all council correspondence we r referred to as a village but when it suits planners to call us a large town they they refer to that in order to get this application to meet planning requirements

The retailers want to know if this is passed what is the rescue package that council r prepared to put in place to compensate existing retailers when we all are forced to close our business because there is not and will not be enough footfall to sustain this mega store along with all existing retail in the village . The council r adamant that we r a large town that in itself is not correct regardless of what the census says as it's not a level playing field the way the census is structured so I feel it would be entirely immoral and negligent in fact for council to pass this without revisiting the actual population census of our village and In doing so must be carried out in similar manner to other villages & towns in our area for example Cregan is not part of Crossmaglen census and what is it 2 mile from the town yet our census takes in 6/7 mile so the system is not fair and needs to be totally over hauled before this application can be creditably looked at .

The council if they pass this r either saying we don't care if all your business close because of this application or they have solid justification that this mega store will not impact on the current business now if they think that then down the line I hope they r prepared for I TOLD U SO because then the current retailers will have no choice to take legal advice / action because by passing it regardless of legislation which is only valid in this case because we are classed as a large town when that clearly is not the case then we are all in for a long hard struggle as at present the council are fully aware of the enormous concerns of the existing retailers and to just totally disregard that regardless of policy as this is not a generic case well all I can say it will be a very very senseless decision to take

Regards
Jackie

Item 17 – LA07/2015/1363/F – Henderson Group

A chairde, I would like to speak on the above application on Wednesday 13 September.

I will speak about the potential damage that will be done to existing retailers on Dundalk St. These retailers, neighbours of my own, have invested heavily in growing their businesses in Newtown over the years and have struggled to pay business rates while providing first class services to the people of Newtown. I can't see how their businesses will remain viable if this huge supermarket and filling station is passed.

Barra

Curtha ó m'íFón.

Planning Application LA07/2015/1363/F

Submission by Fleming Mounstephen Planning on behalf of the Henderson Group

Proposed new petrol station with associated supermarket and car parking and development at 8 The Commons Tullyvullan, Newtownhamilton

Fleming Mounstephen Planning will be speaking to the following matters in relation to Planning Application Ref. LA07/2015/1363/F:

- the Strategic Planning Policy Statement context;
- the Local Development Plan context;
- the planning process; and
- the Henderson Group investment.

ITEM NO	3			
APPLIC NO	LA07/2016/1264/F	Full	DATE VALID	9/22/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Richard Forsythe 3 Beachside Harbour Road Kilkeel BT34 4GE		AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB NA
LOCATION	Between No 119 and 123 Harbour Road Kilkeel			
PROPOSAL	Erection of Dwelling and Domestic Garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	2	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, massing and appearance of buildings;
 - (g) that the design and layout of the development draws upon the best local traditions of form, materials and detailing;
 - (h) that the design and layout will not cause/create unacceptable adverse impacts on existing or proposed properties in terms of overlooking, loss of light and overshadowing.
- 2 The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:
 - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.
- 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 for the locality and is out of keeping with local architectural styles and patterns and the special character of the Mourne AONB.



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**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/1264/F

Date Received:

22.09.2016

Proposal:

Erection of Dwelling and Domestic Garage

Location:

The application site is located between No 119 and 123 Harbour Road, Kilkeel.

Site Characteristics & Area Characteristics:

The application site (Image 1) is a derelict site located between two existing dwellings 119 and 123 Harbour Road, Kilkeel. It sits opposite Kilkeel Primary School in primarily a residential area which leads to Kilkeel Harbour. The site is long and narrow with steeply falling lands to the rear (outside the application site). The site is enclosed by a 1 metre high block wall with timber and post and wire fencing in places along the eastern boundary. Access is available from Harbour Road via an existing gate. There is backland development to the rear of 123 Harbour Road (east of the application site) which runs alongside the eastern boundary of the application site.



Image 1 Application Site

Site History:

No relevant site history.

Planning Policies & Material Considerations:

This application will be assessed against the following planning policies:

- Regional Development Strategy 2035.
- Banbridge, Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 2 – Natural Heritage.
- PPS 3 – Access, Movement and Parking.
- PPS 6 Planning, Archaeology and Built Heritage
- PPS 7 – Quality Residential Environments.
- The Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments
- Creating Places
- DCAN 8 – Housing in Existing Urban Areas
- DCAN 15 Vehicular Access Standards

Consultations:

Transport NI – No objection subject to conditions

NIEA Historic Environment Division - Content

NI Water – Generic response received

Objections & Representations

Eleven neighbour notifications were issued. The application was advertised in the local press on 12 October 2016 and re-advertised on 2 August 2017 due to amendments received. Two letters of support were received from the occupiers of 119 Harbour Road, Kilkeel and 123 Harbour Road, Kilkeel.

Consideration and Assessment:**Banbridge, Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is designated within the settlement limit of Kilkeel, the Mournes AONB and an Area of Archaeological Potential.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

As there is no significant change to the policy requirements for the residential development following publication of the SPPS, the retained planning policy is PPS7 Residential Environments. This policy will be given consideration in determining the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 7 Quality Residential Environments Policy QD1

Policy QD1 sets out nine criteria (a – i) which proposals for residential development must conform to criteria:

- a) The proposal is located in an existing residential area which consists of a mixture of two storey and single storey detached dwellings. Plot sizes vary from rectangular shaped at the western part of Harbour Road and long and narrow plots to the eastern side. Some long and narrow plots along the eastern section of Harbour Road contain backland development, which in the most part is generally commercial. The application site is a

long and narrow plot which sits adjacent to two existing dwellings (119 and 123 Harbour Road) which also have long narrow plots. There is backland development to the rear of 123 Harbour Road, which consists of a residential dwelling. The existing layout of dwellings on long narrow plots generally is linear or L shaped buildings. The layout of the proposed dwelling fails to follow the shape of the existing context. The proposed dwelling runs tight to the boundaries of the application site to the east and west adjoining the curtilage of the existing dwellings, which causes issues. The proposal also fails to respect the existing building line established along Harbour Road which in my opinion adversely affects the character of the area. The scale and massing of the proposed dwelling also fails to respect the existing context. For the reasons outlined Criteria A has not been met.

- b) There are no features of archaeological / built heritage within the application site that would be affected as a result of the proposed development. NIEA Historic Environment Division are content with the proposed development. Criteria B is met.
- c) Given the nature of the development public open space is not a requirement. There is adequate space within the application site to accommodate the private open space provision as per Creating Places para 5.19. Criteria C is met.
- d) The provision of local neighbourhood facilities is not applicable to this application given the scale of development.
- e) Given the scale of the development, a movement pattern is not required.
- f) The proposed development site is large enough to provide off-street parking, which is adequate. Transport NI have objection to the proposal subject to conditions. Criteria F is met.
- g) The overall design of the proposed dwelling fails to respect the existing character of the surrounding area and the proposed dwelling would, if permitted, lead to an undesirable change in the character of the existing area. Criteria G is not met.
- h) The design and layout of the proposed dwelling will create an unacceptable adverse impact on existing properties in terms of overlooking / loss of privacy, overshadowing and dominance. The proposed side elevations contains windows at ground floor and first level which are likely to cause problems of overlooking and loss of privacy in the rear gardens of existing properties. This issue is exacerbated due to the minimal separation distance of 1 metre between the application site and the common boundary of existing properties. The proposed dwelling would result in an unacceptable direct view into the most private garden areas of the adjacent properties. The proposed dwelling contains long side elevations which would result in an adverse impact of overshadowing to the adjacent properties 119 and 123 Harbour Road. This issue is exacerbated further due to the lack of separation distance between the proposed dwelling and existing dwellings. In addition the amenity area of 123a Harbour Road would also be adversely affected by overshadowing. The proposed dwelling is likely to impinge on the immediate outlook from neighbouring properties and could result in a hemmed in effect due to the presence of large blank walls along the side elevations. 119

Harbour Road and 123a Harbour are likely to experience increased dominance as these properties are single storey and the proposed dwelling which is two storeys is likely to appear more prominent when viewed from these dwellings. For the reasons outlined Criteria H has not been met.

- i) I am content that the proposal will not give rise to crime or antisocial behaviour and it should promote personal safety in the same regard as the existing dwellings. Criteria I is met.

In summary the proposal fails to meet Policy QD 1 Criteria A, G and H.

Addendum to PPS 7 Safeguarding the Character of Established Residential Area Policy LC 1

The proposal fails to meet Policy LC 1 Criteria B in that the proposed development fails to respect the existing pattern of development, overall character and environmental quality of the established residential area.

PPS 2 – Natural Heritage Policy NH 6

Policy NH 6 states that planning permission for a new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development fails to respect the local architectural styles and patterns of the surrounding area and it is not sympathetic to the character of the Mourne AONB.

PPS 3 Access, Movement and Parking

Transport NI has no objection to the proposal subject to conditions.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, massing and appearance of buildings;
 - (g) that the design and layout of the development draws upon the best local traditions of form, materials and detailing;
 - (h) that the design and layout will not cause/create unacceptable adverse impacts on existing or proposed properties in terms of overlooking, loss of light and overshadowing.
2. The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:
 - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

- 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 for the locality and is out of keeping with local architectural styles and patterns and the special character of the Mourne AONB.

Case Officer Signature:
Date: 1 August 2017
Authorised Officer Signature:
Date:

ITEM NO	10				
APPLIC NO	LA07/2017/0427/O	Outline	DATE VALID	3/16/17	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr Oliver Murnion 65 Yellow Road Hilltown	AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB NA		
LOCATION	80m West of No. 53 Yellow Road Hilltown Co. Down BT34 5UD				
PROPOSAL	Proposed site for farm dwelling and domestic garage				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	0
				Addresses	Signatures
				0	0 0 0

- 1 The proposal is contrary to SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Yellow Road, Hilltown.
- 2 The proposal is contrary to SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0427/O

Date Received: 16th March 2017

Proposal: Proposed site for farm dwelling and domestic garage.

Location: 80m west of no 53 Yellow Road, Hilltown.



Site Characteristics & Area Characteristics:

The site in question is located on lands to the lower side of Yellow Road, Hilltown. The site slopes away from the road and is adjacent to farm sheds and outbuildings. The site fronts onto Yellow road with the boundary facing the road defined by a post

and wire fence with some whin planting included. The north and west of the site is not defined.

The site is not within any settlement development limits as defined in the Ards and Down Area Plan 2015 and the site is also within the Mourne Area of Outstanding Natural Beauty. The area would be of a high scenic nature.

Site History:

P/2010/0246/O – 80m W of 53 Yellow Road, Hilltown – site for farm dwelling and garage – granted – 01-04-2011

P/2003/2544/O – approx. 100m W of no 53 Yellow Road, Hilltown – site for dwelling and garage – refused – 19-01-2006.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 3 Access, Movement and Parking and PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

NI Water was consulted and responded with no objections to the proposal.

Transport NI was consulted and responded with no objections.

DAERA responded to say that the farm business has been in existence for more than 6 years and that a farm payment had been claimed in the last year.

Objections & Representations

The application was advertised 7th April 2017 which expired 21st April 2017; neighbour notification was issued 10th April which expired 24th April 2017. To date there have been no objections lodged in relation to the application.

Consideration and Assessment:

As this application is for a dwelling and garage on a farm the initial policy context considered is CTY 10 Dwellings on Farms.

The farm business in question appears to be currently active and established and has been for a period of at least 6 years as confirmed by DAERA. Farm payments have been made in the last year. The P1C states that the farm business was established in 2009 with allocation of the farm business identification number in 2010. Evidence of farming activity including herd and flock records have also been submitted. Point A of CTY 10 has been met.

A site history check has been carried out on the lands submitted and shown on the farm maps and there does not appear to have been any development opportunities sold off from the farm holding.

The proposed site is located adjacent to the existing farm buildings and fronts out onto the road. A new access is proposed however given the road side location and positioning of existing sheds and access it would not be feasible to use an existing

access. CTY10 has been met on the above three points however policy also states that CTY 13, 14 and 16 must be adhered to.

It is considered that a suitably designed dwelling would be acceptable on the land in question.

In line with CTY 13 the dwelling would not be a prominent feature in the landscape. The site has an existing hedge boundary to the front of the site that will likely need altered to allow for access and splays, the eastern boundary is defined with agricultural buildings, the remaining two boundaries are not defined. The site could accommodate a dwelling with some additional planting required however the site will not rely on new planting for integration.

There is nothing to suggest that ancillary works would not integrate with the surroundings.

As this is an outline application the design of the building has not been submitted however it is considered that a building can be accommodated on the site.

The land slopes away from the road however it is considered that a dwelling, suitably designed could be accommodated on the site and the application is also considered against CTY 14 Rural Character.

A suitably designed dwelling could be accommodated on the site in question without being a prominent feature in the landscape.

The site is not likely to lead to a suburban style build-up of development when viewed with existing buildings and the traditional pattern of development would be respected with suitable design.

The provision of the visibility splays will not damage rural character.

There is already a ribbon of development along the stretch of road including the residential dwelling no 53 Yellow Road and also the collection of farm buildings which have a common frontage to the road, this site in question would lead to the addition of the existing ribbon of development and therefore is contrary to CTY 14 and also CTY 8 Ribbon development.

CTY 8 states that permission will be refused for a building which creates or adds to a ribbon of development, for the purposes of this development a definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage. The proposed siting, while in keeping with CTY 10 would offend CTY 8 and CTY 14 and therefore is not acceptable.

It is noted that there is a previous approval on the site approved under P/2010/0246/O for the same site. The case officer report associated with this previous approval makes no reference to consideration of the application in terms of CTY 14 as CTY 10 clearly identifies it is necessary. The Planning Appeals Commission has also stated that the Authorities are not necessarily held to decisions made by the then Department. There would be no justification for allowing this siting which is contrary to policy.

As the application is found to be contrary to CTY 8 and CTY 14 of PPS 21 the application is considered as a refusal.

Recommendation:

Refusal

Refusal Reasons

- The proposal is contrary to SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Yellow Road, Hilltown.
- The proposal is contrary to SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Case officer:

Authorised by:

Date:

ITEM NO	6			
APPLIC NO	LA07/2016/1490/O	Outline	DATE VALID	11/9/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr. Brian McDowell 34 Sleepy Valley Rathfriland BT34 5HL	AGENT	J. H. Bingham 60 Gransha Road Rathfriland BT34 5BU 079 2569 2044	
LOCATION	Tamary Road Mayobridge Newry BT34 2HW 320m South West from No. 35 Townland of Tamary.			
PROPOSAL	Construction of replacement dwelling and domestic garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0 0 0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure does not exhibit the essential characteristics of a dwelling.



Application Reference: LA07/2016/1490/O

Date Received: 9th November 2016

Proposal: Construction of replacement dwelling and domestic garage.

Location: Tamary Road, Mayobridge, Newry, BT34 2HW (320m South West from No. 35, Townland of Tamary).

Site Characteristics & Area Characteristics:

The application site is located within the rural countryside approximately 320m south-west of number 35 Tamary Road, between Mayobridge, Rathfriland and Hilltown. The site is within the Mournes Area of Outstanding Natural Beauty and an area of constraint on mineral developments as designated in the Banbridge, Newry and Mourne Area Plan 2015.

The site consists of two agricultural style buildings located in the north-west corner of a large agricultural field. The buildings are surrounded by trees and vegetation. There are two dilapidated stone built buildings approximately 20m west of the application site. The surrounding land is undulating with scenic views over the surrounding countryside.

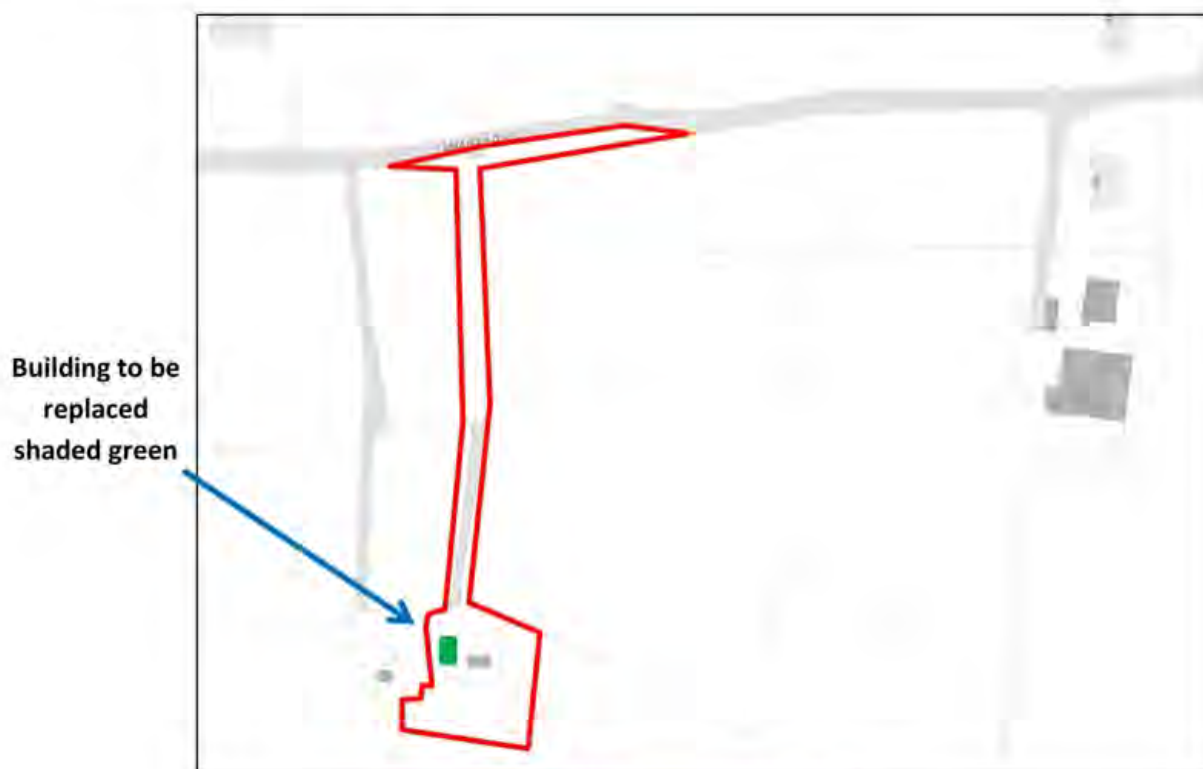


Image 1 - Application site

Site History:

There is no relevant planning history on this site.

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland;
- Planning Policy Statement 2 – Natural Heritage;
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 21 – Sustainable Development in the Countryside.

Consultations:

Transport NI –	No objections in principal subject to conditions.
NI Water –	Generic response.
NIEA WMU –	Refers to standing advice.
NIEA Natural Environment –	Aerial photography records show the site is located within an area of sensitivity for Northern Ireland priority habitat or priority species. The agent submitted a completed Biodiversity Checklist which shows there would be no impact on protected species. Having re-inspected the site I am also content there would be no impact.

Objections & Representations

The application was advertised in the local press the week beginning 21st November 2016 and one neighbour notification letter was issued. To date no objections or representations have been received.

Consideration and Assessment:

Outline planning permission is sought for the proposed erection of a replacement dwelling. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. The site is located within the rural area that is classified as open countryside in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and PPS21.

Principle of Development

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

Planning Policy Statement 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 replacement dwellings if they are in accordance with Policy CTY 3.

Policy CTY 3 – Replacement Dwellings – states:

“Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ will include buildings previously used as dwellings.

Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.”

The building subject of replacement is single storey rectangular shaped structure with a corrugated tin roof. One original stone built gable end wall is intact, as is the rear wall. The original stone built front wall is largely intact however it has been extended and a new gable end formed using concrete block construction. A doorway on the original gable end elevation has been completely blocked up. Another doorway the front facing elevation has been partially blocked up. There is a large agricultural entrance and high level window on the block built gable end. The building appears to have been part of a much longer structure in the past however a substantial part of the original walls are missing – see photos on file.

There are no evident features which would indicate the structure was previously used as a dwelling house.



Figure 2 - Structure Subject of Replacement



Figure 4 - Original Gable End



Figure 3 - Block Built Gable End

The agent (Jim Bingham) provided a supporting letter from Fisher & Fisher Solicitors dated 21st October 2016 which refers to "*the cottages*" owned by the applicant on the Tamary Road. The letter details the ownership history records of *the cottages*. Mr Bingham was asked to provide supporting evidence to demonstrate the previous use of the building as a dwelling house.

In a letter of response dated 6th June 2017, Mr Bingham made reference to the final paragraph of the solicitor's letter which indicates Robert Patterson had been "*a tenant in occupancy of the cottages and land from the Annesley Estate from the early part of the 20th century*".

The letter states the applicant had spoken to an elderly neighbour who remembers a family living in the property up until 1949. It goes on to say that the present owners father removed a chimney and fireplace and built up openings and used the building for agricultural purposes.

The information provided was not considered to be verifiable proof of the use of the building as a dwelling. As a result Mr Bingham was asked to provide a certified copy of the records referred to in the letter from Fisher & Fisher solicitors and also a written statement from the elderly neighbour in relation to the use of the building as a dwelling.

A certified copy of Land Registry records and a letter from the elderly neighbour – Mr William Magowan – were received on 31st July 2017. The Land Registry records relate to the ownership of land that is not part of the application site. Furthermore, the Land Registry records provided show that Robert Paterson was registered owner of the lands comprised in the folio on 30th January 1934. The records do not make any reference to Mr Patterson being a tenant in occupancy of cottages. The Land Registry records therefore have to be disregarded.

The Council cannot rely solely on a letter from a neighbouring land owner as verifiable proof of the previous use of the building as a dwelling house. As it has not been demonstrated to the satisfaction of the Council that the building was previously used as a dwelling house it does not meet the fundamental requirement of policy for replacement.

Policy CTY 3 also states that favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

The subject building is not visible from the Tamary Road and is well screened from view by existing trees and vegetation. I am not convinced its removal and replacement with a dwelling house would bring significant environmental benefits as required by policy. The proposal therefore fails to meet the provisions of Policy CTY 3.

The proposal is not one of the types of development that is acceptable in principal in the countryside under Policy CTY 1 and no overriding reasons have been put forward to demonstrate why the development is essential and could not be located within a settlement. As a result the proposal fails also to meet the provisions of Policy CTY 1.

Recommendation:

The structure does not exhibit the essential characteristics of a dwelling and does not meet the policy requirements for replacement. Refusal recommended.

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure does not exhibit the essential characteristics of a dwelling.

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

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

ITEM NO 9
APPLIC NO LA07/2017/0375/O Outline **DATE VALID** 3/8/17
COUNCIL OPINION REFUSAL
APPLICANT Mr Declan Kearney 11 Adavoyle Road Drumintee Newry BT35 8JJ
AGENT M. P. Toale & Associates 116 Dromintee Road Newry BT35 8SW 028 3088 8574

LOCATION 30m West of 34 Station Road Adavoyle Killeavy Newry

PROPOSAL Farm Dwelling and Garage

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

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 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 Station Road.
- 3 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.
- 5 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0375/O

Date Received: 08.03.2017

Proposal: The applicant seeks Outline Permission for the erection of a farm dwelling and garage.

Location: 30m West of 34 Station Road, Adavoyle, Killeavy, Newry. South Armagh Countryside / AONB

Site Characteristics & Area Characteristics:

The site as defined is red is rectangular in shape and takes in the eastern portion of a larger agricultural field. The site abuts the public road and sits opposite the farm buildings and adjacent a 2 storey dwelling.

Site History:

N/A

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3 / DCAN 15
Planning Policy Statement 2
Building on Tradition

Consultations:

NI Water – Generic Response
Transport NI – No objections subject to compliance with attached RS1 from.
DARDNI – DARD number has been in existence for at least 6 years and SFP has been claimed in this period.

Objections & Representations

2 neighbours notified on 07.04.2017 and application advertised on 22.03.2017. No objections or representations received.

Consideration and Assessment:

The site lies within the AONB/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 to the proposal with regard to the above policy criteria subject to compliance with the attached conditions.

PPS21 – Sustainable Development in the Countryside

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

A solicitor's letter has confirmed there has been no development opportunities sold off or disposed from the farm holding. This satisfies the requirements of part (b) of policy CTY10.

The agent along with his submission submitted a solicitor's letter confirming the applicant does not own No.34 (dwelling adjacent the site). The proposed siting of the dwelling is across the road from the farm buildings and therefore not clustered with the buildings on the farm. This is reinforced by paragraph 5.41 of CTY10 where it notes that the proposed dwelling should read as being visually interlinked with the buildings, with little appreciation of any physical separation distance. This position is confirmed by PAC Appeal Ref 2016/A0009 where a similar arrangement was proposed and subsequently dismissed for this reason (among others). In the absence of demonstrable health and safety reasons or verifiable plans to expand the business the proposal is contrary to (c) of CTY10.

As the proposal does not meet the exception in CTY 10 in full and with no overriding reasons why this development is essential, the proposal is contrary to policy CTY1.

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

The proposal is also contrary to (g) of CTY13 as the proposal is for a farm dwelling which is not visually linked or cluster with an established group of buildings on the farm. As the proposal will add to a ribbon of development and contribute to suburban style build up when viewed with existing buildings it is also contrary to CTY8 and CTY14.

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.

Planning Policy Statement 2: Natural Heritage

Policy NH6 of Planning Policy Statement 2 is applicable as the application is located within the Ring of Gullion AONB. Due to the issues discussed above relating to ribbon development, build-up and the failure to cluster with buildings on the farm it is considered that the siting of the proposal is unsympathetic to the special character of the AONB in general and of the particular locality. The proposal is contrary to policy NH6 of PPS2.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
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 Station Road.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to further erode the rural character of the countryside.
5. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer:

Authorised Officer:



M. P. TOALE & ASSOCIATES

Architectural Consultants & Surveyors.



Architecture & Surveying Institute
Northern Ireland Region

Your Ref; LA07/2017/0375/O

8TH August 2017

Ref. Erection of Dwelling 30M West of 34 Station Road, Adavoyle,
Killeavy, Newry.

Enclosed find submission for consideration at the Planning Committee meeting on
Wednesday 16th August 2017

Yours Sincerely

.....*M. Toale*.....

Democratic Services Department,
Newry / Mourne & Down District Council,
O'Hagan House,
Monaghan Row,
Newry.

116 Dromintee Road, Newry Co. Down. BT358SW

Tel: 02830 888574 Fax: 02830 888574

Michael Toale A.S.I. I.C.I.O.B.

Paul Toale B.S.c. Eng. I.C.I.O.B

M. P. TOALE & ASSOCIATES

Architectural Consultants & Surveyors.

Date 7th August 2017

SUBMISSION FOR CONSIDERATION OF PLANNING COMMITTEE ON 16th Aug 2017

It has been established that the applicant fulfills the requirements of Planning Policy CTY10 and qualifies for a dwelling on his farm.

We would wish to make the following submission in response to the Planning Officers recommendations.

1. The site was chosen after careful consideration of other options on the farm. Plan 1, clearly shows that the site is within close proximity to the other farm buildings, visually linked and sited to cluster with those buildings (see circle enclosing this group)
2. The site is located in a natural hollow with limited approach views. The only clear view of the proposal is from the western approach as shown on Plan 2. This view is from a small hill section of the station Road and this hill also serves to screen the site from the busy nearby Adavoyle Road. The site is obscured from the eastern approach by the existing buildings and trees see Plan 3
3. Plan 1 also shows that the proposal does not contribute to ribbon development. The open gap to the east will remain as existing and with 150m approx. of the applicants open farmland to the west there is no significant increase in ribbon than already exists.

In summary a modest dwelling at this location with appropriate Design and Siting Conditions can be accommodated without compromise of the relevant Planning Legislation

Signed 

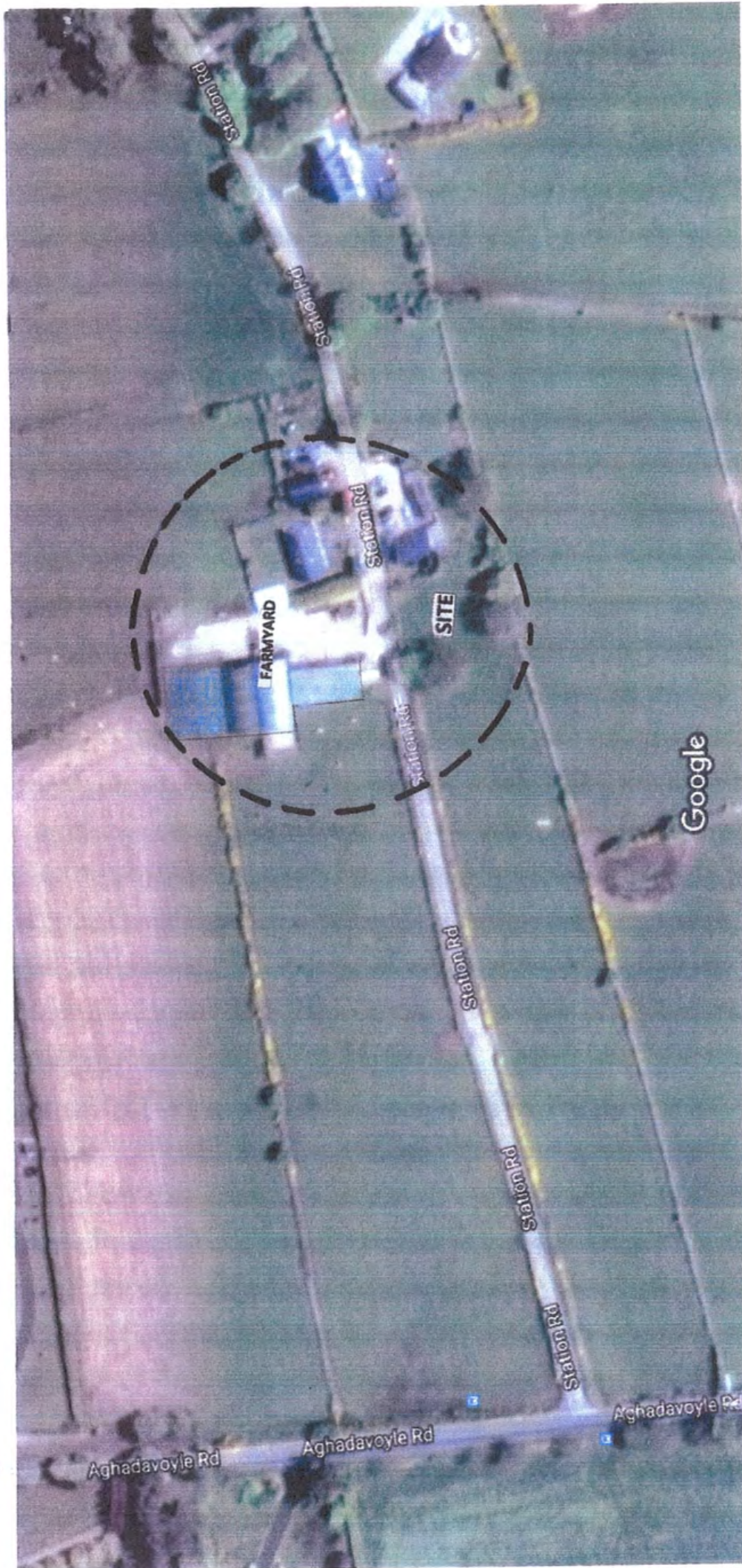
116 Dromintee Road, Newry Co. Down, BT358SW

Tel: 02830 888574 Fax: 02830 888574

Michael Toale A.S.I. I.C.I.O.B.

Paul Toale B.S.c. Eng. I.C.I.O.B

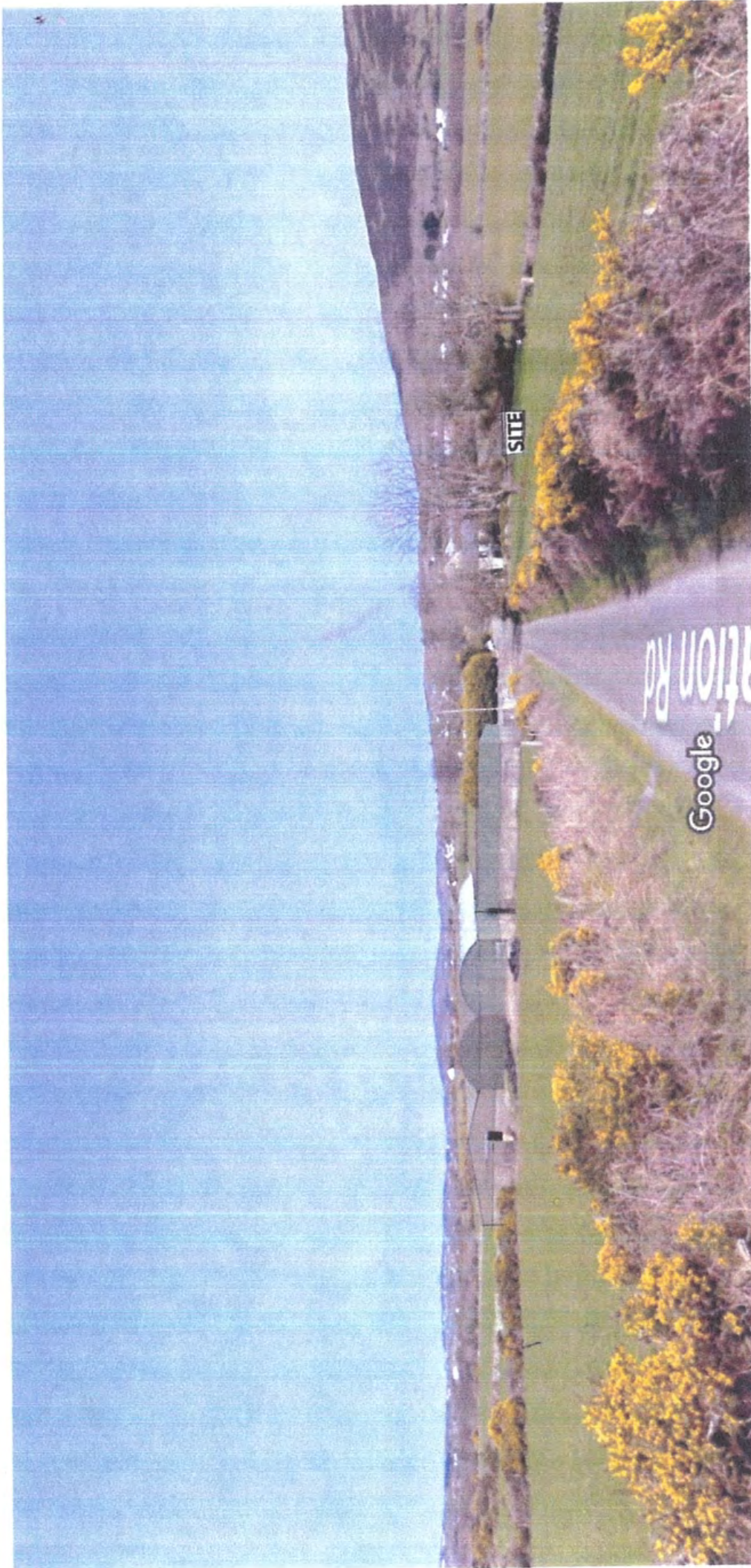
**PROPOSED SITE FOR DWELLING AT STATION ROAD,
ADAVOYLE, KILLEAVY NEWRY.**



Map data ©2017 Google

PLAN 1

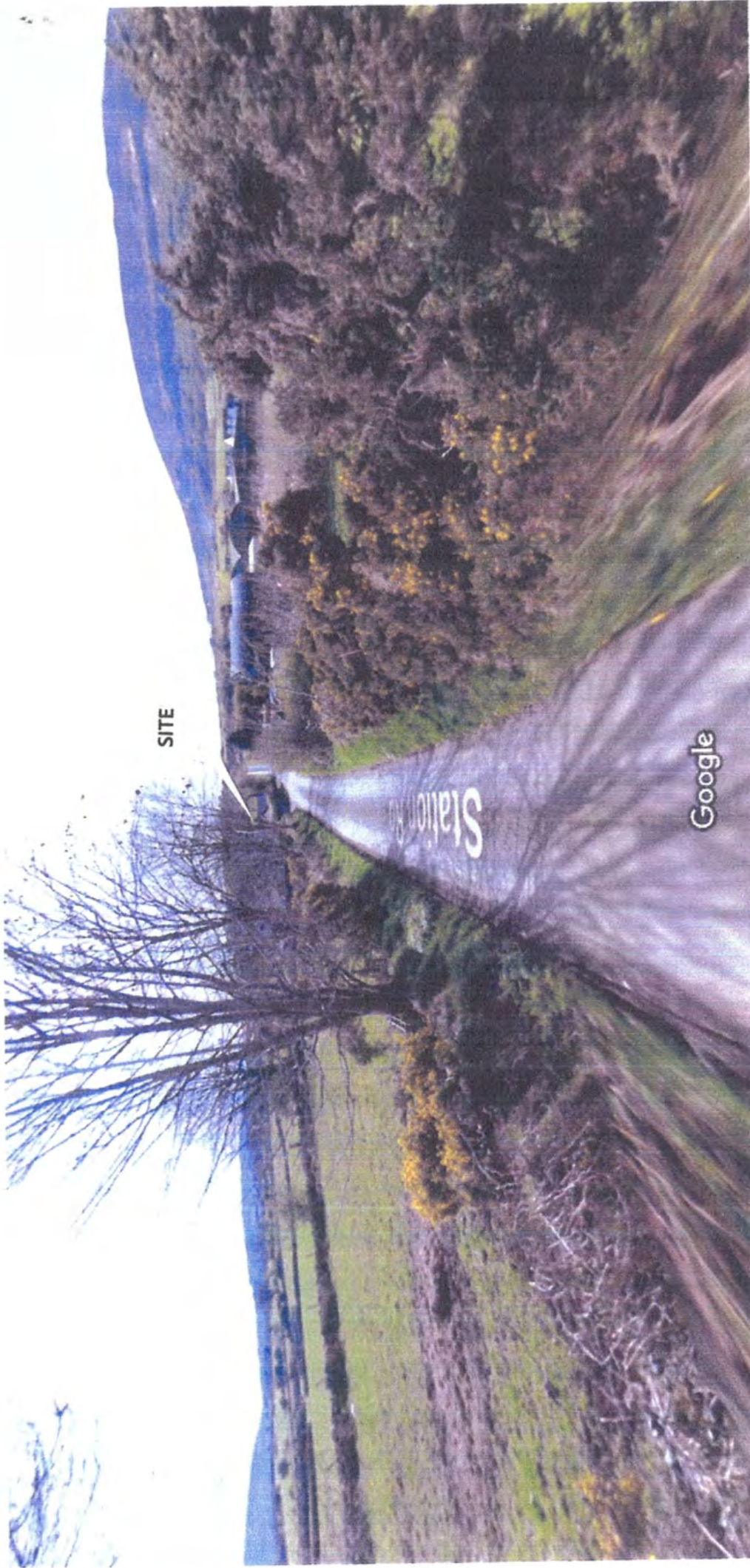
PROPOSED SITE FOR DWELLING AT STATION ROAD,
ADAVOYLE, KILLEAVY NEWRY.



APPROACH FROM WEST

PLAN 2

**PROPOSED SITE FOR DWELLING AT STATION ROAD
ADAVOYLE KILLEAVY NEWRY**



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APPROACH FROM EAST

PLAN 3

ITEM NO	13			
APPLIC NO	LA07/2017/0782/O	Outline	DATE VALID	5/19/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr E Magee 81 Kingsmill Road Whitecross BT60 2SX	AGENT	MRL Architects MRL House 56 Armagh Road Newry BT35 6DN 02830253755	
LOCATION	site east-south-east of 3 Drummond Road Gosford Newry BT35 6NH			
PROPOSAL	Replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0 0 0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - the building has been designed and used for agricultural purposes; and
 - there is no structure that exhibits the essential characteristics of a dwelling.

- 2 The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - and therefore would not visually integrate into the surrounding landscape.

- 3 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0782/O

Date Received: 24.05.2017

Proposal: Replacement dwelling

Location: site east-south-east of 3 Drummond Road Gosford Newry BT35 6NH

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

The site is located on the Drummond Road, Newry, on a corner next to the junction with the Gosford Road. The site slopes quite steeply upwards from the Gosford Road to a levelled platform with the building and then rises beyond the rear in a southerly direction. Within the site there is a large area of hardstanding between the access onto the Drummond Road and the building to be replaced.

Site History:

P/1997/0015- Site for dwelling- Refused- The proposal would be contrary to the Department's Rural Strategy and to its associated Regional Planning Policies for buildings in the countryside in that the development proposed on this site could not be satisfactorily integrated into the local landscape.

Above application was appealed Ref: 1997/A157- allowed subject to conditions requiring landscaping including the retention of vegetation and the refurbishment of the barn and outbuilding.

P/2000/1876/F- erection of dwelling- withdrawn

P/2004/1138/O-Site for dwelling and garage- Refused- The proposal is contrary to Policies SP6, HOU8 and DES5 of the Department's 'A Planning Strategy for Rural Northern Ireland' in that a building on this site would not integrate into the countryside, as the site is unable to provide a suitable degree of enclosure due to the lack of sufficient boundaries or any other means of achieving satisfactory integration, and as a consequence would, if permitted, have an adverse impact on the landscape by reason of its undue prominence

Above application was appealed Ref: 2005/A073- Dismissed**Objections & Representations**

*No. of neighbours notified= 2
No representations received= 0
Advertise expiry= 22/06/2017*

Consultations

**Transportni- No objections attach RS1
NIW- statutory**

Consideration and Assessment:

The proposal is for a replacement dwelling within a countryside area therefore will be assessed Policy CTY 3 of PPS 21.

Upon site inspection the building has four walls. The walls appear to be of a natural stone construction when viewed internally the lower portions of these walls have been coated with a recent layer of plaster. The external walls have also been covered in a smooth plaster. One of the gable ends have been rebuilt with concrete block. The building is single storey with no roof covering. The external edges of the building have a number of natural slates still intact.

The building has one doorway opening on the elevation facing the Gosford Road, no openings to the rear elevation and a doorway and 2 small window openings on the gable end which appear to be of recent construction. Internally the building has no division. Internally to the gable end (more recently constructed) there is a red brick arch to the inside of the wall. This appears to have been original gable opening which would lend itself more to that of a typical barn opening.

Having viewed the historical applications/PAC decisions, it is clear that the building to be replaced was an outbuilding.

The history application P/1997/0015/O which was refused by the Department and allowed at appeal ref: 1997/A157 was subject to conditions requiring landscaping including the retention of vegetation and the refurbishment of the barn and outbuilding(subject building).

In the appellants submission they stated, 'that the proposed dwelling would be located adjacent to the site of a former farm dwelling on the site. The applicant wishes to renew and reinstate the barn and outhouse on the site.'

Subsequently, another application on the site ref: P/2004/1138/O was refused and appealed. The appeal was dismissed given that the barn to be retained as previously conditioned by the PAC had been demolished however the outbuilding was retained. The retention of the barn was the key to achieving satisfactory integration. The PAC stated, 'Following the demolition of the shed and the deterioration of the stone outbuilding, the site fails to integrate a dwelling irrespective of siting and design.'

PAC decisions 1997/A157 and 2005/A073, both refer to the subject building as a small stone outbuilding. This was not disputed by the applicant/agent at this time. The policy clearly states buildings designed and used for agricultural purposes, such as sheds or stores are not eligible for replacement under the policy. The building to be replaced given its current appearance and having considered the historical applications, does not exhibit the essential characteristics of a dwelling.

A letter of support was submitted from a John Kenny, stating that he lived in Kenny's farm house at Drummond Road up until 1967. His mother had originally lived in the house on the other side of the Drummond Road and her family still reside in this dwelling. She lived there until she married, and then moved to the dwelling across the road.

I cannot dispute that there may have once been a farm house on this site as within the history the previous applicant (Lottie Magee) referred to a 'former farm dwelling' on the site also. However, the reference states that this was a 'former farm dwelling' and also considering the previous Department, PAC and applicants reference to the subject building as a stone outbuilding I am of the opinion that this building was never a dwelling.

The site as submitted is quite large extending from the Gosford Road beyond the subject building to be replaced to a point in the southern corner. The proposal will rely heavily on new landscaping as the site is very exposed from the Gosford Road and lacks any long established natural boundaries to provide a suitable degree of enclosure for the building to integrate into the landscape.

Recommendation:

Refusal- SPPS, CTY 3, CTY 13 & CTY 14

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**PROPOSED DWELLING, 70M NE OF LISSERAW ROAD, CAMLOUGH -
planning ref. LA07/2017/0782/O**

TO WHOM IT MAY CONCERN

**40209 - Plnng 170905 - PROPOSED DWELLING, 70M NE OF LISSERAW ROAD,
CAMLOUGH - planning ref. LA07/2017/0782/O**

I confirm that this application is being recommended for 'refusal' at the Council meeting on the 13th September. We would be most grateful if you could grant us 'speaking rights' for this meeting. Please note the following written submission on the issues we are intending to speak on:

'We would wish to clarify how the building to be replaced does have characteristics of a dwelling. We would also wish to point out how that the building was not designed for agricultural purposes.'

Regards,

John Harkness BA(Hons) Arch Dip Arch ARB
Architect

(T) +44 (0) 28 302 53755

(W) www.milliganresidelarkin.com

(A) 56 Armagh Road, Newry, Co. Down, BT 35 6DN



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ITEM NO	15			
APPLIC NO	LA07/2017/0856/F	Full	DATE VALID	6/5/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Brian Hollywood 46 Conway Park Larchmount Mullaghbawn BT35 9TS	AGENT	Feargal Carolan 40 Newry BT35 6TX 07732119785	
LOCATION	20 Lough Road Mullaghbawn BT35 9XP			
PROPOSAL	Proposed change of use from Spa Centre Business to dwelling with some minor renovations			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	
			0	0 0 0

- 1 The proposal is contrary to the SPPS and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be converted and reused is not a locally important building of special character or interest.
- 2 The proposed development is unacceptable in that insufficient information regarding the access as requested by TransportNI, has been submitted to enable the Council to make an informed decision on the proposal.



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0856/F

Date Received: 06.06.2017

Proposal: Proposed change of use from Spa Centre Business to dwelling with some minor renovations

Location: 20 Lough Road Mullaghbawn BT35 9XP

The site contains 3 buildings all of which are vacant and boarded close. The main building which is to be reused was last used as a day spa and is single storey in height. The old stable block and feed store are still present on the site. To the rear of the site there is a small pond which appears to be used for recreational fishing. To the north east of the site there is a laneway access to the pond to the rear. Just beyond the laneway lies Cloverhill golf course.

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

Site History:

P/1993/1115/F- Equestrian Centre- Approval

P/2008/0272/F- Change of use of equestrian centre to health spa and feedstore to accommodation block- Approval- 5/12/2008

Objections & Representations

No. of neighbours notified=3

No representations received= 0

Advertise expiry= 06/07/2017

Consultations

TransportNI- requests

EH- no objections

NIW- statutory

Consideration-

The SPPS under para 3.8 states that 'the guiding principles 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 conflict with an up-to-date plan should be refused, unless material considerations indicate otherwise.'

The proposal is for the conversion of the existing health spa to a residential dwelling. The proposal will be assessed against the provisions contained with PPS 21 in line with Policy CTY 4 of PPS 21.

Having considered the proposal against the SPPS and that retained within PPS 21 it is noted that the SPPS introduces a change in policy direction and therefore greater weight is afforded to the SPPS.

In particular to CTY 4 and the conversion and reuse of existing buildings the SPPS stated that provision should be made for the sympathetic conversion and reuse of a suitably locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to the countryside location.

The overall objective of the planning system is to further sustainable development and in general planning policy for development in the countryside prefers the retention of buildings over new build. However, it does not seek to retain and upkeep every building in the countryside and that is why it sets out certain criteria to be met and why the 'locally important' test has been introduced by the SPPS. The SPPS has set out a range of buildings (such as former school houses, churches and older traditional barns and outbuildings) suggestive of those that have some local architectural merit, historic interest or communal value. Having considered the building to convert against the new provisions contained within the SPPS, it is not considered to be a building of local importance.

The building from inspection is of a permanent construction. The reuse and conversion maintains and enhances the existing building form and the design. The proposal does not seek to extend the building with the only alterations being the introduction of 2 small window openings. The reuse and conversion would not unduly affect the amenities of the nearby residents and all necessary services are currently available. The overall scale of the proposal and intensity of the use will be less than what previously existed on the site. TransportNI have requested an amended block plan showing sightlines at the access point. If the Council is of the opinion to overturn this recommendation, an amended block plan is required.

Recommendation:

Refusal- not a locally important building

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ITEM NO	16			
APPLIC NO	LA07/2017/0887/O	Outline	DATE VALID	6/1/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Richard Henning 10 Jockeys Brae Newry BT35 6NU		AGENT	J. H. Bingham 60 Gransha Road Rathfriland Newry BT34 5BU 028 4063 8543
LOCATION	Opposite 7 Jockeys Brae Newry townland of Cloghinny			
PROPOSAL	Site for infill dwelling and domestic garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0 0 0	

- 1 The proposal is contrary to the SPPS and Policies CTY 1 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 Jockeys Brae Road and is not an exception.
- 2 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the dwelling would, if permitted create a ribbon of development;
 - and would therefore result in a detrimental change to further erode the rural character of the countryside.
- 3 The proposal is contrary to the SPPS and Policy FLD 3 of revised Planning Policy Statement 15; Planning and Flood Risk, in that the site lies within an area of surface water flooding and it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.
- 4 The proposal is contrary to the SPPS and Policy FLD 4 of revised Planning Policy Statement 15; Planning and Flood Risk, in that it has not been demonstrated that the culverting of a short length of the watercourse is necessary to provide access to the development site.
- 5 The proposed development is unacceptable in that insufficient information has been submitted to enable the Council to make an informed decision on the proposal.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0887/O

Date Received: 12.06.2017

Proposal: Site for infill dwelling and domestic garage

Location: Opposite 7 Jockeys Brae Newry townland of Cloghinny

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

The site is positioned on a flat low lying part of land which bounds Jockeys Brae Road. The roadside boundary is defined by post and wire fencing with a low rise hedge. The south west boundary lies with no. 6 (single storey bungalow & garage) and north east boundary with an access laneway to lands to the rear of the site. Beyond the access there is a small field entrance and beyond this field to the northeast lies no.10. Directly opposite the site there is 2 small single storey detached bungalows.

Site History:

P/2001/1458/O- Site for dwelling- Approval- 16th Nov 2001

P/2005/2096/F- Erection of dwelling and garage- Approval- 9th Oct 2006- expiry 6th Oct 2011

The above application was received on 02.09.2005, before the introduction of draft PPS 14 in March 2006.

Objections & Representations

No. of neighbours notified=7

No representations received= 1

Advertise expiry= 13/07/2017

Summary of issues raised in objection

- Objector lives opposite the site and they have been flooded twice due to interference with the river which runs in line with the proposed application.

- Culvert being filled in by the land owner exacerbating the flooding to their property. The landowner was instructed to open the culvert and he has.
- Issue rose as to how the site will be drained.

All the above issues have been considered as part of our assessment below.

Consultations

Rivers Agency- see assessment below

Transportni- No objections attach RS1

NIEA WMU- no comment

NIW- statutory

Consideration and Assessment:

The site is located within the countryside context therefore the provisions of PPS 21 will apply to this case. The application has been submitted for a dwelling on an infill site. The application will be assessed against Policies CTY 1, 8, 13 & 14. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The application site is positioned between no.6 and an access laneway leading to lands to the rear of no. 10. Beyond the access there is a small field and beyond the field lies the boundary to no. 10.. Having viewed the application site on the grounds, no. 6 and no. 10 both have frontages to Jockeys Brae. However, the site is not a small gap positioned within a line of 3 or more buildings along a continuously built up road frontage as required by the policy. The garage within the curtilage of no. 6 cannot be included as a building given its position set behind the front building line of the dwelling. The frontage is not continuous as there is a laneway and field between the site and no. 10. The proposal will create a ribbon type of development along Jockeys Brae and it is possible that the site will open up further development opportunities.

It is felt that a dwelling appropriately conditioned would meet the criteria set out in CTY 13.

The proposal would result in a suburban style build up when viewed with the existing buildings and create a ribbon of development along Jockeys Brae Road. The proposal is contrary to CTY 14.

Having consulted with Rivers Agency they have confirmed that the site does not lie within the 1 in 100 yr flood plain. They have stated an undesignated watercourse flows along the eastern and southern boundaries of the site. This watercourse is also culverted under the adjacent road to the south of the site. In line with policy a 5 metre Service strip is required and no development within this area.

Due to evidence of a history of surface water flooding on the site FLD 3 applies. A drainage assessment is required for any development proposal where there is evidence of a history of surface water flooding. Rivers Agency in their response has recommended that a Drainage Assessment is carried out for their consideration.

There have concerns that there is potential flood risk that may affect the site or elsewhere associated with:

- Culvert blockage*
- Overland flow originating from the site and potentially affecting elsewhere*
- Infilling that may impede natural overland flow paths and increase flood risk elsewhere*
- Pluvial flooding*

Drainage was also raised by the objector. However, given the expense in compiling such a report and that the principle of development is not considered acceptable.

This information was not requested and is currently outstanding.

The site access will also cross a watercourse. FLD 4 must also be applied to the case.

The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in exceptional circumstances. One such exception is where the culverting of a short length of a watercourse is necessary to provide access to a development site or part thereof. As details of the access or culvert have not been submitted, it is difficult for the Planning Department to determine the proposal against FLD 4.

Recommendation:

Refusal- It must be noted that the Planning Authority has not requested the submission of the Drainage Assessment in line with FLD 3 as it is our opinion that the principle of development is not acceptable on the site. Information regarding the culvert required is also outstanding.

If the Planning Committee is of the opinion to overturn this recommendation a Drainage Assessment is required given the surface water flooding issues on site and in line with the Departments Policies contained with revised PPS 15. For the proposal to be considered as an exception under FLD 4 information regarding the culvert is also required.

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Newry, Mourne & Down District Council – August

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1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	1,075	293
May	149	1,058	281
June	149	976	263
July	135	957	250
August	166	959	249

2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	590	192	77	72	144	1,075
May	585	192	76	65	140	1,058
June	550	163	78	55	130	976
July	535	172	73	45	132	957
August	540	170	72	40	137	959

Newry, Mourne & Down District Council – August

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3. Live applications per Case Officer

Month 2017/18	Average number of Applications
April	67
May	62
June	58
July	50
August	50

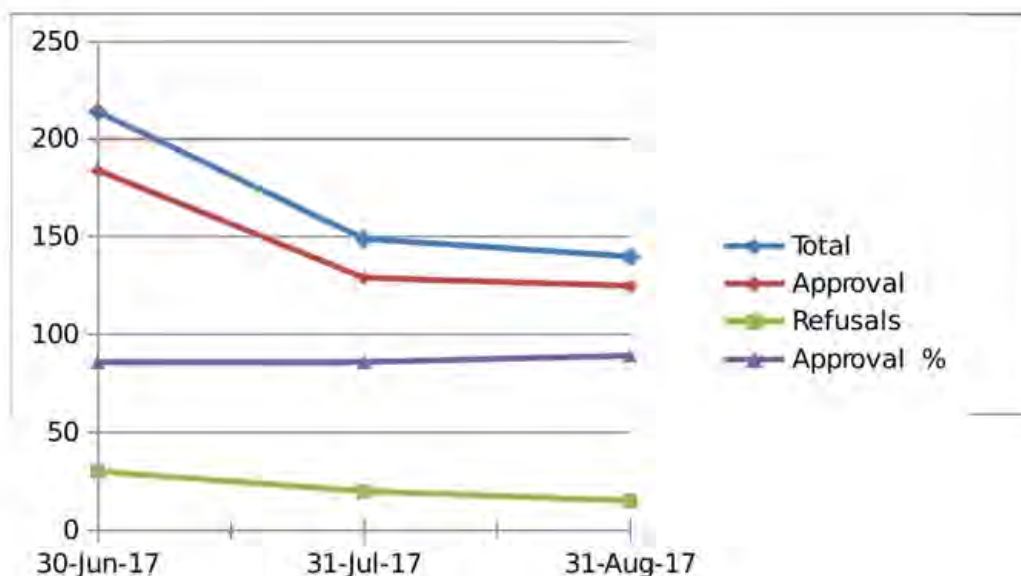
4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	123	104
May	174	148
June	214	170
July	149	124
August	140	122

Newry, Mourne & Down District Council – August

5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued (cumulative)	Breakdown of Decisions	
		Approvals	Refusals
April	123	Approvals (111)	90%
		Refusals (12)	10%
May	297	Approvals (266)	90%
		Refusals (31)	10%
June	511	Approvals (450)	88%
		Refusals (61)	12%
July	660	Approvals (579)	88%
		Refusals (81)	12%
August	800	Approvals (704)	88%
		Refusals (96)	12%



Newry, Mourne & Down District Council – August

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6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	292	126	95	87	55	83	738
May	286	137	89	91	53	85	741
June	295	138	91	93	53	88	758
July	311	142	89	88	61	88	779
August	321	139	93	80	70	88	791

7. Planning Committees 2017/2018

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/Deferred for future meeting
26 April	26	19	7
24 May	39	28	11
21 June	34	18	16
19 July	32	20	12
16 & 23	36	19	17
Totals	167	104	63

8. Appeals

Planning Appeal Commission Decisions issued during August 2017

Area	Number of current	Number of decisions	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	23	2	1	1	0
Down	12	0	0	0	0
TOTAL	35	2	1	1	0

Statutory targets monthly update - up to July 2017 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	91.8	0.0%	127	113	19.0	38.9%	37	20	64.2	60.0%
May	1	2	110.4	0.0%	148	157	18.0	43.9%	32	46	61.1	56.5%
June	2	2	73.2	0.0%	121	204	19.3	41.7%	32	20	59.7	55.0%
July	1	1	128.4	0.0%	110	141	20.0	41.1%	29	20	106.5	55.0%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	3	5	92.6	0.0%	396	474	18.8	41.8%	101	86	61.1	57.0%

Source: NI Planning Portal

Note

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Record of meetings between Planning Officers and Public Representatives 2017-2018

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
3/4/17	A McKay	M Ritchie MP
4/4/2017	A McAlarney	Cllr Walker
20/4/17	P Rooney	M Ritchie MP
27/4/17	A McAlarney	C McGrath MLA
27/04/17	A McAlarney M Keane	Cllr W Clarke
09/05/2017	A McAlarney	C McGrath MLA
11/5/17	A McKay	M Ritchie MP
1/6/17	A McAlarney	C McGrath MLA
2/6/17	G Kerr	Cllr J Tinnelly
20/06/17	A McAlarney	Cllr Walker
04/08/2017	A McAlarney	Colin McGrath
04/08/2017	G Kerr	Cllr David Taylor
15/08/2017	P Rooney G Kerr	Justin McNulty MLA
25/08/2017	G Kerr	Cllr J Tinnelly

Current Appeals

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AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2016/A0005
Planning Ref:	P/2014/0303/O	DEA	The Mournes
APPELLANT LOCATION	Michael Horner Adjacent To And North Of 36 Belmont Road Kilkeel		
PROPOSAL	^{Newry} Erection of Infill Dwelling and Detached Garage		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	05/04/2016
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	2	PAC Ref:	2016/A0041
Planning Ref:	P/2014/0853/F	DEA	Crollieve
APPELLANT LOCATION	S Meade To The Immediate North And East Of 16 Rostrevor Road Hilltown.		
PROPOSAL	Retention of two light industrial units, erection of three light industrial units.		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	01/07/2016
Appeal Procedure	Informal Hearing		
Date of Hearing		16/09/2016	
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	3	PAC Ref:	2016/A0135
Planning Ref:	P/2014/0649/O	DEA	The Mournes
APPELLANT	Mr Joseph Walls		
LOCATION	60 Metres East Of No.20 Sandbank Road Hilltown County Down BT34 5XU		
PROPOSAL	Site for Farm Dwelling (amended address)		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	13/10/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4	PAC Ref:	2016/A0148
Planning Ref:	LA07/2015/0877/F	DEA	The Mournes
APPELLANT	Mr Diarmid Sloan		
LOCATION	10 Tullybrannigan Brae Newcastle BT33 0DG		
PROPOSAL	Roof space conversion, replacement roof and 2 storey extension		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Written Reps	Date Appeal Lodged	01/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5		
Planning Ref:	LA07/2015/1244/F	PAC Ref:	2016/A0166
APPELLANT	Barney Mackin	DEA	Crotlieve
LOCATION	19.3m North-East Of No27B Derrycraw Road Derrycraw		
PROPOSAL	^{Newly} Erection of farm dwelling and garage		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	30/11/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2016/1041/C	PAC Ref:	2016/A0172
APPELLANT	Joseph O'Hare	DEA	Crotlieve
LOCATION	Lands North Of And Adjacent To 53 Mayo Road Mayobridge		
PROPOSAL	^{Newly} Dwelling and domestic garage on gap/infill site (amended address)		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	05/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2016/0381/C	PAC Ref:	2016/A0185
APPELLANT	Mr Matt Burns	DEA	Crotlieve
LOCATION	Opposite No. 107 Kilbroney Road Rostrevor		
PROPOSAL	Proposed farm retirement dwelling		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2016/0802/C	PAC Ref:	2016/A0192
APPELLANT	Darren O'Hagan	DEA	Crotlieve
LOCATION	60m NE Of 11a New Line Road Hilltown		
PROPOSAL	^{Newrv} Site for dwelling and detached garage		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure		Date Appeal Lodged	30/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9	PAC Ref:	2016/A0204
Planning Ref:	LA07/2016/0510/C	DEA	The Mournes
APPELLANT	Robert Laurence Annett		
LOCATION	Adjacent And West Of 60 Corcreaghan Road Kilkeel		
PROPOSAL	RT34 4SI Dwelling on a farm		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	23/01/2017
Appeal Procedure	Written Reps		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10	PAC Ref:	2016/A0211
Planning Ref:	LA07/2016/0826/C	DEA	Slieve Gullion
APPELLANT	Kevin Donaghy		
LOCATION	Lands To The West And Rear Of Nos 22 And 24 Ballynabee Road Maghernahely		
PROPOSAL	Reshrook Proposed erection of detached dwelling and garage		

APPEAL TYPE	Plg Refusal; permissions	Date Appeal Lodged	02/02/2017
Appeal Procedure	Written Reps		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	11		
Planning Ref:	LA07/2015/0647/C	PAC Ref:	2016/A0214
APPELLANT LOCATION	PR Jennings 15m North Of 39 Listooder Road Crossgar	DEA	Rowallane
PROPOSAL	Erection of farm dwelling (additional information received)		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	10/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2016/0365/C	PAC Ref:	2016/A0224
APPELLANT LOCATION	Mr And Mrs McCluskey Lands Between 1 Brae Road And 212 Belfast Road Ballynahinch	DEA	Rowallane
PROPOSAL	2no proposed dwelling houses		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	27/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	13	PAC Ref:	2016/A0226
Planning Ref:	LA07/2016/0477/F	DEA	Slieve Gullion
APPELLANT	Mr Caolan Quinn		
LOCATION	50m South-east Of No 106 Carrickgallogly Road Carrickgallogly		
PROPOSAL	Belleek Erection of dwelling		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	28/02/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14	PAC Ref:	2016//E0005
Planning Ref:	P/2015/0147/LDP	DEA	Newry
APPELLANT	Mr Gabriel McEvoy		
LOCATION	14m South West Of No 255 Dublin Road Killeen		
PROPOSAL	Newry Erection of agricultural building and associated hardstanding area, including removal of existing stone wall to provide access from existing agricultural yard.		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	02/05/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	15	PAC Ref:	2016-E0045
Planning Ref:	LA07/2015/0166/L	DEA	The Mournes
APPELLANT LOCATION	Mr Ronald Sloan 29 Leitrim Road Kilkeel		
PROPOSAL	A Certificate of Lawfulness confirming that the construction of the works undertaken were lawful under planning reference P/2009/0663/F and P/2009/1484/F, and therefore constitute a material start to the dwelling approved under reference P/2009/0663/F.		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	24/01/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2017/0061
Planning Ref:	LA07/2016/1212/C	DEA	Crotlieve
APPELLANT LOCATION	Thomas Grant Adjacent & Immediately South Of 20 Ryan Road Mayobridge		
PROPOSAL	Newly Replacement dwelling on farm		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	06/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17	PAC Ref:	2017/A0002
Planning Ref:	LA07/2015/0429/F	DEA	Crotlieve
APPELLANT	Rory And Kerri Farrell		
LOCATION	Site 11 The Avenue Rurren		
PROPOSAL	New two storey house with attached garage and associated external works		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	04/04/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2017/A0016
Planning Ref:	LA07/2016/0150/C	DEA	Crotlieve
APPELLANT	Alan & Ronald Davidson		
LOCATION	Adjacent And Immediately South Of No.17 Ardaragh Road Newry Co. Down BT34 1NY		
PROPOSAL	Erection of managers dwelling and domestic garage		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	21/04/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	19	PAC Ref:	2017/A0026
Planning Ref:	LA07/2016/1147/K	DEA	Rowallane
APPELLANT	Noel Ross		
LOCATION	Between 1 Drumgiven Road And 37 Creevyargon Road Ballynahinch		
PROPOSAL	Infill site for 2 dwellings and associated domestic garages.		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	08/05/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20	PAC Ref:	2017/A0027
Planning Ref:	LA07/2016/0736/F	DEA	Slieve Croob
APPELLANT	Mr Noel Ritchie		
LOCATION	To The Rear 102 Drumsnade Road Drumaness		
PROPOSAL	RT24 RNI Retrospective application for retention of timber frame domestic dwelling on site of storage shed		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	09/05/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	21		
Planning Ref:	LA07/2015/0946/F	PAC Ref:	2017/A0028
APPELLANT	Mark Rice	DEA	Newry
LOCATION	Lands Adjacent And North Of No.46 Lower Foughill Road Jonesborough Armagh.		
PROPOSAL	Proposed retention and extension of existing prefabricated structure to create farm dwelling. (amended description)		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	10/05/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2016/0557/F	PAC Ref:	2017/A0030
APPELLANT	Mr And Mrs Oliver Reavey	DEA	Slieve Gullion
LOCATION	85 Newtown Road Camlough Newry		
PROPOSAL	Retention of dwelling as constructed previously approved under planning ref P/2015/0186/RM		
APPEAL TYPE	Plg Refusal; permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	15/05/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23	PAC Ref:	2017A0030
Planning Ref:	LA07/2016/0557/F	DEA	Slieve Gullion
APPELLANT LOCATION	Mr And Mrs Oliver Reavey 85 Newtown Road Camlough Newry		
PROPOSAL			
APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	15/05/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24	PAC Ref:	2017/A0033
Planning Ref:	LA07/2017/0092/F	DEA	The Mournes
APPELLANT LOCATION	Mr Fintan McMullan 16 Mourne View Avenue Newcastle Newcastle		
PROPOSAL	Extension to front of dwelling (Retrospective)		
APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	22/05/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

174

ITEM NO	25		
Planning Ref:	LA07/2016/1323/F	PAC Ref:	2017/A0044
APPELLANT	Cathal Sloan	DEA	The Mournes
LOCATION	14 Sandy Brae Attical Kilkeel		
PROPOSAL	Partial conversion of existing domestic garage to provide ancillary residential accommodation.		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	08/06/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26		
Planning Ref:	LA07/2016/0762/C	PAC Ref:	2017/A0045
APPELLANT	Mr G Sharvin	DEA	Downpatrick
LOCATION	Lands 10m West Of 89 Killard Road Ballyhoman Downpatrick		
PROPOSAL	Proposed one and half storey bungalow and detached garage (Amended Site Location)		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	08/06/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

175

ITEM NO 27
Planning Ref: LA07/2017/0199/F
APPELLANT Paul Burke
LOCATION 12 Marshallstown
 Ballynoe Road
 Downpatrick
PROPOSAL Retention of portion of existing domestic store as replacement for
 substandard aged domestic stores

PAC Ref: 2017/A0047
DEA Downpatrick

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 08/06/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 28
Planning Ref: P/2015/0067/O
APPELLANT Mrs M McKnight
LOCATION 40m South Of 4 Molly Road Lower
 Jonesborough
PROPOSAL Dwelling and garage

PAC Ref: 2017/A0058
DEA Slieve Gullion

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Informal Hearing** **Date Appeal Lodged** 21/06/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	29	PAC Ref:	2017/A0071/F
Planning Ref:	LA07/2017/0077/F	DEA	Crotlieve
APPELLANT	Gary O'Hare		
LOCATION	Lands Between No. 20B And No. 22 Derrycraw Road Newry		
PROPOSAL	RT34 1RG Construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road.		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	24/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2017/A0075
Planning Ref:	LA07/2015/0805/F	DEA	Crotlieve
APPELLANT	Mr Peter Kelly		
LOCATION	140 Metres North Of 22 Newry Road Hilltown		
PROPOSAL	RT34 5TG Retention of dwelling with associated granny flat building, garden shed/store and ancillary site works as built. (Amended scheme to that approved under P/2012/0052/F)		
APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	26/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	31	PAC Ref:	2017-A0076
Planning Ref:	LA07/2015/1381/F	DEA	Slieve Croob
APPELLANT	Mr And Mrs E Kerr		
LOCATION	154a Downpatrick Road Teconnaught Ballvnahinch		
PROPOSAL	Conversion and extension of existing stone building to form dwelling plus detached garage and associated site works		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	27/07/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32	PAC Ref:	2017-A0082
Planning Ref:	LA07/2015/0714/F	DEA	Downpatrick
APPELLANT	Mr And Mrs Byrne		
LOCATION	180m North West Of Existing Farm Buildings Adjoining 28 Ballyclander Road Downpatrick		
PROPOSAL	Proposed farm dwelling and garage		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	04/08/2017
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	33		
Planning Ref:	LA07/2016/1296/C	PAC Ref:	2017/A009
APPELLANT	Mr And Mrs John Curran	DEA	Slieve Croob
LOCATION	Opposite 2 And 4 Magheralane Road Drumaness Rallvnahinch		
PROPOSAL	Proposed 1No. dwelling and garage with associated site works		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	11/04/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	34		
Planning Ref:	LA07/2017/0766/F	PAC Ref:	2017/A0090
APPELLANT	Kelbourne Property Ltd	DEA	The Mournes
LOCATION	87e Bryansford Road Newcastle RT33 01 F		
PROPOSAL	Dwelling and associated parking and landscaping		

APPEAL TYPE	Non Determination: Plg Permission		
Appeal Procedure		Date Appeal Lodged	17/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	35	PAC Ref:	2017/A0094
Planning Ref:	LA07/2017/0624/F	DEA	Crotlieve
APPELLANT	Mary Rooney		
LOCATION	80A Kilbroney Road Rostrevor		
PROPOSAL	RT34 RP1 Single storey side + rear extension		
APPEAL TYPE	Non Determination: Plg Permission		
Appeal Procedure		Date Appeal Lodged	25/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
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180

Appeal Reference:	2017/A0020.
Appeal by:	Mr Maurice Walsh.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Change of use of existing shed from light industrial to storage and distribution associated with oyster/mussel farming (Retrospective).
Location:	14a Belfast Road, Dundrum, Newcastle.
Planning Authority:	Newry, Mourne and Down District Council.
Application Reference:	LA07/2015/0093/F.
Procedure:	Written Representations and Accompanied Site Visit on 18 August 2017.
Decision by:	Commissioner Damien Hannon dated 23 August 2017.

Decision

1. The appeal is allowed and full planning permission is granted.

Reasons

2. At the accompanied site visit the Council withdrew their only reason for refusal. Consequently, it remains for me only to consider appropriate conditions. In order to protect the amenity of neighbouring residential occupiers, it is necessary that the hours of operation of the business and the nature of vehicles using the site be controlled and that a sound barrier be provided between the appeal site and No. 18 Belfast Road.

Conditions

- (1) Within three months of the date of this permission, a 2.4m high continuous, close boarded fence with a density of no less than 25kg per m² be installed along the boundary or No. 16 Belfast Road in the position indicated in green on the attached drawing numbered PAC 1 and permanently retained thereafter.
- (2) Articulated lorries shall not enter the yard accommodating the appeal site at any time.
- (3) No machinery shall be operated, no processes shall be carried out and no deliveries taken at or dispatched from the site outside the hours of 05:00 hours and 11:00 hours on any day of the week.

This decision relates to the following drawings:-

1:1250 scale Site Location Map numbered 01 by the Council and received by them on 17th April 2015.

1:100 scale Plans and Elevations numbered 02 by the Council and received by them on 23rd March 2016

COMMISSIONER DAMIEN HANNON

2017/A0020

List of Appearances

Planning Authority:-

Ms Claire Cooney
Ms Janice Robinson
Mr James Campbell

Appellant:-

Mr Maurice Walsh

List of Documents

Planning Authority:-

C1 Statement of Case

Appellant:-

A1 Statement of Case

ACEmap
dated 13/0

Single

Customer Ref

Ordering: 340931

PAC 1
7/1/2017
No

Scale 1:1,250

Order no. ORD11759

Sheet No. 24012SE



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Appeal Decision

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Appeal Reference:	2016/A0233
Appeal by:	Mr John Breen
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling on a farm
Location:	Land to rear of 25 Killybawn Road, Crossgar
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	R/2014/0442/O
Procedure:	Hearing on 3 rd August 2017
Decision by:	Commissioner T A Rue, dated 9 th August 2017

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside and whether granting permission would prejudice the safety and convenience of road users.
3. Although the appeal proposal is described as a dwelling on a farm, the appellant's case is based on the keeping and breeding of horses for commercial purposes. That is a non-agricultural activity for which the proper term is an equine business. The word "equestrian", which appears in the Council's remaining, amended reason for refusal, is misplaced.
4. The Planning Act (Northern Ireland) 2015 requires the Commission, in dealing with the appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 operates as the local development plan for the area where the appeal site is located. The site lies in the countryside outside any settlement identified in the plan. The plan contains no specific provisions material to the site or the appeal proposal.
5. The reason for refusal asserts that the appeal proposal is contrary to the Strategic Planning Policy Statement (SPPS), but that it not correct. The SPPS does not make any specific mention of dwellings associated with equine activity.
6. Policy CTY 1 of Planning Policy Statement 21 (PPS 21) identifies types of development which are in principle acceptable in the countryside. The second paragraph of the policy states that other types of development will be permitted only where there are overriding reasons why that development is essential and

could not be located in a settlement. The parties identified only one of the types of development listed in Policy CTY 1 as potentially relevant in this appeal, namely a dwelling on a farm in accordance with Policy CTY 10.

7. Policy CTY 10 of PPS 21 states that planning permission will be granted for a dwelling house on a farm where all of three criteria are met. It goes on to say that a proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under these criteria.
8. Criterion (a) of Policy CTY 10 is that the farm business is currently active and has been established for at least six years. In this case it is necessary to construe the criterion by reading in "equine business" in place of "farm business". Paragraph 5.38 in the amplification text of the policy sets out information requirements in respect of a farm business, which include the farm's business identification number. Those information requirements do not apply where the proposal is for a dwelling related to an equine business.
9. Paragraph 5.43 of PPS 21 sets out the information requirements for an equine business. It states that applicants will have to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of six years. It goes on to say that such information should include a statement of the commercial rateable history of the business; copies of appropriate insurances; copies of horse passports (if applicable); and any other information considered relevant. Paragraph 5.44 states that those keeping horses and/or ponies for hobby purposes will not satisfy the requirements of this policy.
10. The appellant is a relative of the Murdock family who have been breeding horses in the Markets area of Belfast for generations. He is involved in the fruit and vegetable trade and combines this with the keeping and breeding of horses. He uses a site at 13 Verner Street adjacent to St Georges Market, where he has been paying commercial rates for stores and stables for years. Having visited the Verner Street premises, I can confirm the presence of indoor and outdoor stables. There were three horses in residence at the time of my visit.
11. The appellant purchased farmland at Killybawn Road, including the appeal site, for £91,000 in 2007. This is confirmed by an invoice dated August 2007 for solicitors' fees in connection with the purchase. Five stables have been erected on the site to accommodate seven mares and five foals. An aerial photograph was submitted showing the stables in place in June 2010. The Council has issued a lawful development certificate confirming that the stables were substantially complete before 16th February 2012. They are arranged in linear fashion, occupying the western part of the site. Four of the stables sit on a common concrete base; the fifth has been placed directly on the ground. The stables have a makeshift appearance. Most are in need of repair but they all seem to be usable.
12. When the application was made in August 2014, the appellant's stock was said to comprise six mares, four yearlings, six standard bred racehorses and four foals. During my inspection following the hearing, I saw four horses on the appeal site. The stables were protected by electrified tape to prevent the horses crashing into them. The horses had access to a back field beyond the site via a gap in the hedge which runs along its south-eastern boundary.

13. The following documents were presented in support of the appellant's case:-
- a letter from the Standardbred and Trotting Horse Association of Great Britain and Ireland stating that the appellant has been keeping and breeding horses at the Killybawn Road stables over the last seven years;
 - a letter from the Chairman of Standardbred Horse Racing Ireland writing from County Dublin confirming that the appellant has been breeding and selling horses for over 10 years and that he had visited the appellant's stables on Killybawn Road with a view to purchasing horses;
 - a letter from a Mr Welling writing from a stud farm in Yorkshire stating that the appellant has sent mares over to him in recent years – six visits from three horses – and that he has purchased several mares from him over the years;
 - a statement from a Mr Carlisle confirming that he has delivered horse feed to the appellant at his Killybawn Road stables for more than six years and has also foaled mares for him – these were horses which the appellant had been racing for a number of years;
 - a letter from a vet stating that the appellant has had horses treated at his practice for a number of years;
 - a letter dated October 2014 from a Mr McConnell stating that he had been shoeing race horses for the appellant at his stables on Killybawn Road for the past seven years;
 - a letter dated May 2017 from a Mr Ellison, owner of an adjoining property on Killybawn Road, confirming he often sees horses and foals varying in numbers and colours on the appellant's lands and horse transport vehicles backing up to the stables;
 - a letter dated May 2017 from a Mr Ross of Killybawn Road stating that he has been supplying the appellant with bales of hay for his stables for nearly 10 years and had noticed him selling two foals in 2015 to a person with a horse trailer from County Kerry;
 - extracts from the passports of eight horses, on three of which the appellant is named as the breeder; and
 - a list compiled by the appellant of some of the horses which he says he has sold from his stables at Killybawn Road from 2007 – 15 horses are listed.
14. At the hearing, the appellant told me that there are horses on the appeal site all year round, on 300 to 320 days in a year. Injured horses are taken to Verner Street but Killybawn Road is used for mares in foal. After foaling, mares and their offspring are placed in the largest of the five stables, where the foals are weaned prior to sale. Foals are born in July and sold as yearlings in the following June. He sells three horses in a good year and one or two in a bad year. The appellant's agent said his brother had bought a horse from the appellant some years ago.
15. Much of the appellant's written evidence is vague and imprecise as to dates. However, I am persuaded by the volume of the information presented and the variety of sources, and also from what I have seen and been told, that the appellant is currently keeping and breeding horses on the appeal site and, on the balance of probability, that he has been doing so for at least six years. Neither the Council nor the objector sought to argue otherwise.
16. The appellant is required to demonstrate not only that he keeps and breeds horses but that he does so for commercial as opposed to hobby purposes. A distinguishing feature of a business is that money changes hands. There is no

policy requirement for an equine business to be large in scale or successful or even profitable, but there has to be a financial dimension.

17. A supporting statement submitted at application stage said that the appellant keeps and breeds horses for the sole purpose of selling on to the commercial world of racing. When asked why no accounts and no documentary records of individual horse sales have been produced, the agent referred to the small-scale, traditional nature of the operation. All transactions are in cash, sealed by a handshake. The appellant said the horses are not insured because in the past when injuries occurred, insurers refused to pay, citing small print in the contract. As his mares are worth only £1500 to £2000 it is not viable to insure them.
18. While I do not doubt the honesty and sincerity of the appellant and his agent, they have provided no quantification whatsoever of income and expenditure over the requisite period of six years. The information they have produced is insufficient to enable an assessment to be made as to whether the level of turnover is commensurate with a commercial enterprise. It has not been demonstrated, therefore, that the appellant's equine activities on the site amount to a business. On the evidence presented in this appeal it must be concluded that the proposal does not comply with Criterion (a) of Policy CTY 10.
19. No one sought to argue that the appeal proposal contravenes Criterion (b) of Policy CTY 10, which is about selling off dwellings or development opportunities.
20. Criterion (c) of Policy CTY 10 is that the new building is visually linked or sited to cluster with an established group of buildings on the farm (for which read the land owned by the appellant at Killybawn Road) and where practicable, access to the dwelling should be obtained from an existing lane. It is proposed to use the existing lane for access. I am satisfied from inspection that the stables comprise a group of five separate, albeit closely spaced, buildings. A condition could be imposed restricting the siting of the dwelling to ensure that it would cluster with these buildings. Criterion (c) can therefore be met.
21. As the appeal proposal does not comply with Criterion (a), it does not accord with Policy CTY 10 read as a whole. The proposal is not for any of the types of development identified in Policy CTY 1 as acceptable in principle in the countryside. The question arises, therefore, as to whether there are overriding reasons why this particular development is essential and could not be located in a settlement.
22. It was argued on behalf of the appellant that the proposed dwelling would be beneficial to the safety and security of equipment and livestock, particularly at foaling times, given that on two occasions horses died as a result of his absence. This is not a compelling argument, especially as he lives in the nearby settlement of Darragh Cross and can accommodate unwell horses at his Belfast premises. His desire for an on-site presence does not equate to an overriding reason why the development is essential. The development is not acceptable in principle in the countryside. The proposal is contrary to PPS 21, Policies CTY 1 and CTY 10 and to that extent the Council's reason for refusal is sustained.
23. Transport NI advised that visibility splays at the road access are inadequate and that the width of the access renders it unacceptable for intensification of use. The

Council did not refuse planning permission on those grounds. Its representative at the hearing was unable to say what the existing dimensions are or whether Transport NI had correctly applied the guidance in Development Control Advice Note 15 (DCAN 15). The Council suggested that if the appeal were allowed, a negative condition could be imposed preventing commencement of development until visibility splays to a specified standard were laid out in both directions.

24. The objector's planning consultant pointed out that the appellant has no control over the lands necessary to carry out any improvements to the access and said he would not receive the objector's permission for any improvements. It is possible that if DCAN 15 were correctly applied, it would be found that adequate visibility splays are already in place. It is also possible that any necessary improvements to the access could be achieved without impinging on the objector's property. Even if that were not so, the appellant would be entitled to an opportunity to negotiate with the frontagers on both sides of the access. There is no persuasive evidence that granting permission, subject if necessary to a negative condition, would prejudice the safety and convenience of road users. However, as the development is not acceptable in principle in the countryside, the appeal must fail.

This decision is based on the site location map at 1:2500 scale and the map indicating the position of the existing stable block, both submitted on 24th September 2016.

COMMISSIONER TREVOR RUE

2016/A0233

List of Appearances

Planning Authority:- Ms C Cooney, Newry, Mourne and Down District Council

Appellant:- Mr J Breen
Mr J Morgan, agent and friend

List of Documents

Planning Authority:- LPA 1 Statement of case on behalf of the Council, with three appendices
LPA 2 Copies of three pieces of evidence which the appellant had submitted to the Council

Appellant:- APP 1 Statement of case on behalf of the appellant by Mr Morgan, with supporting documents

Third Party:- OBJ 1 Statement of case on behalf of the occupant of 25 Killybawn Road by Donaldson Planning, with attachment