

June 28th, 2018

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 4th July 2018** at **10:00 am** in **Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

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

Agenda

1.0 Apologies.

2.0 Declarations of Interest.

3.0 Declarations of interest in relation to paragraph 19 of Planning Operating Protocol - Members to be present for the entire item.

- Item 6 - LA07/2017/1854/0 - proposed dwelling and garage on lands contained between 71 and 73 Lisoid Road, Bright, Downpatrick - **Councillor Larkin and Harte were not in attendance for the first presentation on 9 May 2018 and Councillors Larkin, Harte, Hanna, and Craig were not present at the site visit held on 6 June 2018** and cannot therefore take part in the discussion/decision on this application.

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 6 June 2018. (Attached).

 [Planning Minutes - 6 June 2018.pdf](#)

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For Discussion/Decision

5.0 Addendum list - planning applications with no requests for speaking rights/written submissions. (Attached).

 [Addendum list - 04-07-2018.pdf](#)

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Development Management - Planning Applications for determination


6.0 LA07/2017/1854/0 - Mr J McIlmail - proposed dwelling and garage - lands contained between 71 and 73 Lisoid Road, Bright, Downpatrick. (Case Officer report attached)

Rec: REFUSAL

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

 [LA07-2017-1854-O J McIlmail.pdf](#)

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

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7.0 LA07/2017/1380/0 - Robert McBriar - dwelling and garage - 26m West of No. 45 Manse Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

 [LA07-2017-1380-O Robert McBriar.pdf](#)

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8.0 LA07/2017/1558/0 - Mr P McCormack - farm dwelling - 275m North of 35 Tobercorran Road, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- Addendum list


 [LA07-2017-1558-O Mr P McCormack.pdf](#)

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9.0 LA07/2017/1625/F - Diane Coulter - Self catering accommodation comprising 8 self-catering units, open space and car parking, adjacent to 77 Leestone Road, Kilkeel. (Case Officer report attached)

Rec: REFUSAL

- This application is being withdrawn from the schedule for the July Planning Committee Meeting, as the agent is unable to attend on the date of the meeting (request for a deferral was received from the agent and from Councillor Michael Ruane). The application will be listed on the schedule for the Planning Committee Meeting to be held on 1 August 2018.


 [LA07-2017-1625-F Diane Coulter.pdf](#)

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10.0 LA07/2017/1770/F - Mr Patrick King - proposed detached annex to existing dwelling to be used as a granny flat - 11 Bright Road, Downpatrick. (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).**

 [LA07-2017-1770-F Patrick King.pdf](#)

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 [Item 10 - submission of support \(Patrick King\).pdf](#)

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11.0 LA07/2017/1797/F - Ann Herron - conversion of windmill stump to dwelling including single storey rear extension and associated site works (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2017-1797-F Ann Herron.pdf*

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 *Item 11 - submission of support (Ann Herron).pdf*

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12.0 LA07/2018/0042/O - Ciaran O'Higgins - farm dwelling and garage - adjacent to No. 46 Bann Road, Castlewellan. (Case Officer report attached)

Rec: REFUSAL

- Addendum list


 *LA07-2018-0042-O Ciaran O'Higgins.pdf*

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13.0 LA07/2018/0394/F - NIHE (South Region) - proposed single storey front, side and rear extension - 1 Seaview, Ardglass. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Gareth Sharvin, in support of the application. **(Submission attached). Please note there may be discussion on personal circumstances and this item may need to be taken in closed session.**

 *LA07-2018-0394-F NIHE.pdf*

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 *Item 13 - submission of support (NIHE).pdf*

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14.0 LA07/2016/1564/F - Mr John McAleavey - proposed conversion of existing hay loft into tourist accommodation (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from John McAleavey, applicant, in support of the application. **(Submission attached - Economic Impact Assessment to be circulated under separate cover).**

15.0 LA07/2017/0699/O - Brian & Laura Fealy - proposed dwelling and detached garage on a farm - 130m West of No. 21 Kilkeel Road, Hilltown (Case Officer report attached)

Rec: REFUSAL

- This application is being withdrawn from the schedule for the July Planning Committee Meeting, due to holiday arrangements of the agent (request for a deferral was received from the agent and from Councillor Casey). The application will be listed on the schedule for the Planning Committee Meeting to be held on 1 August 2018.

16.0 LA07/2017/1360/F - Matthew D'Arcy & Company Ltd - Refurbishment of existing bar and extension to provide craft micro distillery & visitor centre, function room, restaurant and ancillary facilities at 17-19 Monaghan Street, BT35 6BB (Case Officer report attached)

Rec: APPROVAL

- Addendum list

17.0 LA07/2017/1494/O - John Murnion - proposed one and a half storey dwelling and detached domestic garage - opposite and north of No. 43 Bryansford Road, Stang, Hilltown (Case Officer report attached)

Rec: REFUSAL

- This application is being withdrawn from the schedule for the July Planning Committee Meeting, due to holiday arrangements of the agent (request for a deferral was received from the agent and from Councillor McAteer). The application will be listed on the schedule for the Planning Committee Meeting to be held on 1 August 2018.

18.0 LA07/2018/0197/O - Martin McAvooy - proposed 2 No. new

dwellings within an infill site - lands 21m to the East of No. 4 Carmeen Road, Hilltown. (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2018-0197-O Martin McAvoy.pdf* *Page 128*

 *Item 18 - submission of support (Martin McAvoy).pdf* *Page 137*

19.0 LA07/2018/0464/O - Mary Slane - dwelling and garage (amended address) - between No. 34 & 38 Seafin Road, Killeavy, Meigh, Newry (Case Officer report attached)

Rec: REFUSAL

- Addendum list

 *LA07-2018-0464-O Mary Slane.pdf* *Page 144*

For Noting

20.0 Historic Tracking Sheet (Attached)

 *Planning HISTORIC TRACKING SHEET.pdf* *Page 149*

21.0 June 2018 Planning Committee Performance Report (To follow)

22.0 Record of Meetings between Planning Officers and Public Representatives (To follow)

23.0 June 2018 Appeals and Decisions (To follow)

NEWRY, MOURNE & DOWN DISTRICT COUNCIL**Minutes of the Planning Committee Meeting of Newry Mourne and Down District Council held on Wednesday 6 June 2018 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry****Chairperson:** Councillor M Larkin**Deputy Chairperson:** Councillor D McAteer**In attendance: (Committee Members)**

Councillor C Casey	Councillor K Loughran
Councillor W Clarke	Councillor J Macauley
Councillor G Craig	Councillor M Murnin
Councillor L Devlin	Councillor M Ruane
Councillor G Hanna	

(Officials)

Ms M Ward	Director- Enterprise, Regeneration & Tourism
Ms A McAlarney	Senior Planning Officer
Ms J McParland	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Ms L Coll	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

In advance of official committee business, the Chairperson said he wished to recognise the hard work and commitment shown by the Chair and Deputy Chair of the Planning Committee for the 2017/2018 term.

P/045/2018: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Harte

P/046/2018: DECLARATIONS OF INTEREST

No Declarations of Interest were received.

P/047/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

- **Item12 – LA07/2016/1632/O** – Jason Fegan – **Councillors Harte and Loughran** were absent for the first presentation on 8 November 2017 and **Councillor McAteer** left the meeting prior to this application being presented; they cannot therefore take part in the discussion/decision on this application.

P/048/2018: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 11 APRIL 2018

Read: Minutes of Planning Committee Meeting held on Wednesday 9 May 2018. **(Copy circulated)**

AGREED: On the proposal of Councillor Craig, seconded by Councillor Hanna it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 9 May 2018 as a true and accurate record.

FOR DISCUSSION/DECISION**P/049/2018: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 6 June 2018 **(Copy circulated)**

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

- **Item 8 – LA07/2017/1380/O** – Robert Blair – dwelling and garage – 26m west of No.45 Manse Road, Crossgar.
REFUSAL – removed from the addendum list at the request of Councillor Macauley for presentation at next available Committee Meeting. Councillor Murnin advised the applicant had requested to meet with Planning Officials and if there failed to be a satisfactory resolution, the applicant would withdraw the application completely.
- **Item 10 – LA07/2018/0042/F** – Ciaran O’Higgins – farm dwelling and garage adjacent to No. 46 Bann Road, Castlewellan.
REFUSAL – removed from the addendum list at the request of Councillor Devlin for presentation at next available Committee Meeting.
- **Item 11 – LA07/2016/1564/F** – John McAleavey – Laneway Lodge Riding Centre – proposed conversion of existing hay loft into tourist accommodation – 6 Leitrim Road, Hilltown, Newry
REFUSAL – removed from the addendum list at the request of Councillor McAteer and Councillor Hanna to allow time for a full report to be submitted by Agent / Applicant and presented to the next available Committee Meeting.

- **Item 14 – LA07/2018/0197/O** – Martin McAvoy – 2 new dwellings within an infill site – lands 21m to the east of No. 4 Carmeen Road, Hilltown, Newry.
REFUSAL – removed from the addendum list at the request of Councillor Casey for full presentation at the next Committee Meeting.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Casey it was agreed to approve the Officer recommendation in respect of the following Applications listed on the Addendum List for Wednesday 6 June 2018**

- **Item 6 – LA07/2017/0115/F** – Newry, Mourne and Down District Council – Environmental improvement works/scheme to include resurfacing, street lighting, car parking/loading bays and rationalizing of street furniture, on lands along Irish Street (14-65) and at the start of John Street (No. 6-8). Downpatrick.
APPROVAL
- **Item 7 – LA07/2018/0452/F** – Newry, Mourne and Down District Council – off site replacement changing rooms and toilet pavilion with associated works – 120m east of Household Recycling Centre, Bann Road, Castlewellan.
APPROVAL
- **Item 17 – LA07-2018/0408/O** – John Cranny – replacement dwelling – 52m east of 17 Moneymore Road, Newry. **REFUSAL**

P/050/2018: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were then determined by the Committee:-

(1) LA07/2017/1773/F Carole Trueman

Location:

No. 17 Church Street, Downpatrick

Proposal:

Change of use to 6 No self-contained dwelling units with alterations

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, agent, presented in objection to the application detailing and expanding upon his written submission that had been circulated to Committee Members.

Ms A McAlarney Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; existing and proposed floor plans and photographs from various critical views of the site.

Councillor Murnin said he was familiar with the site and that as it was located in Downpatrick town centre, it would quickly become an eyesore should it fall into disrepair. He asked about public parking provision convenient to the building that could be used by future occupants.

Ms McAlarney replied that parking provision had not been included with the application. She continued, saying, good planning practice would require that car parking should be visually linked with the site, which was not the case with this application.

Councillor Hanna raised the issue of refuse bins and asked if there was a communal area at the site for the housing of refuse bins. Ms McAlarney replied that the site was very restricted and the application did not have provision for refuse bins or cycle stands.

Councillor Clarke enquired as to the parking requirements for a city as opposed to a town and said the lack of parking provision would always be an issue with this building.

Ms McAlarney replied that car parking provision would not be a requirement for a similar application in a city location as, per planning guidance, it would be deemed an inner urban location and consequently the same parking requirement did not apply. She said as Downpatrick was a town, a level of parking would be required. She said on street parking during the day was limited to 60 minutes and from 6pm onwards there was free parking. In referring to parking for the adjacent Chinese restaurant, she said the parking requirement for restaurants and dwellings was not comparable in planning terms.

Ms McAlarney continued, saying the Committee should be mindful of setting a dangerous precedent in overlooking the lack of car parking provision in a town centre development.

Mr Tumelty advised that the building previously operated as a social club with a membership of in excess of 50 members and that it had been empty for the last 5 years. The proposed plan for the building would be to provide much needed affordable accommodation within the town centre. He referred to 3 apartments located close by in Scotch Street that did not have any car parking provision and said there were 104 car parking spaces at 3 different locations within walking distance of the site. He said statistics from local letting agents would indicate the main demands of the housing market in Downpatrick were for single low income occupiers who did not have access to a vehicle and the development would help to address this shortage in the housing market.

The client, Ms Trueman said there was provision for both refuse bins and cycle stands at the back of the building and previously this area had been subject to

vandalism. She continued, saying it would be a great opportunity for local development in the town centre and would enhance the area.

Ms McAlarney once again cautioned against setting a dangerous precedent with the lack of car parking provision and said that the information presented at the meeting today by the agent had not previously been made available to Planning Officials.

Councillor McAteer said consideration should be given to people relocating to town centres and the regeneration of town centres should be encouraged. He referred to the 4 flats located at 15 Church Street and asked what parking provision was in place for them, Ms McAlarney replied that this was an historical approval and assumed the occupants of 15 Church Street used on street parking.

Ms Coll reiterated Ms McAlarney's earlier caution and said the application was contrary to planning policy and there was no guarantee the future occupants would not be car owners.

In response to a query from Councillor Hanna as to how the building was accessed from the back, Mr Tumelty replied that it was a pedestrian access only.

Councillor Murnin proposed to overturn the officer recommendation to refuse Planning Application LA07/2017/1773/F on the basis that documentary evidence supported the need for single occupancy housing in Downpatrick, any parking concerns could be addressed by the 104 car parking spaces within walking distance of the application site as well as on street parking, additionally the provision of public transport in the area was an asset.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was unanimously agreed to issue an approval in respect of Planning Application LA07/2017/1773/F contrary to officer recommendation on the basis that documentary evidence supported the need for single occupancy housing in Downpatrick and any parking concerns could be addressed by the 104 car parking spaces within walking distance of the application site as well as on street parking.

(2) LA07/2016/1632/O – Jason Fegan

(Councillors McAteer and Loughran withdrew from the meeting – 10.45 am)

Location:

Lands 45m NW of No. 12 Upper Knockbarragh, Warrenpoint

Proposal:

Proposed farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin D'Alton, agent presented in objection to the application detailing and expanding upon his written submission that had been circulated to Committee Members.

Speaking rights:

Jason Fegan, applicant, in support of the application.

Ms J McParland Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and photographs from various critical views of the site; lands available on the farm holding and Policy CTY8 Infill Assessment.

Discussion took place regarding whether the application could be considered against Policy CTY8 (infill); the agent said he had carried out a site analysis and believed the application could potentially come under this policy, however Ms McParland said Planning officials having assessed the site said it would be contrary to Policy CTY8 in that it was not a small infill gap but would be capable of accommodating 3 houses.

Councillor Casey proposed and Councillor Ruane seconded to carry out a site visit in order to assess the site in more detail.

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

FOR: 8
AGAINST: 1
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Casey seconded by Councillor Ruane it was agreed to defer Planning Application LA07/2016/1632/O to allow for a site visit to take place in order that Members could assess the site in more detail.

(Councillors McAteer and Loughran re-joined the Meeting – 11.00 am)

(3) LA07/2017/1030/O – Michael Tinnelly**Location:**

200m east of No. 25 Greenpark Road, Rostrevor

Proposal:

Site for 100 bedroom hotel and spa

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr M Graham of White Young Green and Mr A Bunbury of Park Hood Landscape Architects in support of the application.

Ms McParland advised the Committee that detailed drawings, specifically photomontages or wireframes had been requested on 5 separate occasions, (21 September 2017, 6 December 2017, 26 February 2018 and 21 May 2018) by the Statutory Consultee the Historic Environment Division. These drawings would allow an assessment of the impact of the development on the setting of neighbouring protected sites, however they had not yet been made available to Planning Officials. She continued, saying that Planning Authority along with Statutory Consultees had utilised significant resources and at this stage the initial planning fee had been exhausted. She said Planning recognised that tourism was a significant factor in the area and whilst they were very keen to see appropriate development on the site, they would need the additional requested information submitted to them in a timely manner.

In response to a query from the Chairperson as to when the Landscape Visual Assessment had been received, Ms McParland replied this was submitted at the speaking rights stage i.e. 1 week before the Committee Meeting, but that the full photomontages had still not been received.

Ms Coll said the Committee should act with caution regarding the late information that had been received, that it would be unsafe to consider information that had not been consulted on and the advice of the Statutory Consultees should be taken on board.

Councillor Clarke proposed deferring the application to allow time for all outstanding information to be received.

Councillor Craig said that as due process had not been followed, Planning Officers' had been unable to consider the application, consequently the Officers' recommendation of refusal should be upheld.

Councillor McAteer said the development of a hotel in Rostrevor should be encouraged and it would be more appropriate to defer the application.

Councillor Ruane seconded Councillors Clarke's proposal to defer the application to allow time for all outstanding information to be received. Councillor Murnin agreed that the development of a hotel in this area should be encouraged but the outstanding information required would need to be provided in a timely manner. He asked if Planning Officials would have the ability to incur an extra fee to this application. Ms McParland replied this would not be possible and although Planning Officials agreed that the tourism aspect of this application was important, the business resource element would have to be considered. She said the only option was to issue a refusal and the applicant to resubmit when all documentation was in order. Councillor Murnin referred to Section 65 (he referred to wrong section – it should be section 76?) of the Statutory of Planning Act 2011 and asked if this would

apply to the application, Ms McParland said it wouldn't and that this would have to be explored when the new plan strategy was progressed.

Ms Coll advised the Committee that a policy framework could be put in place to allow for S76 agreements to be entered into.

The Chairperson advised the agent that should he still wish to present to the Committee, the late information would not be considered; he said an alternative option would be to request a deferral.

Mr Graham said he would be content to defer the application. He said he had only been appointed by the applicant 10 days previously in the role of Planning Consultant and he would liaise with the agent to ensure all outstanding documentation was submitted.

The Chairperson said that on receipt of all outstanding information to Planning Officials, he would be satisfied to delegate the Application to Planning Officials. Mr Bunbury replied that as it was such a major development he would happy to liaise with Planning Officials throughout the process to ensure that all was in order.

Councillor Devlin said if, on receipt of all the outstanding information , the recommendation was still a refusal, the application should come back to Committee for consideration, however if it was recommended for approval she would be satisfied that Planning Officials be granted authority to delegate any relevant conditions.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Ruane it was unanimously agreed to defer Planning Application LA07/2017/1030/O to allow time for the Agent / Planning Consultants to meet with Planning Officials to determine all outstanding information that is required in order to progress the application to a conclusion. The decision to be taken back to council again.

(Break 11.25am – 11.35am)

(5) LA07/2018/0395/O – Mr and Mrs B Duffy

Location:

Field SE of 23 Cloghinny Road, Forkhill

Proposal:

Infill site for proposed dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John Harkness, Milligan, Reside and Larkin Ltd presented in objection to the

application detailing and expanding upon his written submission that had been circulated to Committee Members.

Mr Davidson Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and photographs from various critical views of the site.

Discussion took place regarding the proposed site and Councillor Murnin asked if it could be assessed against Policy CTY2A (cluster) Mr Davidson said the application would be contrary to this policy.

Councillor McAteer asked if it could be assessed against Policy CTY 8 (infill) as it had frontage on to the access lane, Mr Davidson replied that in order to comply with Policy CTY 8, the site would need to have actual road frontage.

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2018/0395/O as per the information and recommendation in the Case Officer report presented to Committee.

FOR NOTING

P/051/2018: HISTORIC ACTION SHEET

Read: Planning historic action sheet. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning historic action sheet

P/052/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT MAY 2018

Read: Planning Committee Performance Report May 2018. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning Committee Performance Report May 2018.

P/053/2018: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

Read: Record of Meetings between Planning Officers and Public Representatives 2017-2018. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Record of Meetings between Planning Officers and Public Representatives 2017 – 2018.

P/054/2018: MAY 2018 APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – May 2018. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Appeals and Decisions May 2018.

P/055/2018: FOR INFORMATION – SCHEDULE OF DATES FOR PLANNING COMMITTEE MEETINGS FROM JUNE 2018 TO APRIL 2019

AGREED: It was unanimously agreed to approve the schedule of dates for Planning Committee Meetings from June 2018 – April 2019.

The Chairperson asked that a letter of condolence be sent to Ms Eileen McParland on the recent death of her father, Mr Jim McCart, who was a Member of Newry & Mourne District Council from 1973-2001.

The Chairperson also asked that a letter of condolence be sent to Mr Anthony McKay on the recent death of his uncle.

The Meeting concluded at 12.00 noon.

For confirmation at the Planning Committee Meeting to be held on Wednesday 6 June 2018.

Signed: _____ Chairperson

Signed: _____ Chief Executive

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 4 July 2018

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 7** – LA07/2017/1380/0 – Robert McBriar – dwelling and garage – 26m west of No. 45 Manse Road, Crossgar. **REFUSAL**
- **Item 8** – LA07/2017/1558/0 – Mr P McCormack – farm dwelling – 275m north of 35 Tobercorran Road, Downpatrick. **REFUSAL**
- **Item 12** – LA07/2018/0042/0 – Ciaran O'Higgins – farm dwelling and garage – adjacent to No. 46 Bann Road, Castlewellan. **REFUSAL**
- **Item 16** – LA07/2017/1360/F – Matthew D'Arcy & Company Ltd – refurbishment of existing bar and extension to provide craft micro distillery and visitor centre, function room, restaurant and ancillary features at 17-19 Monaghan Street, Newry. **APPROVAL**
- **Item 19** – LA07/2018/0464/0 – Mary Slane – dwelling and garage (amended address) – between No. 34 and 38 Seafin Road, Killeavy, Meigh. **REFUSAL**

-0-0-0-0-0-0-

ITEM NO	10			
APPLIC NO	LA07/2017/1854/O	Outline	DATE VALID	06/12/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr J McIlmail 74B Lisoid Road Bright Downpatrick BT30 8AX		AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA 02897 561488
LOCATION	Lands contained between 71 & 73 Lisoid Road Bright Downpatrick BT30 8AX			
PROPOSAL	Proposed 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 The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along the frontage in terms of size, scale and plot size.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.
 4. The proposal is contrary to the Department's Planning Policy Statement 2, Natural Heritage Policy NH6 in that the proposal is not appropriate or sympathetic in siting and scale 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

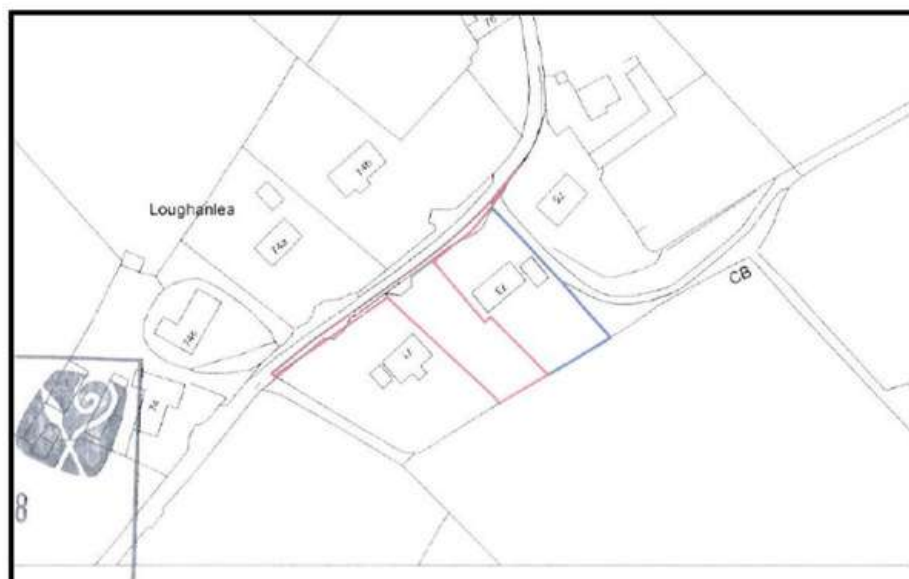
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1854/O

Date Received: 04/01/2018

Proposal: Proposed dwelling and garage

Location: Lands contained between 71 & 73 Lisoid Road, Bright, Downpatrick



Site Characteristics & Area Characteristics:

The application site is located along the Lisoid Road, Bright. This area is rural in character with a number of outbuildings and rural dwellings. The site is located between 71 & 73 Lisoid Road. The application site as outlined in red can be currently

accessed via an agricultural gate along the roadside boundary. The topography of the land sees a slight slope downwards from eastern to western boundary.

The boundaries are defined by a 1.5m wooden fence with agricultural gate along the roadside boundary; a 1m high stone wall is located along the eastern boundary shared with no.73 with part of the rear eastern boundary is undefined and opens on to rear garden of no.73. The southern and western boundary shared with no.71 consists of post and wire fence with scattered shrubs and bushes. The application site is located outside any settlement development limits as designated within the Ards and Down Area Plan 2015 and within the Strangford and Lecale AONB.



Application site: View from Lisoid Road



Application site: View from rear boundary

Site History:

No relevant planning site history.

Planning Policies & Material Considerations:

Regional Development Strategy

Ards and Down Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

PPS 3- Planning Policy Statement 3 – Access, Movement and Parking

AMP 2- Access to Public Roads

AMP 7 Car Parking and Servicing Arrangements

PPS 6- Planning, Archaeology and the Built Heritage

PPS2 Natural Heritage NH 6 AONB

PPS 21- Sustainable Development in the Countryside

Supplementary Planning Guidance:

Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations:

Transport NI- Has no objections to the proposal subject to conditions.

NI Water- Has no objections to the proposal.

Historic Environment Division (HED)- Has no objections to the proposed development

Objections & Representations

8 Neighbours was notified on 10.01.2018 and the application was advertised on 11.12.2017. No objections or representations received.

Principle of Development

The site is not located within a development limit identified within the Ards and Down Area Plan 2015. There are a range of types of development which in principle are considered to be acceptable in the countryside, this includes the development of a small gap site within an otherwise substantial and continuously built up frontage. The application will be assessed under CTY 1 Development in the Countryside, CTY 8 Ribbon Development and CTY 14 Rural Character in terms of design and amenity considerations.

CTY 1

Policy CTY 1 of PPS 21 Development in the Countryside allows for a range of types of development in the countryside and details of there are set out in CTY 1. Planning permission will be granted for an infill dwelling in accordance with Policy CTY 8.

CTY 8

Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development:

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

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. In this instance there are five buildings (three dwellings and two garages), directly adjacent and southwest of the application site is no.71 Lisoid Road which is a single storey detached dwelling with detached garage located southwest of the dwelling. Directly adjacent and northeast to the application site is no.73 Lisoid Road which is a single storey detached dwelling with detached garage located north east of the dwelling. Further approx. 36m northeast of the application site is no. 75 Lisoid which is a detached single storey dwelling. All buildings have a clear frontage and access onto Lisoid Road. A ribbon of development therefore exists. The application site represents a gap in this frontage, however what must be

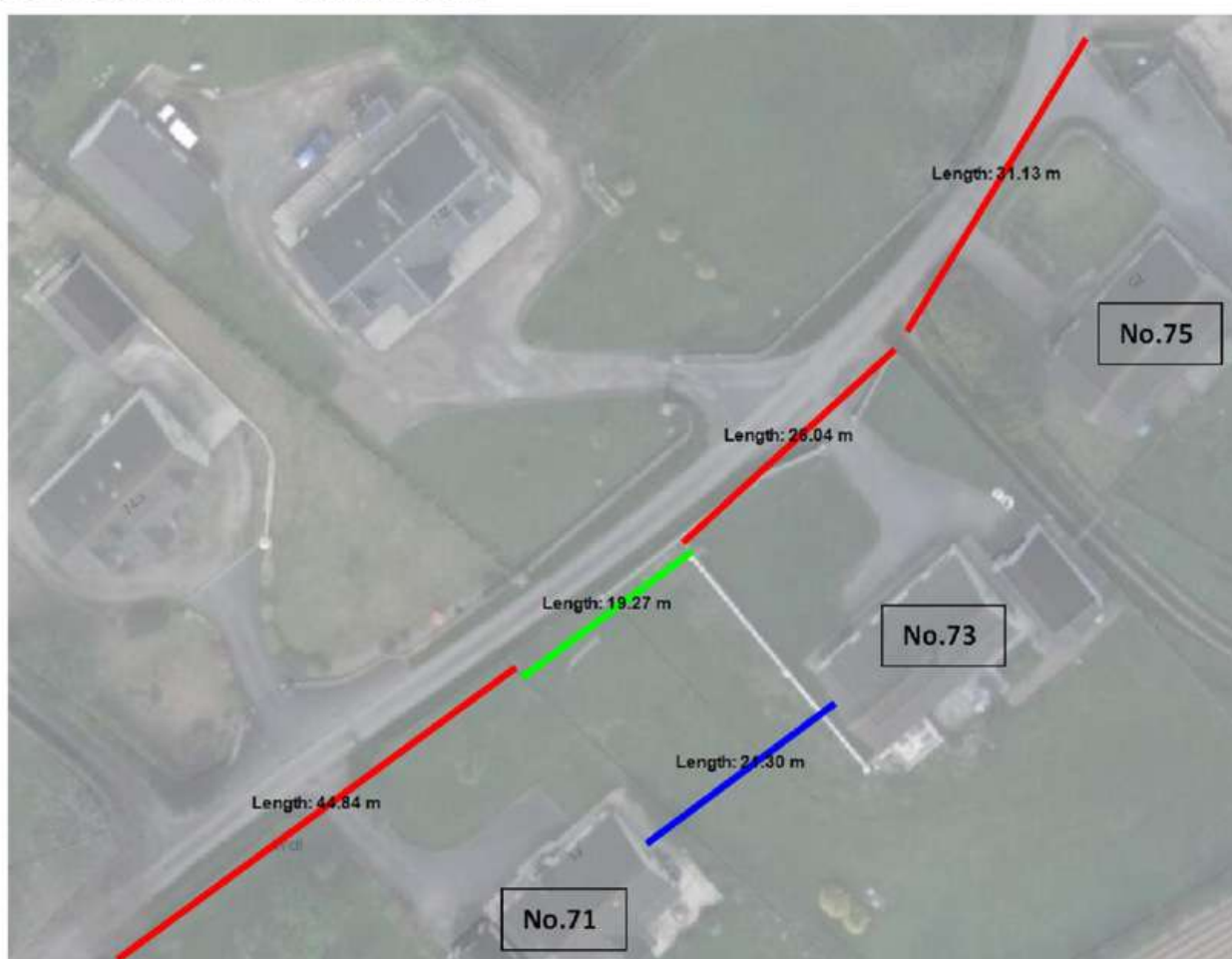
ascertained is whether the gap respects the existing development pattern along the built up frontage in terms of size, scale siting and plot size.

The average plot width along the existing frontage is approx. 34m, with plot widths varying from 44m to 26m. The infill in this case is approx. 21m from no.71 dwelling and no.73 dwelling which comprises of part of the side garden of no.71 and no.73 as illustrated below. Officers do not consider that the proposed sites plot frontage or site width is in keeping with the existing plots comprising the built up frontage. Further, the established pattern of plot size in the vicinity is for roadside dwellings with relatively large front and rear gardens. The proposed site has a plot size of 0.08 hectares. The surrounding plot sizes have been stated below:

No.71 Lisoid Road - Area: 0.19ha

No.73 Lisoid Road - Area: 0.14ha

No.75 Lisoid Road - Area: 0.13ha



It is considered that the proposal has a significantly smaller plot width and plot size in comparison to neighbouring plots. It is considered that the proposal would not respect the existing development pattern along the frontage as required by the policy. Even if the site comprised the entire gap between the buildings, this would still fail to respect the settlement pattern as it would fall short of the average plot width therefore contrary to CTY8.

Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.

Views of the site are relatively limited to a small section of the road; this is due to the site being confined between no.71 and no.73 Lisoid Road. The application site has defined boundaries along all boundaries apart from the rear eastern boundary being undefined. While the particulars of the design and layout of the site will be determined at the Reserved Matters stage, it is appropriate to consider the siting, curtilage, size and height of the dwelling that may be considered. Officers would be concerned regarding the potential impact on the adjacent dwellings through loss of privacy or loss sunlight/dominance; any dwelling would have to be uniquely designed to insure that they are not impacted. Further a specific ridge height of 5.5 metres would be in keeping with the development in the immediate vicinity and appropriate considered the landform of the site.

Impact on Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, for the aforementioned reasons within CTY8, any dwelling would significantly alter or harm the rural character of the area. It would also add to the impression of suburban style build up when viewed with existing buildings.

Development in an AoNB

The quality, character and heritage value of the landscape of an AONB lies in their tranquillity, cultural associations, distinctiveness, conservation interest, visual appeal and amenity value.

The current proposal lies within the Strangford and Lecale AoNB. The site lies within Landscape Character Area 91 Quoile Valley Lowlands and is noted for its tranquil rural landscape.

The current proposal would not be appropriate or sympathetic in siting and scale to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Access and Parking

The proposal must accord with AMP 2 and AMP7 of PPS3. Transport NI has advised that they have no objection to the proposed development and therefore officers consider that the proposed development accords with policies AMP2 and AMP7 of PPS3.

Policy CTY16 ensures the site can facilitate non-mains sewerage without creating or

adding to a problem of pollution. Drainage details should be provided at a later stage and is subject to obtaining consent to discharge from NIEA.

Conclusion

Refusal

Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along the frontage in terms of size, scale and plot size.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.
4. The proposal is contrary to the Department's Planning Policy Statement 2, Natural Heritage Policy NH6 in that the proposal is not appropriate or sympathetic in siting and scale to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	

Proposed Speaking Rights Agenda (Narration Presentation) in respect of Planning Application LA/2017/1854/O- Item 6 Committee meeting 4th July 2018

1.0 The Case Officers have acknowledged and accepted that **THIS** application site falls within a continuous frontage of 3 or more buildings in a row.

Further acknowledging that the separation distance between the existing buildings has sufficient space to accommodate an infill dwelling.

Our additional Concept document 17-1703 02C further affirms and demonstrates that if using the footprints of adjacent dwellings No.71 or 74a, either footprint can easily be accommodated on the application plot.

2.0 Since the issue of concern is that the size of the proposed plot is not reflective of what exists in the area, I have taken an accurate calculation on the nearest plots (Table 1 and Character of the Area -Settlement Pattern & Plot Size Comparison Map refers) which initially appear of an area similar to that of the application site, these are all contained within a **600-metre road frontage, approximately 300 metres north and 300 metres south** of the proposed site. There is no

Six plots have been identified, essentially these plots are less than 0.1 of a hectare, indicative of our application site area, equating to some **42.85%** of the total number of considered dwelling/plots, which is the majority. Table 1 affirms. The majority **average plot size area** being circa 0.1 Ha.

None of the plots are between 0.5 & 1.0 Ha, none are between 1 & 1.5Ha.

I feel it is unfair to insist that our application site is to respect the larger plot sizes found within this undefined historic settlement known as Murphy's Hill, Bright, Downpatrick.

I would stress that it contradicts the rationale of the policy CTY8 whereby the site must be small enough to accommodate the infill dwelling in the first instance. **POLICY CTY8 REFERS TO SITE/S HAVING TO BE A SMALL GAP, NO WHERE WITHIN THE POLICY IS AVERAGE REFERRED TO OR USED IN CONJUNCTION WITH WIDTH.**

Whilst the dwelling at No.71 is part of our site frontage, it is regarded as the book-end with the vast majority of this plot filtering out towards the rural visual break and away from our application site.

The plot size of No.71 at nearing 0.19 hectares with a 44-metre frontage is not indicative of the locality as bench marked within the case officer's report. This should be considered as a unique material consideration that outweighs policy provision where the overall consideration justifies approval.

I also note that a number of these local plots are actually similar or narrower in frontage.

3.0 It has been ruled and accepted that where 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."

THIS IS FURTHER REINFORCED WITHIN DRAFT SPPS WHERE COUNCIL IS DIRECTED TO "FAIRNESS "

TABLE 1.

Local Singular Dwellings	Plot Size	001- 0.1Ha	0.11-0.15Ha	0.151 - 0.2Ha	0.2 Ha +
76 Lisoid Road	994.0m2				
75 Lisoid Road	1330.0m2				
74b Lisoid Road	2329.0m2				
73 Lisoid Road	1400.0m2				
74a Lisoid Road	1930.0m2				
74c Lisoid Road	960.00m2				
74 Lisoid Road	902.00m2				
69 Lisoid Road	1400.0m2				
65 Lisoid Road	809.0m2				
63a Lisoid Road	1574.0m2				
63b Lisoid Road	2479.0m2				
63 Lisoid Road	2085.0m2				
61 Lisoid Road	1000.0m2				
59 Lisoid Road	1157.0m2				
53 Lisoid Road	945.0m2				
Application Site	933.0m2				
		42.85%	28.57%	14.29%	14.29%

4.0 It is important to accept that frontage as defined in CTY 8 in terms of size, scale, siting and plot size is not a matter of simply taking a measurement across a site boundary and assuming that all must be equal.

Traditional settlement pattern is not defined in this regimental format in rural areas. Rural patterns such as this along the Lisoid Road exhibit a variety of plot shapes and distances yet the majority average is a modest plot size.

Whilst the plot sizes, scale & siting are similar it is the slight variance and unevenness in each plot shape, dimensions and spacing that is an important and intricate quality that defines rural settlement.

One additional dwelling within existing build up which can be satisfactorily integrated, will not lead to further erosion of rural character and will not have a detrimental impact on the AONB. Policy NH 6 does not prohibit development in an AONB.

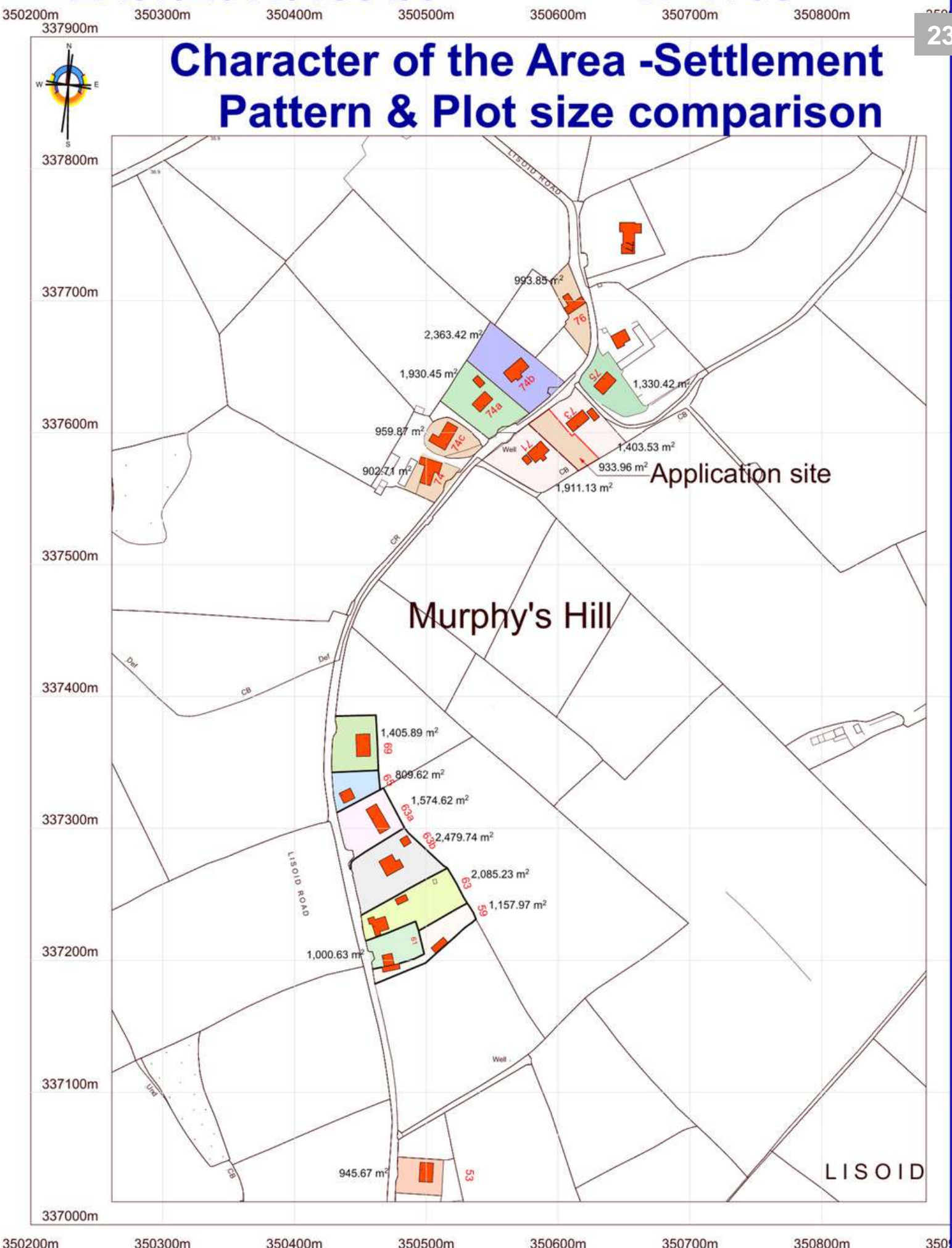
As up held by the Planning Commission ribbon development is by its nature a suburban style of development.

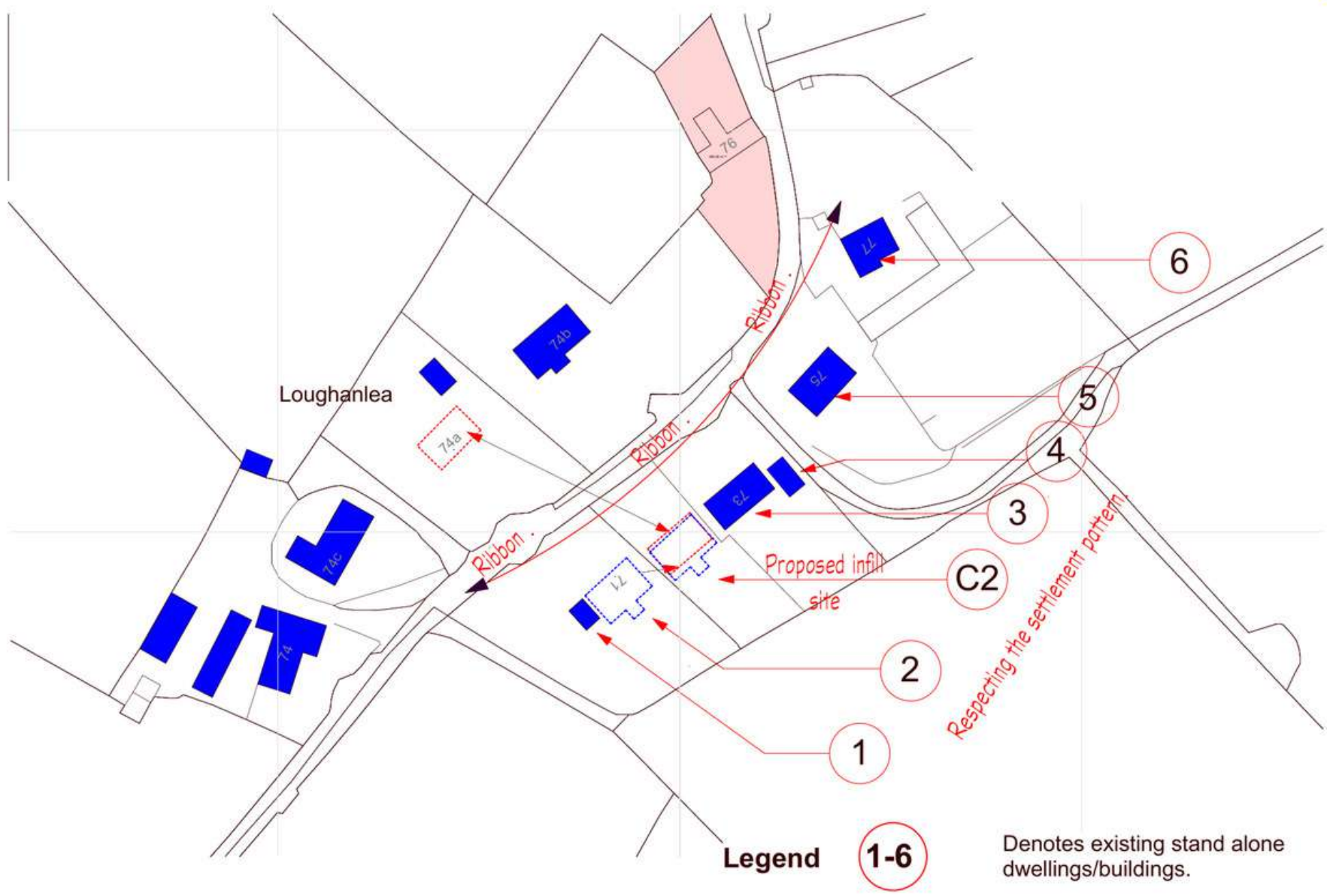
5.0 In conclusion it is respectfully held that Council grant approval in this site-specific situation.

LA07/2017/1854/0

17-1703

Character of the Area -Settlement Pattern & Plot size comparison





ITEM NO 4
APPLIC NO LA07/2017/1380/O
COUNCIL OPINION REFUSAL
APPLICANT Robert McBriar 91 Carsonstown Road Saintfield BT24 7GD
AGENT James Anderson 202 Belfast Road Ballynahinch BT24 8ur 07515 283355

LOCATION 26m west of 45 Manse Road Crossgar BT30 9LY

PROPOSAL Dwelling and garage

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

1. The proposal is contrary to the Strategic Planning Policy Statement (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 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.
3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.
4. 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 the rural character of the countryside.
5. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking in that it would, if permitted, prejudice road safety due to insufficient visibility splays.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1380/O

Date Received: 5th September 2017

Proposal: Dwelling and garage

Location: 26m west of No 45 Manse Road, Crossgar

Site Characteristics & Area Characteristics:

The site is located along the minor Manse Road, Crossgar. It is comprised of an agricultural field, currently used for grazing. The site is positioned immediately adjacent and west of No 45 Manse Road – a single storey dwelling with associated out-buildings.

The site is accessed via an existing private lane to east which provides access to the rear of No 45 Manse and adjacent agricultural land. The site slopes steadily upwards from the public road in a northerly direction and is defined along the laneway by a post and rail fence, with mature vegetation on the remaining boundaries.



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:

There is no previous history on site however, it is noted that approval has been granted for the part conversion of the adjacent stables to ancillary accommodation see R/2009/1040/F – Granted 15.03.10.

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, in addition, to the history and any other material consideration.

The application was advertised with the revised proposal description in the local press on 27th September 2017.

The following neighbour was notified of the proposal on 15.09.17

- 45 Manse Road, Crossgar.

Consultations:

In assessment of the proposal consultations were carried out with DAERA, Northern Ireland Water (NIW) and DFI Roads

It is noted that DFI Roads consider that satisfactory sightlines are not achievable within the site outlined in red, DAERA advise that the farm business has been in existence for 6 years however claims have not been made in the previous 6 years. NIW no objections have been presented.

Objections & Representations

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

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. The agent has presented a case under CTY6 A dwelling required for personal and domestic circumstances and CTY10 A Farm dwelling.

Policy CTY 6

Policy states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met:

- (A) The applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be cause if planning permission were refused; and
- (B) There are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

The case presented is as follows, the applicant Robert McBriar wishes to build a new dwelling so that he can care for his elderly grandmother Elsie Steele. It is stated that the applicant currently carries out household chores and maintenance around the property. The level of evidence provided extends to a letter from the agent to this effect. No other evidence has been submitted to justify a case under CTY6.

During the site inspection, contact was had with the applicants' aunt, whose mother is Elsie Steele, she advised that Mrs Steele had recently been admitted to Silver Birch Nursing Home and it is not known whether she would return home.

In light of this information regarding the current circumstances of Mrs Steele and the lack of information from the applicant to demonstrate how his proposal would meet the requirements of the above listed criteria, I consider it appropriate to determine that the application does not comply with Policy CTY 6.

It is also noted that permission has been previously granted to Robert McBriar for the conversion of the stables to ancillary accommodate so he could care for his grandmother – this permission has not been implemented and has expired.

Policy CTY 10

It is noted that the submission from the agent includes a farm map relating to a business number associated with Mrs Elsie Steele, upon consultation with DAERA, they advise that the business is established however no claims have been made over the past 6 years.

No additional information has been forthcoming despite repeated requests initially on 10-11-2017, 13-12-2017, 08-01-2018 and again on the 07-02-2018.

During a telephone conversation with the agent on 07-02-2018 he advised that the farm holder is 90 year old Elsie Steele, she **does not** farm the land and that the lands are let out in **conacre** to another farmer. The agent was advised in the circumstances this would not qualify as an active and established farm business and would be refused.

A 3 week letter was issued on the 07-02-2018. Nothing has been forthcoming from the agent in this period.

PPS3 Access DFI Roads have advised that **satisfactory sightlines are not achievable** within the site outlined in red. Applicant would be required to extend site outlined in red to include all sightlines should approval be considered by the Planning Committee.

Policy CTY13 and CTY14

Whilst the site is a roadside field, it has established boundaries and could theoretically accommodate a modest dwelling.

However the site would lead to the creation of ribbon development when taken with Rock Cottage and No 45 Manse Road. This would lead to a detrimental impact on rural character.

Recommendation: Refusal

Reason:

The proposal is contrary to the Strategic Planning Policy Statement (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 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.

The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

The proposal is contrary to PPS 21 CTY14 in that 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 the rural character of the countryside.

The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking in that it would, if permitted, prejudice road safety due to insufficient visibility splays.

Signed

Date

Signed

Date

ITEM NO	6				
APPLIC NO	LA07/2017/1558/O		Outline	DATE VALID	09/10/2017
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr P McCormack C/O Mr C McCormack 12A Manse Road Seaforde BT30 8PD			AGENT	Kieran Gilmore 14 Glebe Road Ballynarry Strangford BT30 7AW 07866389973
LOCATION	275m North of 35 Tobercorran Road Downpatrick BT30 8HU				
PROPOSAL	Farm dwelling				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case 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 (and access to the dwelling is not obtained from an existing lane).
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of

Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.



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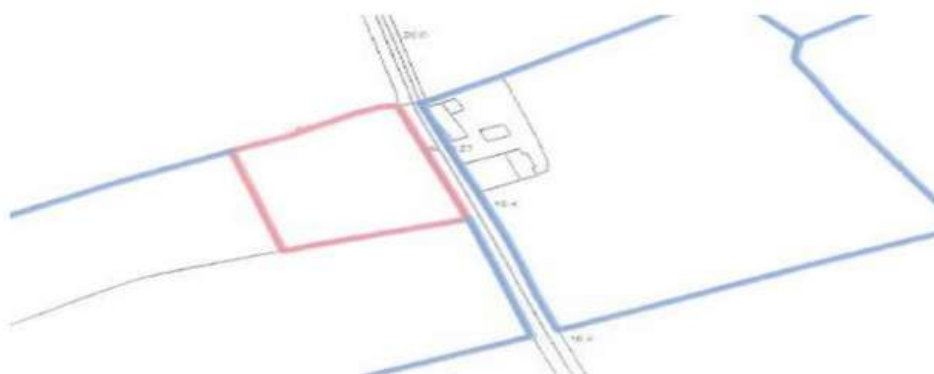
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1558/O

Date Received: 9th October 2017

Proposal: Erection of Farm Dwelling

Location: 275m North of 35 Tobercorran Road, Downpatrick



Site Characteristics & Area Characteristics:

The site is comprised of a 0.29 hectare of land cut out of a larger agricultural field, currently used for grazing. The site is defined on all sides by mature hedgerows, with exception of that to the rear and west of the site. The site slopes gently down in a westerly direction from the road and appears relatively open given the nature of the road and the surrounding topography.



Opposite the site, it is noted that there are a number of buildings which include an unoccupied dwelling, and two agricultural buildings.



The site is visible on approach from both directions along Tobercorran Road

The topography of the surrounding area is typically undulating and it is noted that the area is predominantly agricultural use, however, there are a number of detached single dwellings and farm holdings dispersed throughout the area.

Site History:

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

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

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

Ards & Down 2015 – the site is located within the open countryside outside any defined settlement area.

Consultations:

Transport NI – No objections

DARDNI – Confirmed 6 years active business and payments claimed

Objections & Representations

The application was advertised in the local press on 25.10.17.

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

Consideration and Assessment:

The proposal seeks outline planning permission for a farm dwelling on a farm.

Policy CTY1 of PPS 21 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is the development of a dwelling on a farm in accordance with Policy CTY 10 which states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) The farm business is currently active and has been established for at least 6 years;
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from holding within 10 years of the date of the application
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - Demonstrable health and safety reasons; or
 - Verifiable plans to expand the farm business at the existing building group (s)

It is noted that the farm on which the dwelling is proposed is registered to the applicant Mr P & Mrs M McCormick of 1 Point Road Tobercorran. The farm has a registered Business ID number 604102 and is comprised of approximately 54 hectares. In consideration of current policy, the Council consulted with Dept of Agriculture, Environment and Rural Affairs (DAERA) who confirmed that the farm business ID 604102 has been in existence for more than 6 years and has claimed subsidies in the past year. For the purposes of the policy, the business is considered to be active and established and thereby complies with criteria A.

A history check of the land included within the farm indicates that there do not appear to be any development opportunities sold off since November 2008. The proposal therefore complies satisfactorily with criteria B.

The proposed site is positioned opposite buildings on the farm, it is not considered therefore that the proposed dwelling, would, if approved, be visually linked and sited to cluster with an established group of buildings on the farm and therefore is not compliant with Criteria C of CTY 10.

CTY13

The proposal seeks outline planning permission for the erection of a farm dwelling. The site benefits from existing vegetation and a suitable designed low elevation dwelling could integrate into the landscape. It has already been established that the site would not cluster and visually link with the farm buildings and therefore the proposal fails the policy on this aspect.

CTY14

It is not considered that a suitably designed dwelling would appear prominent in the landscape.

Summary

The proposed farm dwelling does not meet the criteria of the SPPS and policy CTY10 or CTY 13 and is therefore recommended for refusal on this basis.

Recommendation:

Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case 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 (and access to the dwelling is not obtained from an existing lane).
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Signed

Date

Signed

Date

ITEM NO	7				
APPLIC NO	LA07/2017/1625/F	Full	DATE VALID	24/10/2017	
COUNCIL OPINION	REFUSAL				
APPLICANT	Diane Coulter 125 Harbour Road Kilkeel BT34 4AT		AGENT		
				NA	
LOCATION	Adjacent to 77 Leestone Road Kilkeel BT34 4NW				
PROPOSAL	Self-catering accommodation comprising 8 self-catering units, open space and car parking				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	0	0	0		0
			Addresses	Signatures	Addresses
			0	0	0
					Signatures
					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 TSM5 of Planning Policy Statement 16: Tourism, because it is not within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park, it is not at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right, and it does not involve the restoration of an existing clachan or close, through conversion or replacement of existing buildings.

3. The proposal is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and section 2.6.8 of the UK Marine Policy Statement in that this area of the coast is known to be at risk from flooding and coastal erosion and the development is inappropriate in an area of high vulnerability to coastal change and flooding.
4. The proposal is contrary to Policy FLD 1 of Planning Policy Statement 15: Planning and Flood Risk, in that the proposed development is partially located in a coastal flood plain, the proposal does not meet any of the stated exceptions where development in the flood plain is acceptable, and it is not of overriding regional importance.
5. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and development elsewhere.
6. The proposal is contrary to paragraph 6.176 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH1 of Planning Policy Statement 2: Natural Heritage, in that the site lies adjacent to a proposed Special Protection Area / Ramsar Site (Carlingford Lough extension) and it has not been demonstrated that the proposal will not have a likely significant effect on this European designated site.
7. The proposal is contrary to paragraph 6.183 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH3 of Planning Policy Statement 2: Natural Heritage, in that the site is in proximity to Kilkeel Steps ASSI and it has not been demonstrated that the proposal is not likely to have an adverse effect on the integrity of the ASSI, or that mitigation measures will be undertaken.
8. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the creation of ribbon development along the coastal laneway.
9. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it would result in a suburban style build-up of development when viewed with existing buildings, would create a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1625/F

Date Received: 23rd October 2017

Proposal: Self-catering accommodation comprising 8 self-catering units, open space and car parking

Location: Adjacent to 77 Leestone Road, Kilkeel, BT34 4NW.
The site is located on the coast 1 mile NE of Kilkeel.

Site Characteristics & Area Characteristics:

The site is a vacant field overgrown with grass and whin bushes. It was formerly a sand pit. Most of it is relatively flat, except a steep bank at the northern end. It is accessed via a laneway which runs parallel to the coast from the end of Leestone Road. The site is located in a coastal area 1 mile NE of Kilkeel. It is in an unzoned area outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. It is also within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. The area is dominated by tourism development (caravan parks) and some residential and agricultural uses. Part of the site is within a coastal flood zone and part is a surface water flood zone.



Site History:

P/2004/3198/O – Site for holiday homes – Refused 2nd January 2007 (Reasons: integration, build-up, lack of tourist need, failure to conserve the undeveloped coast)

P/2010/1055/O – Site for self-catering accommodation for the tourism industry – Approved 26th October 2011

P/2014/0408/RM – Self-catering accommodation for the tourism industry comprising 8 self-catering units, open space and car parking – Approved 13th November 2014

The above approval has now lapsed and there have been a number of subsequent changes in tourism policy as well as flooding and coastal policy. No weight can be given to the lapsed permission and the current application will be assessed solely on its own merits.

Planning Policies & Material Considerations:

- The Regional Development Strategy (2035)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS15 – Planning and Flood Risk
- PPS16 – Tourism
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide
- The UK Marine Policy Statement

Consultations:

TransportNI – Requested that the red line was extended to meet Leestone Road. No objections following receipt of an amended plan showing this.

NI Water – Site-specific informatives. A foul sewer is not presently available but could be requisitioned.

Environmental Health – No objections provided the site is connected to the main sewer.

Rivers Agency – A portion of the site lies within the 1 in 200 year coastal flood plain. A Flood Risk Assessment and Drainage Assessment would be required. The proposal is considered contrary to policy FLD1.

NIEA – This is inappropriate development on a stretch of vulnerable coastline, contrary to the SPPS and the UK Marine Policy Statement. Standard advice on sewerage and drainage. A Preliminary Ecological Survey should be undertaken.

Shared Environmental Services – Potential impacts on Carlingford Marine Proposed SPA. Requested details of any proposed coastal protection works, details of any proposed works within the marine environment (including drainage) and details of pollution prevention measures to protect the water environment both during construction and thereafter.

Objections & Representations:

The application was advertised in the *Mourne Observer* on 8th November 2017 and two neighbouring properties were notified of the proposal on 9th November 2017. Following the change to the red line to include the access, the application was re-advertised on 2nd May 2018 and three neighbours were notified on 20th April 2018. No objections or representations were received.

Consideration and Assessment:

The proposal is for three separate blocks of accommodation arranged along the northern and western sides of the site with car parking and landscaping to the east. The buildings are 1½ storey with traditional proportions, chimneys on the ridge, slate roofs, smooth rendered whitewashed walls with some natural stone and timber sliding sash type windows. The remainder of the site will be landscaped with informal parking areas, decking/BBQ areas and planting.

The main issues to be considered are the principle of the development under tourism policy, implications under the revised coastal and flooding policies of the SPPS and PPS15, impacts on protected sites and habitats, design and integration, impacts on amenity and road safety.

Policy RG4 of the Regional Development Strategy 2035 aims to promote a sustainable approach to the provision of tourism infrastructure. All new or extended infrastructure required to support and enhance the tourist industry needs to be appropriately located and sited with proper regard to tourism benefit and the safeguarding of the natural and built environment on which tourism depends. Development of tourism infrastructure needs to be appropriate to the location to ensure that the natural assets are protected and enhanced. It has not been demonstrated that this proposal will not harm the surrounding natural environment and the adjacent eroding coastline. The principle of the proposal and its impact on the environment will be assessed in detail under existing operational policy below.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The Plan reflects the approach of the RDS in seeking to provide a choice of tourist accommodation whilst balancing this against the need to protect the natural and built environment. There is no specific policy for tourism development. The site is outside settlement limits in a rural area and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Development proposals in rural areas will be considered under PPS21. Impact on the AONB will be considered under PPS2.

The principle of development proposals in rural areas must first be assessed against PPS21 – Sustainable Development in the Countryside. Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes tourism development if in accordance with the TOU policies of the Planning Strategy for Rural Northern Ireland. As the TOU policies have now been superseded by the final version of PPS16 – Tourism (published June 2013), the principle of the

scheme must be considered under that policy. As there is no significant change to the policy requirements for tourism following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS16 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The design and integration policies of PPS21 (CTY8, CTY13 and CTY14) will also be considered below.

Paragraph 5.4 of PPS16 sets out four circumstances where 3 or more new build self-catering units would be acceptable under this and other current policies. As it does not involve the re-use of existing farm buildings, is not within a designated Dispersed Rural Community or a tourism opportunity zone designated in a development plan, the only possible option is for new build proposals associated with an existing or approved tourist amenity under policy TSM5. Policy TSM5 gives three options for new self-catering units. The proposal does not meet any of these as it is not within the grounds of an existing holiday park, it is not at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right, and it does not comprise the restoration of an existing clachan or close. Accordingly, the proposal is unacceptable in principle under current tourism policy. It is therefore unacceptable as development in the countryside under policy CTY1.

Tourism development proposals are also subject to the design and general criteria in policy TSM7. There are no concerns with design or layout which are as previously approved and reflect local architectural styles, materials and boundary treatments. The design is such that it would deter permanent residence. The land use is considered compatible with the surrounding area which has extensive tourist accommodation including caravans. It should not harm the amenity of nearby residents. Further information would be required to demonstrate whether there would be an adverse impact on natural heritage features including a European Site at the adjacent coast. The Council advised the applicant of this requirement, but did not formally request the information as the scheme was unacceptable in principle and we did not wish to put the applicant to the expense of providing the information unnecessarily. A mains sewer is not presently available, though NI Water indicated that one could be requisitioned and that there is available capacity at the receiving Wastewater Treatment Works in Kilkeel. There are no concerns regarding access following the extension of the red line to meet the public road and the Leestone Road can safely handle the resultant increase in vehicular traffic. The proposal would not constrain public access to the coastline.

As development in the countryside, the proposal is subject to the design and integration criteria for buildings in the countryside in PPS21. Policy CTY13 deals with Integration and Design of Buildings in the Countryside. The site is viewed principally from Leestone Road to the east and from the shared coastal laneway that runs along the south of the site. The local landscape by its nature is extremely open, though this site would benefit from the backdrop of the bank to the north, created by former mineral workings. Given the landscape setting of the site and the design which is locally distinctive, the buildings should not appear as prominent features in the landscape. The proposal is not contrary to policy CTY13. It is also in general accordance with policy NH6 of PPS2 with regard to its impact on the Mourne Area of Outstanding Natural Beauty.

A separate test under policy CTY14 is the issue of build-up. The introduction of three new buildings into an area which has an otherwise dispersed settlement pattern would result in a build-up of development that would change the hitherto rural character of the area. They would read with dwellings to either side of the site, a building on the opposite side of the laneway and development at the caravan park to the east. This coastal landscape is considered particularly vulnerable to a build-up of development given the open nature of the landscape. It would also result in the creation of a ribbon of development along with the existing properties Nos. 77 and 83. Paragraph 5.33 of PPS21 notes that a ribbon does not necessarily have to 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. The buildings either side of this site are set back, but share a common frontage onto the coastal laneway and would read together with the proposed development as a ribbon. The proposal is therefore contrary to policies CTY8 and CTY14 of PPS21.

A portion of the site, including part of the siting of Block C as well as car parking space, lies within the 1 in 200 year coastal flood plain. A one-off tourism development on a previously undeveloped site would not meet any of the exceptions within policy FLD1 of PPS15 where development can be contemplated if a Flood Risk Assessment is undertaken. Therefore the Council did not request a flood risk assessment. The proposal is contrary to policy FLD1. A Drainage Assessment would also be required for a proposal of this scale and in its absence, the proposal is contrary to policy FLD3.

The proposed self-catering units are approximately 40m away from the marine environment and High Water Mark. The proposed access road into the site off the Leestone Road is approximately 15m from the sand and shingle coastline. It is adjacent to an area of soft sediment coastline which is vulnerable to erosion. The future viability of the access road and potentially the development could be at risk. Given that this is an area of coastline known to be actively eroding, the proposed works are in conflict with the Strategic Planning Policy Statement (SPPS) for Northern Ireland. The SPPS states in paragraph 6.42 that "development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability". It is also widely accepted that sea level is rising in Northern Ireland and we are experiencing more frequent storm events. Coastal erosion caused during storm events is predicted to increase due to climate change. A core planning principle stated in the SPPS relates to mitigating and adapting to climate change. Paragraph 3.13 states that the planning system should help to address climate change by "avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms". This is one such site. The planning authority recognises the fact that there is existing development along this part of the coast, but it is not sustainable to permit a further large development given the clear direction of the new coastal policy. The proposal is not in accordance with the UK Marine Policy Statement (MPS) section 2.6.8 in that inappropriate development should be avoided in areas of highest vulnerability to coastal change and flooding. The proposal is not in accordance with the Strategic Planning Policy Statement for Northern Ireland (SPPS) 2015 paragraph 6.42 in that development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability.

The application site is in close proximity to national and European designated sites:

- Carlingford Marine pSPA designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds).
- Kilkeel Steps ASSI declared under the Environment Order (Northern Ireland) 2002.

In addition to designated sites marine mammals are afforded protection throughout their range through the following nature conservation legislation:

- The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended); and
- The Wildlife (Northern Ireland) Order 1985 (as amended).

This includes marine mammals such as cetaceans and seals. Seals are present along this County Down coastline and are also a site selection feature of Murlough SAC. All plans/projects within or adjacent to the marine environment must therefore provide appropriate mitigation, if required.

The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project it was concluded that further information (including details of coastal protection works, details of any works within the marine environment, and details of pollution prevention measures) was required to assess potential impacts on the selection features, conservation objectives and status of Carlingford Marine Proposed SPA. The Council advised the applicant of this requirement, but did not formally request the information as the scheme was unacceptable in principle and we did not wish to put the applicant to the expense of providing the information unnecessarily. However, without the information, the Habitats Assessment cannot be completed and the proposal is contrary to policy NH1 of PPS2.

Policy NH1 of PPS2 states that planning permission will only be granted for a development proposal that is not likely to have a significant effect on a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance) or a listed or proposed Ramsar Site. The equivalent section of the SPPS (paragraphs 6.175 – 6.178) is comparable. The proposed extension to Carlingford Lough SPA/Ramsar falls into this category. As it has not been demonstrated that there will be no significant effects on the European site, the application is contrary to this policy.

Impacts on the ASSI designation must be assessed under policy NH3. In the absence of the information referred to above, the proposal is contrary to policy NH3 as it has not been demonstrated that the proposal is not likely to have an adverse effect on the integrity of the ASSI, or that mitigation measures will be undertaken.

In summary, the application is unacceptable in principle under tourism, coastal and flooding policy, it has not been demonstrated that it will not have a significant effect on a European site and it would result in ribbon development and build up. It is not a sustainable development and should be refused for the reasons below.

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 Policy TSM5 of Planning Policy Statement 16: Tourism, because it is not within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park, it is not at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right, and it does not involve the restoration of an existing clachan or close, through conversion or replacement of existing buildings.
3. The proposal is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and section 2.6.8 of the UK Marine Policy Statement in that this area of the coast is known to be at risk from flooding and coastal erosion and the development is inappropriate in an area of high vulnerability to coastal change and flooding.
4. The proposal is contrary to Policy FLD 1 of Planning Policy Statement 15: Planning and Flood Risk, in that the proposed development is partially located in a coastal flood plain, the proposal does not meet any of the stated exceptions where development in the flood plain is acceptable, and it is not of overriding regional importance.
5. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated through a Drainage Assessment that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and development elsewhere.
6. The proposal is contrary to paragraph 6.176 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH1 of Planning Policy Statement 2: Natural Heritage, in that the site lies adjacent to a proposed Special Protection Area / Ramsar Site (Carlingford Lough extension) and it has not been demonstrated that the proposal will not have a likely significant effect on this European designated site.
7. The proposal is contrary to paragraph 6.183 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH3 of Planning Policy Statement 2: Natural Heritage, in that the site is in proximity to Kilkeel Steps ASSI and it has not been demonstrated that the proposal is not likely to have an adverse effect on the integrity of the ASSI, or that mitigation measures will be undertaken.
8. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the proposal would, if

permitted, result in the creation of ribbon development along the coastal laneway.

- 9. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that it would result in a suburban style build-up of development when viewed with existing buildings, would create a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	8						
APPLIC NO	LA07/2017/1770/F	Full	DATE VALID	20/11/2017			
COUNCIL OPINION	REFUSAL						
APPLICANT	Mr Patrick King 11 Bright Road Downpatrick BT30 8LN		AGENT	Tumelty Planning Services 11 Ballyalton park Ardmeen Downpatrick BT30 7BT 07768 057822			
LOCATION	11 Bright Road Downpatrick BT30 8LN						
PROPOSAL	Proposed detached annexe to existing dwelling to be used as granny flat						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions		
	0	0	0	0	0	0	
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	

1. The proposal is contrary to policy EXT1 (a) from addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the scale, design and appearance of the proposed detached granny annex is not sympathetic with the built form and appearance of the existing dwelling and character and appearance of the surrounding area.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7, (justification and amplification part 2.9 and A49) in that the level of accommodation provided for is not subordinate to the main dwelling, and fails to provide an internal linkage to the main dwelling and offers no dependency on the main dwelling.



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

Application Reference: LA07/2017/1770/F

Date Received: 20th November 2017.

Proposal: Proposed detached annex to existing dwelling to be used as a granny flat.

Location: 11 Bright Road, Downpatrick.



Site Characteristics & Area Characteristics:

The site in question is a detached dwelling which has a linear section which is single storey in height and a return to the end which is greater in height than the remainder of the dwelling and has 1st floor living accommodation. There is also a garage located to the side of the dwelling, which is detached and the buildings are located on a liner plot that is bounded on two sides with roads, the Ballygilbert Road and Bright Road. To the north and east of the site are agricultural fields.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is on the very limits of lands defined as being within the Strangford and Lecale Area of Outstanding Natural Beauty and there is also a disused rail track bed crossing close to the site, the site is also located within a Countryside Policy Area.

Site History:

R/1983/0297 – 11 Bright Road, Downpatrick – Alterations to dwelling – granted 13-06-1983.

R/1991/0957 – 11 Bright Road, Downpatrick – extension to dwelling – granted – 11-02-1992.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 2 Natural Heritage, Addendum to PPS 7 Residential Extensions and Alterations and SPPS.

Consultations:

No additional consultations were considered necessary in order to make a determination in relation to the application.

Objections & Representations

The application was advertised in the local press on 6th December 2017 which expired 20th December 2017, no neighbour notifications were required and to date no representations have been received in relation to the application.

Consideration and Assessment:

The proposal is for a detached annex to the existing dwelling measuring 10.1m long and 7.6m deep and is 5.3m in height, there is also a single storey storm porch to the front of the annex and the building is located approx. 17m away from the main dwelling.

The proposal is considered against EXT1 Residential Extensions and Alterations.

The proposal for a detached annex will be visible when travelling along both Bright Road and also from the Ballygilbert Road. As the proposal sits to the side of the existing garage, away from the main dwelling, and given the scale, design and appearance of the proposal it will appear more akin to a separate unit and would not necessarily appear as an annex to the existing dwelling.

The scale and design of the proposal is not sympathetic with the built form and appearance of the main dwelling. The scale, massing and design of the dwelling is similar to two cottages located further along the Bright Road and it is considered that this structure would appear separate to the main dwelling due to the scale of the project, the overall design and appearance and the proximity and connectivity to the building, and this in turn would impact on the character and appearance of the surrounding area.

A49, Extensions and Alterations to provide for Ancillary Uses states that extensions or alterations to residential property to provide additional living accommodation for elderly or dependant relatives should be designed to demonstrate a dependency on the existing residential property and works of such a nature should be designed so as when not required for ancillary accommodation can be used as an integral part of the dwelling. This facility provides separate accommodation with no shared facilities and no attempt to allow for the extension to be absorbed back into the dwelling when no longer required. There is no dependency shown on the main property and this proposal could practically and viably operate on its own as the extension is fully operational without any reliance on no 11 Bright Road and also the formal front porch entrance also is suggestive of a separate unit, not connected.

The proposal is not in close enough proximity to any other residential dwellings to pose any issues in terms of loss of light, overshadowing and dominance etc.

The proposal meets with sections C and D of policy EXT 1 Residential Extensions and Alterations.

Recommendation:

As the proposal is not of a scale or design or appearance that respects the existing dwelling, nor is it sympathetic with the built form and appearance of the existing dwelling and is more akin to a separate dwelling the application fails to meet with section A of EXT1 Residential Extensions and Alterations.

The application states the proposal is to be used for ancillary accommodation for a granny flat however the unit is not dependant, subordinate or reliant on the main dwelling and once the need for the use has ceased the accommodation which offers a living/dining room and two bedrooms cannot be easily absorbed back into the property given the separation distance of approx. 17m. No additional information has been given to allow for any circumstances for this proposal and as such the application is recommended as a refusal.

Refusal Reason:

The proposal is contrary to policy EXT1 (a) from addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the scale, design and appearance of the proposed detached granny annex is not sympathetic with the built form and appearance of the existing dwelling and character and appearance of the surrounding area.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7, (justification and amplification part 2.9 and A49) in that the level of accommodation provided for is not subordinate to the main dwelling, and fails to provide an internal linkage to the main dwelling and offers no dependency on the main dwelling.

Case officer:

Authorised by:

Date:

Planning Committee Schedule of 4th July 2018

Planning reference: **LA07/2017/1770/F**

Proposal: **Proposed detached annexe to existing dwelling to be used as a granny flat.**

Applicant: **Mr Patrick King.**

Location **11 Bright Road, Downpatrick, BT30 8LN.**

Recommendation: **Refusal**

Reasons

1. The proposal is contrary to policy EXT1 (a) from addendum to Planning Policy Statement 7

Residential Extensions and Alterations in that the scale, design and appearance of the proposed detached granny annex is not sympathetic with the built form and appearance of the existing dwelling and character and appearance of the surrounding area.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7, (justification and amplification part 2.9 and A49) in that the level of accommodation provided for is not subordinate to the main dwelling, and fails to provide an internal linkage to the main dwelling and offers no dependency on the main dwelling.

Site Description

The application site comprises a detached dwelling which could be described as T shaped in design, the structure has two differing ridge heights with the section of dwelling closest to the entrance valleying into the slightly higher roof level which has 1st floor living accommodation. There is a detached garage located to the side of the dwelling furthest from the entrance.

The site is at the junction of two roads, the Ballygilbert Road and Bright Road. To the north and east of the site are agricultural fields. The site is set in

agricultural surroundings and is not located within any settlement limits as defined in the Ards and Down Area Plan 2015.

The site is located on the limits of the Strangford and Lecale Area of Outstanding Natural Beauty and the located within a Countryside Policy Area.

Planning Policies & Considerations

Ards and Down Area Plan 2015,
SPPS
PPS2 Natural Heritage,
PPS7 and Addendum,

Consultations and Representations

No consultations were carried out.

No neighbours were required to be notified and advertisement in the local press resulted in no objections been received.

Relevant Planning History

There is only one site specific planning history namely R/1991/0857 which was granted for an extension to the dwelling in the name of the current applicant.

Assessment of reasons for Refusal

1. The proposal is contrary to policy EXT1 (a) from addendum to Planning Policy Statement 7

Residential Extensions and Alterations in that the scale, design and appearance of the proposed detached granny annex is not sympathetic with the built form and appearance of the existing dwelling and character and appearance of the surrounding area.

It is argued that the current dwelling does not allow for an extension to be used as a granny flat due to its established design and the location of the existing garage prevents the structure from been extended in westerly direction.

The design of the proposal are in keeping with the appearance of the existing structures and as the site is quite remote and well screened from public view. The proposal has no impact on the character and appearance of the surrounding area and it should be noted that the current site has permitted

development rights which would allow for a large domestic store greater in height to be constructed and this would not require the submission of a formal application and for this reason it is argued that the proposal would not affect the character and appearance of the surrounding area.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7, (justification and amplification part 2.9 and A49) in that the level of accommodation provided for is not subordinate to the main dwelling, and fails to provide an internal linkage to the main dwelling and offers no dependency on the main dwelling.

For reasons stated above the proposal cannot be linked to the main dwelling and as it is submitted as a detached annex on PHD forms and the requisite fee is paid and it is my understanding that the proposal can be conditioned by the planning department so as it can never be used as a separate unit and has to be dependent on the main dwelling.

It is argued that the level of accommodation is subordinate to the main dwelling and as the unit cannot be linked to the main dwelling the dependency on the main dwelling can be conditioned by the planning authority.

Overview

The applicant wish to construct a detached annexe adjacent to his current home to provide accommodation for himself while his daughter and her family would occupy the main dwelling.

The applicant has considered an extension to the existing dwelling but this building does not lend its self to adoption in a suitable format and he has considered the conversion of the existing garage but again due to its construction he has been advised by a building expert that it would not be considered capable of meeting the Building regulations due to its single block construction which meets the requirements of its current use as a garage / store but would not be capable of upgrading to the 'U' Values required for a building of domestic purpose.

Thus the only option left was to proposed to construct a domestic annexe and to this avail the proposal is submitted on PHD Planning Forms which are associated with domestic type extensions and this avail would allow the Planning Department to condition the proposal as been dependant on the main dwelling and not to consider the proposal as a separate dwelling unit. The applicant's wishes to help his daughter and her family who like most young people struggle to get on the property ladder to bring her family up in the area

that she was reared in and to allow him the opportunity to spend his retirement adjacent to the family home in the knowledge that should he require assistance a family member is only a few meters away. The applicant is only doing what most loving parents do 'look out for their children'.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the development of a detached domestic annexe.

ITEM NO	9					
APPLIC NO	LA07/2017/1797/F		Full	DATE VALID	24/11/2017	
COUNCIL OPINION	REFUSAL					
APPLICANT	Ann Herron 25 Saintfield Road Crossgar BT30 9HY			AGENT	Fletcher Architects (N.I) LTD 25 Main Street Castlewellan BT31 9DF 028437 78710	
LOCATION	Land 20m south and adjacent to 25 Saintfield Road Crossgar BT30 9HY					
PROPOSAL	Conversion of windmill stump to dwelling including single storey rear extension and associated site works					
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions		
	0	1	0	0		
			Addresses	Signatures	Addresses	Signatures
			0	0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement Policy (SPPS) and Policy CTY 4 of Planning Policy Statement 21, in that the new extension is not sympathetic to the scale, massing and architectural style and finishes of the existing building.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1797/F

Date Received: 24.11.2017

Proposal: The application is for full planning permission for the conversion of windmill stump to dwelling including single storey rear extension and associated site works.

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





Site Characteristics & Area Characteristics:

The site is located outside the settlement limits of Crossgar and is located approximately 200m along an existing laneway which also serves No 25 Saintfield Road. The windmill stump is located on land that is elevated in comparison to the existing laneway. The windmill is three storeys in height with an external finish of grey render, with parts that are exposed of natural stone. There are window openings and a door opening. The building is unoccupied.





Site History:

R/2010/0638/F Land at 32 Saintfield Road, Crossgar. Demolition of existing buildings and development of new car showrooms and associated works. PERMISSION GRANTED 23.06.2011

R/2005/0934 Adjacent to 25 Saintfield Road, Crossgar, Tree Preservation Order TPO FILE CLOSED

R/2004/0617/O Adjacent to 25 Saintfield Road, Crossgar. Proposed restoration of existing windmill stump to form new dwelling. PERMISSION GRANTED 27.04.2006

R/2006/1262/F Adjacent 25 Saintfield Road, Crossgar,
Conversion of windmill to dwelling PERMISSION REFUSED 14.02.2007

R/1997/0576 25 SAINTFIELD ROAD CROSSGAR

Extension to dwelling and double garage PERMISSION GRANTED

R/1989/0183 25 SAINTFIELD ROAD CROSSGAR Replacement dwelling PERMISSION GRANTED

R/1988/0354 25 SAINTFIELD ROAD CREEVYCARNONAN CROSSGAR Replacement Dwelling PERMISSION GRANTED

R/1989/0500 TOWNLAND OF CREEVYCAMONAN 11KV Overhead line PERMISSION GRANTED

R/1976/0573 20 SAINTFIELD ROAD, CROSSGAR DWELLING TO REPLACE OLD WINDMILL PERMISSION REFUSED

R/1977/0031 THE WINDMILL, SAINTFIELD ROAD, CROSSGAR RENOVATIONS AND EXTENSION PERMISSION REFUSED

R/1979/0107 CREEVYCARNONAN, SAINTFIELD ROAD, CROSSGAR DWELLING PERMISSION REFUSED

TPO/2005/0078 On lands adjacent to 25 Saintfield Road, Crossgar TPO CONFIRMED 16.09.2005 PLA2/6/078/05 Lands adjacent to 25 Saintfield Road, Crossgar TPO FILE CLOSED

Planning Policies & Material Considerations:

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

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

Rivers Agency – Drainage assessment not deemed necessary

Objections & Representations

In line with statutory requirements one neighbour has been notified on 08.01.2018. No letters of representation have been received in relation to the application. The application was advertised in the Mourne Observer and the Down Recorder on 13.12.2017.

Consideration and Assessment:

The policy context is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside' whereby PPS21 sets out the planning policies for development in the countryside. Policy CTY 1 of PPS21 states there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

The site is located in the countryside, the description of this proposal, reads as 'conversion of windmill stump to dwelling including single storey rear extension and associated site works'. In this case PPS 4 is the relevant policy.

PPS 4 -The conversion and re-use of existing buildings

Policy CTY 4 states that planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. The SPPS however provides policy clarification in that it states at paragraph 6.73 that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building as a single dwelling. The transitional arrangements set out in paragraphs 1.10 to 1.13 thereof state that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with retained policy, the SPPS should be afforded greater weight in the assessment of individual planning applications.

The SPPS does not define 'locally important buildings' but it does list a number of examples, namely former school houses, churches and older traditional barns and outbuildings. These examples suggest that such buildings should be of some worth to the local area in terms of their aesthetic, architectural, historical or community value. However, as the examples do not provide an exhaustive list, there may be other factors that could render a particular building locally important.

The building is comprised of both stone and render with a number of window openings and a door opening at ground level. It is proposed to convert the existing windmill stump into a dwelling. The accommodation will be contained within the existing footprint of the windmill with the addition of a single storey extension to the east side of the windmill. The windmill comprises an entrance on the ground floor, sleeping gallery on the first floor and ensuite on the second floor. The single

storey extension will contain a kitchen/dining/living room and a bedroom, shower room and hall. The external finish to the stump involves removing render and re-point joints to the stonework. The extension finishes include white plaster render finish with timber cladding indicated. Windows include grey uPVC double glazed frames and new uPVC windows to the existing windmill.

Having undertaken site visit, while the building is set back from the road and the site is surrounded by mature planting, the building is not readily visible from the roadside. However, these types of buildings in the countryside are quite unique. It could therefore be considered as being locally important and does have the historical value of worth to the local area, converting it to a dwelling would secure its upkeep and retention. The principle of converting it to a dwelling is therefore acceptable.

Criterion (c) of Policy CTY 4 requires any new extensions to be sympathetic to the scale, massing and architectural style and finishes of the existing building. Paragraph 3.7.2 of the supplementary planning guidance "Building on Tradition" (BOT) advises that an extension should be designed to become an integral part of the property both functionally and visually. The extension is contemporary in nature and while Paragraph 3.7.3 of BOT indicates that variations in the contemporary design approach, be it innovative or traditional, are recommended, as reproduction or pastiche is frequently the least successful, nothing in BOT can relax or countermand the policy requirement that any conversion must be sympathetic.

The extension is linked to the windmill stump via a flat roof link, the rest of the extension takes the form of a half pitched roof or lean to (Skillion roof) which is comprised of a zinc coloured metal roof panel. The walls include a mix of timber cladding and white render smooth plaster. The extension is not sympathetic to the original building in terms of roof form, finishes and materials. The proposed dwelling would have an incoherent mix of styles and finishes and the extension does not relate in any way to the form and character of the existing building. It is therefore not sympathetic to the scale, massing and architectural style and finishes of the existing building.

The proposed conversion does not comply with the key requirements of the SPPS and Policy CTY 4 of PPS 21.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to the Strategic Planning Policy Statement Policy (SPPS) and Policy CTY 4 of Planning Policy Statement 21, in that the new extension is not sympathetic to the scale, massing and architectural style and finishes of the existing building.

Case Officer Signature

Date

Appointed Officer Signature

Date

BF / J499 / 27 June 2018

Newry, Mourne & Down Council
Planning Office
Monaghan Row
Newry
Co Down
BT35 8DL

Re: PROPOSED CHANGE OF USE FROM WINDMILL STUMP TO FORM NEW DWELLING INCLUDING SINGLE STOREY REAR EXTENSION AND ASSOCIATED SITE WORKS AT LAND 20m SOUTH & ADJACENT TO 25 SAINTFIELD ROAD, CROSSGAR, CO. DOWN

REF: LA07/2017/1797/F

Dear sir

I refer to the above planning application, which is to be discussed at the Council's planning committee meeting on 04 July 2018. The application has been recommended for refusal for the following reasons:

The proposal is contrary to the Strategic Planning Policy Statement Policy (SPPS) and Policy CTY 4 of Planning Policy Statement 21, in that the new extension is not sympathetic to the scale, massing and architectural style and finishes of the existing building.

The Planning Department have established that the windmill is a locally important building, has historical value to the local area and that the conversion and extension would secure its upkeep and retention. Therefore the principle of converting to a dwelling is accepted.

Following a meeting with senior planning officer arranged through the applicant's local council representatives, the planning office's issue was with the design of the extension relative to the existing windmill stump.

The scale and massing of the extension is simple in form, in that the extension is single storey with a mono-pitch roof. The extension eaves height is 2.75 above FFL, the ridge height is 3.875m and roof angle is 10 Degrees.

The windmill stump is 7.75m high. Therefore, the windmill stump will always be the more dominant form.

The Supplementary Planning Guidance document to PPS21 - Building on Tradition; A Sustainable Design Guide for the Northern Ireland Countryside refers to various options for the re-use of locally important buildings. Point 4 below states under 'Legibility: replacements or new additions should be distinguishable from the original'.



09 Re-Use

25 Conservation Principles

7.5.1 Policy CTR and CTV 4 encourage the sympathetic conservation, with adaptation if necessary, of viable buildings which are worthy of repair and retention. Specifically for listed buildings this is reversible and where done appropriately for vernacular structures. The process will involve observation and mapping changes so that their character and special interest is maintained. Applicants should have regard to the following principles of conservation:

1. Minimum intervention: based on respect for the existing fabric
2. Maximum retention of fabric: the least possible loss of the original fabric
3. Reversibility: avoid using process or materials whose future removal would damage the original historic fabric
4. Legibility: replacements or new additions should be distinguishable from the original

From the outset, the design concept was to design a contemporary extension with the use of modern materials in contrast to the original traditional materials to compliment the windmill stump. This is in keeping with policy, as the extension is clearly defined as distinguishable from the original building.

The schedule of finishes for the extension are listed below

<u>SCHEDULE OF FINISHES</u>	
ROOF: Metal roof panel, colour zinc	DOORS: Composite doors, colour Black
EXTERNAL WALLS: Smooth plaster render, Colour white Timber cladding where indicated Remove render & re-point joints to stonework on existing windmill	CILLS: Single course p.c.c. cills.
WINDOWS: Gray uPVC frames double glazed. New uPVC double glazed windows to existing Windmill	RAINWATER GOODS: Black uPVC gutters and downpipes
	FASCIA & SOFFIT: Zinc metal cladding to Fascia Board

The form of the extension was to create a low impact addition using a simple mono-pitch structure with contemporary materials. The roof slopes out and away from the windmill stump. The windmill stump always being the main visual element in the design as the extension is partially screened on approach by the more dominant windmill stump.



The existing stump shall be repaired and re-pointed to bring it back to its former glory.

The use of white render, glass, timber and zinc in the extension does not try to take away from the visual significance of the locally important windmill structure, but aims to complement & enhance it in a contemporary way.

I would be grateful if the planning committee would take the above into consideration in determination of this application.

Yours sincerely

Barry Fletcher RIBA
Director, Architect

FLETCHER ARCHITECTS (N.I.) Ltd
Enc

ITEM NO	11				
APPLIC NO	LA07/2018/0042/O		Outline	DATE VALID	02/01/2018
COUNCIL OPINION	REFUSAL				
APPLICANT	Ciaran O'Higgins C/O 35 Clarmont Avenue Castlewellan BT31 9BX			AGENT	John McElroy 72 Osborne Drive Belfast BT9 6LJ 07738515098
LOCATION	Adjacent to 46 Bann Road Castlewellan				
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

1. The proposal is contrary SPPS and to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is established and is currently active.
2. The proposal is contrary to Planning Policy Statement 3, Access Movement and Parking, Policy AMP3 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.



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

Application Reference: LA07/2018/0042/F

Date Received: 2nd January 2018

Proposal: Proposed dwelling and garage under CTY 10 of PPS 21.

Location: Adjacent to no 46 Bann Road, Castlewellan.



Site Characteristics & Area Characteristics

The site in question is located on agricultural lands to the north, north east of the Bann Road, Castlewellan, and the lands are relatively flat and appear quite wet in part. The boundaries are defined with a post and wire fence generally with no planting or screening of the site from the road and the existing dwelling has no screening or planting in place. There are additional buildings located to the rear of no 46, one appears to have previously been a dwelling and there is also a separate building sitting approx. 60m from no 46 and adjacent to the site in question.

The site is not located within any settlement development limits as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site is within the Mourne Area of Outstanding Natural Beauty 2015.

Site History:

Q/2002/0327/F – 46 Bann Road, Castlewellan – Erection of replacement dwelling – granted – 23-05-2002.

R/1991/1105 – Opposite 46 Bann Road, Castlewellan – Farm Dwelling – withdrawn – 21-04-1999.

Planning Policies & Material Considerations:

The application is considered against Banbridge, Newry and Mourne Area Plan 2015 and in addition to this PPS 2 Natural Heritage, 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 has no objections in relation to the proposal which proposed to share the existing access that serves no 46 Bann Road, Castlewellan. The Bann Road is a Protected Route. Conditions have been attached in relation to the application.

DAERA was consulted in relation to the farm business and activity and has responded stating that the farm business has not been in existence for a period of 6 years or more however claims were made in the last year. A footnote advises that the farm business that this application relates to has been closed and therefore there is not an active and established farm business in operation.

Objections & Representations

A neighbour notification was issued to no 46 Bann Road (although it is noted that this dwelling is located within the lands in blue) on 17th January 2018 which expired 31st January 2018. The application was also advertised in the local press on 24th January 2018 which expired 7th February 2018 and to date there have been no representations made in relation to the application.

Consideration and Assessment:

The Strategic Planning Policy Statement for NI (SPPS) is a material consideration in relation to this application and it retains policy documents including Planning Policy Statement 21 Sustainable Development in the Countryside.

Consideration is given to Policy CTY 10 Dwellings on Farms where planning permission will be granted for a dwelling house where all of the stipulated criteria can be met.

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

A farm business number has been provided along with DAERA issued farm business maps from 2012 in the name of Gerard Rushe. An LPS Folio Map dated July 2017 has also been submitted in the name of Gerard Rushe deceased. DAERA has responded to consultation stating that the farm business has not been existence in for the last 6 years, farm payments have been received in the last year. DAERA go on to confirm that the business has been closed. This aspect of policy has not been met as the farm business is not currently established.

The agent was given the opportunity to provide additional information in relation to the farm business to support the application and a letter was received on 17th April 2018 advising that the applicant has contacted DAERA with a view to obtaining a new farm number and while it is hoped the number will be obtained soon it was not possible for DAERA to confirm when

this might be. **On this basis it is clear there is no active and established business in operation and the application does not meet with the policy requirements.**

- **no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and**

The lands in question do not contain any site history of approval of development opportunities, from the information submitted there is nothing to suggest that there have been any development opportunities sold off from the holding. Q5 of the P1C form has been answered to state that no development opportunities have been sold off from the holding.

- **the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:**
 - ♦ **demonstrable health and safety reasons; or**
 - ♦ **verifiable plans to expand the farm business at the existing building group(s).**

In consideration to the buildings on the alleged farm holding, it is noted that planning history exists for a replacement dwelling Q/2002/0327/F, the dwelling that has been replaced still stands on the site and as such is in breach of a planning condition, it would therefore not be appropriate to afford this building any standing. That said there is sufficient scope within the site to allow for the clustering or visual linking of a potential farm dwelling.

The preferred siting as indicated by the agent on drawing no LA07/2018/0042/02 is not considered acceptable and any approved dwelling should be set further back into the site to allow for grouping and visual linkage with both the dwelling house and the remaining out building to the rear of the dwelling to have been previously replaced. It is also noted that the site location map drawings appear to show the outline of 4 buildings or structures however there are only 3 on the ground with one of these actually being a concrete base.

If the Committee is minded to approve this application, then the siting shall be conditioned to visually link or cluster with the established buildings on the site.

The application is also given consideration in relation to CTY 13 Integration and Design of Buildings in the Countryside. CTY 13 makes the following points in policy consideration.

- **it is a prominent feature in the landscape.**

This is an outline application and as such the overall design of the proposal can be conditioned to ensure that the proposal is suitable for the location and will not become a prominent feature in the landscape. Suitable conditions including siting conditions would ensure that the dwelling was acceptable in the local landscape and would not become a prominent feature in the landscape.

- **the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.**

The site in question lacks long established boundaries in general. Considering that the most appropriate site on the land would be immediately to NNW of the existing buildings the only natural boundary would be the planting to the field boundary running along the rear of the red line of the site. Given that siting can be achieved adjacent to existing buildings loosely and the boundary to the rear is in existence the site will be able to utilise some existing screening however will require additional planting to define the remaining two boundaries.

It is not considered that this site will rely primarily on new planting for integration, the site in question will however require additional planting to help soften the development and help it integrate into the surroundings. It is notable that along this section of road there are limited natural boundaries and planting with dwellings quite visible with limited screening. It is felt that a dwelling could be accommodated on the site.

- **Ancillary works do not integrate with their surroundings.**

Ancillary works will integrate with the surroundings, the site is able to make use of the existing access lane serving the existing dwelling and all utilities are easily obtained. It is not thought there will be any negative impacts as a result of a suitably designed and landscaped dwelling being placed on the site.

- **The design of the building is inappropriate for the site and its locality.**

As this is an outline application full details of the design have not been submitted however a dwelling designed in accordance with Building on Tradition could be accommodated on the site.

- **It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.**

There is limited landscaping and features along area of land to accommodate a dwelling however it is part of the character of the immediate area with several dwellings along this section of road with limited planting, landscaping or screening for integration. A dwelling can be accommodated adjacent to the existing buildings which would blend sufficiently into the landscape. Given the potential siting of the building to the side and rear of the existing dwelling it would be recommended that any development is single storey in height to respect the existing built environment and to ensure there are no potential issues with dominance or loss of amenity on the existing dwelling house.

- **In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.**

As previously indicated a dwelling can be accommodated on the site that will visually link and cluster with the existing buildings at the site.

The application is considered to meet with the requirements set out in CTY 14 Rural Character had the principle of development been considered to have been met.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary SPPS and to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is established and is currently active.

Case officer:

Authorised by:

Date:

ITEM NO	13						
APPLIC NO	LA07/2018/0394/F		Full	DATE VALID	26/02/2018		
COUNCIL OPINION	REFUSAL			AGENT	W and M Given Architects River House Suite 8 Castle Lane Coleraine BT51 3DR		
APPLICANT	NIHE (South Region) Office 12 Frederick Street Newtownards BT23 4LR	South East					02870351111
LOCATION	1 Seaview Ardglass BT30 7SQ						
PROPOSAL	Proposed single storey front, side and rear extension						
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 Planning Policy Statement 8, Policy OS1, in that the development would, if permitted, result in the loss of existing open space.
2. The proposal is contrary to Policy EXT 1 of Addendum to PPS7; Residential Extensions and Alterations in that, if approved, the design would be unsympathetic with the built form and appearance of the existing dwelling and would detract from the appearance and character of the surrounding area.



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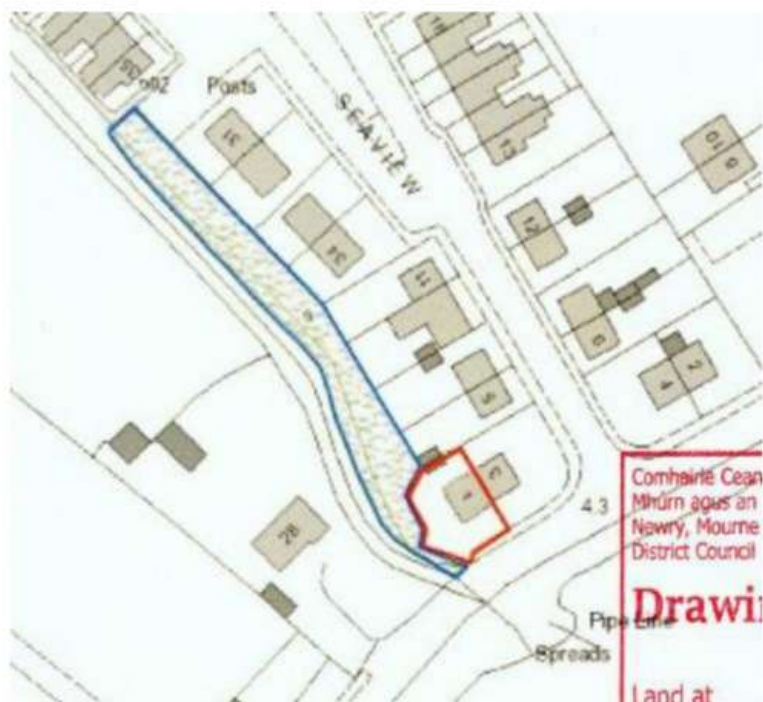
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0394/F

Date Received: 26/02/2018

Proposal: Single storey extension to front, side and rear to provide a porch, lobby, bedroom and shower room.

Location: 1 Seaview, Ardglass, BT30 7SQ



Site Characteristics & Area Characteristics:

Characteristics of site:

The site is two storey residential semi-detached property that is situated east of No. 3 Seaview, Ardglass. The site is a rectangular plot of land situated along the A2 Strangford Rd. The front of the property has a single storey front porch and roofed overhang. The rear of the property has a kitchen room that elevates to the rear. The rear also contains an outbuilding/boiler room that is shared with No. 5 Seaview,

Ardglass. The applicant is seeking to extend the curtilage of the site to lands owned west of the boundary. Boundary treatment of the site is defined by low wall to the front, with gates hanging to the L.H.S providing vehicle access and parking within the curtilage. The common boundary with No. 3 is a low wall. The L.H.S boundary is defined by a close boarded timber fence that backs onto open green space. The rear boundary is enclosed by a boiler room and close bordered timber fence.

Characteristics of area:

The proposed site is located within the settlement development limits of Ardglass as designated within the Ards and Down Area Plan 2015. The site front onto the A2 Strangford Rd, situated opposite Ardglass bay.



Front elevation of No. 1 Seaview



Location of proposed rear and side extension



Open green space adjacent to No. 1 Seaview

Site History:

LA07/2017/1620/F 1 Seaview Ardglass BT30 7SQ.

Single storey front, side and rear extension as well as new ramped access to front of dwelling. Invalid application

LA07/2016/0770/O Lands south of 26 Strangford Road, Downpatrick
Residential development (12 Units) (amended scheme). Permission granted.
01/06/2017

R/2015/0101/F Land between 26 Strangford Road and 1 Seaview Ardglass
(Formally 28 Strangford Road) BT30 7SQ.
Residential development comprising of 4 no. 1 bed apartments in 2 blocks, 10 no. 2
bed dwellings and 4 no. 3 bed dwellings and associated site works and landscaping
(Amended plans received). Permission granted. 17/12/2015

R/2008/0586/F 28 Strangford Road, Ardglass.
Housing development of 8 no. detached dwellings (amended plans). Permission
granted. 01/09/2011

R/2005/0464/F 4 Seaview, Ardtole, Ardglass, BT30 7SQ.
2 Storey Gable Extension To Semi-Detached House. Permission granted.
12/09/2005

R/2003/1361/F 6 Seaview, Ardtole, Ardglass, BT30 7SQ.
First floor extension to gable of building. Permission granted. 16/01/2004

R/1994/0664 4 Seaview, Ardtole, Ardglass BT30 7SQ.
Improve dwelling. Permission granted. 24/10/94

Planning Policies & Material Considerations:

The Ards and Down Area plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland
This policy provides overall context under which the Council will determine planning
applications

PPS 7 Addendum - Residential Extensions & Alterations: EXT 1 Residential
Extensions and Alterations
This policy sets out the main considerations that the council will take into account in
assessing proposals for residential extensions and/or alterations.

PPS 8 – Open Space, Sport and Outdoor recreation
This policy sets out the main considerations that the council will take into account for
the protection of open space.

Planning Policy Statement 2 Natural Heritage- This policy sets out planning policies
for the conservation, protection and enhancement of our natural heritage.

Consultations:

Rivers Agency – Content subject to conditions

Objections & Representations:

3 Neighbours within close proximity of the site were notified on 04/04/2018. This application was advertised in the local press on 20/03/2018. Upon site inspection an additional neighbour was identified, and were notified on 16/04/2018. No objections or representations have been received.

Consideration and Assessment:

The proposal is for a single storey extension to the front, side and rear of the existing dwelling, to provide a porch, bedroom and a wet room for a disabled person. The need for this work has been confirmed from a letter attached to the application from an Occupational Therapist.

To provide adequate space for the proposal the applicant seeks to extend the existing curtilage of the dwelling into adjacent open green space which is outlined in blue and owned by the NI Housing Executive. The proposed new site boundary will be located west of the site, extending approx. 4.9m at its maximum into the open green space. Therefore the development must accord with the main considerations set out in 'PPS 8 – Open Space, Sport and Outdoor recreation'. Policy 'OS 1 Protection of Open Space' states that development would not be permitted that would result in the loss of existing open space, irrespective of its physical condition and appearance. The definition of open space set out in Annex A of PPS 8 stating that open space is taken to mean all open space of public value. The policy affirms that most areas of open space can perform multiple functions and that open space can improve the quality of life for communities by providing green spaces close to where people live.



Open green space looking south towards No. 1 Seaview

The proposed new site boundary will be located west of the site, extending approx. 4.9m at its maximum into the open green space. The green space in question runs adjacent to 8 properties, with the majority of properties having direct access via a rear gate. At present there is two public access points onto the green space, one from the Strangford Road and one from an opening between No. 31 & 35 Seaview. Case officer is highly concerned as to the adverse effects the new curtilage boundary if permitted would have on access point via the Strangford Road. The siting and design of the extended boundary would have the potential to discourage members of the public to use the open space, due to the narrow opening that would remain. Therefore it is essentially creating a visual and physical barrier to the green space from the Strangford Road.

Policy OS1 states that an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. The agent was afforded the opportunity to submit a justification detailing the need for this work that will result in the loss of open green space. Upon receiving a letter of response from the Housing Executive dated 16/05/18, after consideration case officers are not satisfied that the information received justifies the loss of open green space. Consequently the proposal is contrary to PPS 8 and therefore permission should be refused.

The proposed development must accord with the main considerations in terms of design and amenity, which is set out in EXT1 of PPS7. The new site boundary created to the east will be defined by a new fencing, and a 6.0 x 3.0m hard standing area for vehicle parking and turning, to avoid reversing onto the road. The front projection of the proposal will introduce a new porch that extends 1.75m outward with a length of 2.3m. This porch will include a front door project to the L.H.S and a front facing single window, with a mono-pitched roof. The extension to the L.H.S of the property will consist of a solid wall with no windows or openings with a total length of 7.5m and width of 4.7m. There will be a front facing single window, and double window to the rear. At its minimum point the extension will be 1.2m from the L.H.S boundary of the site, taking into account the extended curtilage. The rear elevation will extend a maximum length of 1.0m, remaining 1.1m inside the existing rear elevation. The extension ridge height of approx. 5.4m above finished floor level, resting 2.3m lower than existing ridge height. The materials for the proposed extension would see all materials and finishes including walls, windows, roof and RW goods to match existing. The proposal is not expected to cause any overlooking overshadowing.

Policy states to ensure good design any extension or alternation will need to complement the host building and respect its location and wider setting. The site in question fronts the Strangford Road, therefore in a prominent position. Case Officer considers the proposed elevations to be badly designed in that it would lead to an undesirable change in character of the existing property and the area in which it is located. Furthermore the proposal seeks to alter the front of the property by replacing the front porch unsympathetic to the current design. The dwelling is semi-detached and it is believed that the proposal would compromise the appearance and architectural integrity of the block.



Views onto the site from the Strangford Road

The Council will give sympathetic consideration to proposals for applicants who are disabled or whose mobility is otherwise impaired. Some of the design issues could be mitigated through higher quality design solutions, to preserve the appearance and architectural integrity of the block and wider setting. However given the submitted design coupled with siting and location Case Officer considers the proposal contrary to EXT1 of PPS7, therefore recommended for refusal.

This proposal is located within close proximity to the Ardglass Bay Site of Local Natural Conservation Importance set out in the Ards and Down Area plan 2015 (Map No. 1/041). This development is not expected to be contrary to PPS 2 Policy NH 4 'Sites of Nature Conservation Importance' – Whereby the proposal would have a significant adverse impact on a Local Nature reserve or a Wild Life Refuge.

Existing parking arrangements will improve as a result of the development proposed as a vehicle turning head will be created within the curtilage, eliminating a need to reverse out of the driveway.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Planning Statement 8, Policy OS1, in that the development would, if permitted, result in the loss of existing open space.
2. The proposal is contrary to Policy EXT 1 of Addendum to PPS7; Residential Extensions and Alterations in that, if approved, the design would be unsympathetic with the built form and appearance of the existing dwelling and would detract from the appearance and character of the surrounding area.

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

LA07/2018/0394/F - NIHE (South Region) - proposed single storey front, side and rear extension - 1 Seaview, Ardglass.

Points I will be raising are in relation to the exceptional circumstances for the application to accommodate medical needs of the applicant and the impact of the application not being approved. Neighbourhood consultation conducted by NIHE and feedback not being considered as part of the application.

Gareth

ITEM NO	1						
APPLIC NO	LA07/2016/1564/F	Full	DATE VALID	21/11/2016			
COUNCIL OPINION	REFUSAL						
APPLICANT	Mr John McAleavey Laneway Lodge Riding Centre 6 Leitrim Road Hilltown BT34 5XS		AGENT	Blueprint Architectural 79 Chapel Road Killeavy Newry BT35 8JZ 078 5597 8205			
LOCATION	Laneway Lodge Riding Centre 6 Leitrim Road Hilltown Co. Down BT34 5XS						
PROPOSAL	Proposed conversion of existing hay loft into tourist accommodation.						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions		
	0	1	0		0		
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there 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 Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside

relating to the conversion and re-use of existing buildings in the countryside for residential use in that the building to be converted is not considered to be a locally important building.

3. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business is not currently active and established.

4. The proposal is contrary to the provisions of Policy TSM5 of Planning Policy Statement 16, Tourism in that the use of the building for self-catering accommodation in the countryside does not meet with any of the identified circumstances for such a development stipulated in the policy.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/1564/F

Date Received: 29.11.2016

Proposal: Proposed conversion of existing hay loft into Tourist Accommodation

Location: Laneway Lodge Riding Centre, 6 Leitrim Road, Hilltown, Co. Down BT34 5XS

Site Characteristics & Area Characteristics:

The application site as outlined in red is located at Leitrim Road, the site comprises of a 1 ½ storey dwelling and a two storey hay loft. Just outside the red line directly south of the hay loft is an enclosed horse/ training/exercise area and directly south east is a large sand arena.

The site can be accessed via a private laneway, the site slopes upwards from the roadside boundary to the south eastern direction. The northern boundary is defined by mature trees and vegetation while the southern and eastern boundaries are defined by 1.8m high post fence.

The area is rural in character and is located just outside the settlement limits of Hilltown as designated within the Banbridge, Newry and Mourne Area Plan 2015. The site is also located within the Mourne Area of Outstanding Natural Beauty,



Proposed hay loft to be converted.

Site History:***P/2006/1052/F***

Erection of sand arena for training and reining horses
Permission Granted: 21.08.2006

P/2005/0369

Sand Arena for the training and reining horses.
Invalid Application: 15.04.2005

P/1991/0138

Erection of dwelling (Self-contained invalid unit)
Permission Granted: 13.05.1991

P/1985/1156

Extension and improvement to dwelling
Permission Granted: 13.01.1986

Planning Policies & Material Considerations:

This application is considered under the Banbridge, Newry and Mourne Area Plan 2015, PPS 2 Natural Heritage, PPS 16 Tourism and PPS 21 Sustainable Development in the Countryside and SPPS and Building on Tradition, A Design Guide for Rural Northern Ireland.

Consultations:

- *Transport NI*- Has no objections to the proposal.
- *NI Water*- Has no objections to the proposal, subject to conditions.
- *Environmental Health*- Have no objections to the proposal
- *NIEA*- Has no objections to the proposal
- *DAERA*- Confirmed the farm business has not been in existence for more than 6 years and that the business has not claimed single farm payment, less favoured area compensatory allowances or agri environment schemes in the past six years. No business Id has been provided just an applicant reference.

Objections & Representations

15 Neighbours notified on 02.12.2016 the application was advertised on 5.12.2016.
No objections, one letter of support.

Principle of Development

This is a full application of the conversion of an existing hayloft to provide two apartment tourist accommodations. This is a non-listed building, located to the rear of dwelling no.6 Leitrim Road. The proposal entails the first floor conversion of the existing hayloft while the existing ground floor will remain as storage and stables.

Planning Policy Statement 21- Sustainable Development in the Countryside

The application site is located within the countryside. Policy CTY 1 outlines the types of development which in principle are considered to be acceptable in the countryside. It states that planning permission will be granted in the countryside for

farm diversification proposals in accordance with Policy CTY11 and for tourism development in accordance with the TOU Policies of the PSRNI and for the conversion and reuse of non-residential buildings in accordance with Policy CTY4.

Policy CTY11

Policy CTY11 states that planning permission will be granted for farm or forestry diversification where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The application is assessed under the following criteria:

a) The farm or forestry business is currently active and established

The justification and amplification section of Policy CTY11 states that the determining criteria for an active and established businesses will be that set out under Policy CTY10. The applicant has not been able to provide a Business Id and has provided an Applicant Reference. DAERA have confirmed that the business has not been in existence for more than 6 years and has not claimed SFP, LFACA or Agri Environment Schemes in the past 6 years. The applicant has provided further details to try and illustrate the farm business is active and established. The evidence provided include a car insurance policy and details of farming activities from 1990-1995, 1997, 2006, 2012, 2014-2018, details of contractors employed and Certificate of Registrations for Horses. The information provided is not considered to be sufficient to persuade the Planning Department that the farm business is currently active and has been established for at least 6 years in accordance with Policy Cty10 requirements.

b) In terms of character and scale it is appropriate to its location

The existing hay loft is finished in rendered block work walls on the bottom half with corrugated metal sheeting above and accessed through metal sliding doors and a hardwood timber door. The proposal includes the insertion of first floor windows along the side elevations and an external staircase and doorway to first floor level. Given the minor amendments to the existing building and that there is no increase in the scale of the building, the proposal is considered acceptable in terms of character and scale.

c) It will not have an adverse impact on the natural or built heritage.

It is not considered that the proposal would have an adverse impact on the natural or built heritage.

d) It will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

It is not considered the proposal would have a detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell or pollution.

The proposal fails to comply with Criterion A of Policy CTY11 in that the farm business is not currently active and established for at least 6 years.

Policy CTY4

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications.

Paragraph 6.73 relates to the conversion and re-use of existing buildings for residential use and states *“Provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy”*. The existing building is not considered to be a locally important building and although the building is of permanent construction and complies with the additional criteria required for Policy CTY4 it does not comply with the provisions of the SPPS as a locally important building and therefore fails to meet Policy CTY4.

Policies CTY 13 and CTY 14

Given that this application proposes to convert an existing building with minor external changes it is considered the proposal is acceptable in terms of design and integration.

Planning Policy Statement 16- Tourism

Proposals for tourism development in the countryside will be facilitated through PPS16 and other planning policy documents that provide scope for tourism development in the countryside.

TSM5

TSM 5 relates to self-catering accommodation in the countryside. Planning approval will only be granted for self-catering units of tourist accommodation in any of the following circumstances:

- a) *One or more new units all located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;*

This application for two units is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park.

- b) *A cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right;*

This proposal is for two units and therefore not a cluster of 3 or more units.

- c) *The restoration of an existing clachan or close, through conversion and / or replacement of existing buildings, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. Where practicable original materials and finishes should be included.*

The proposal does not relate to the restoration of an existing clachan or close. The proposal fails to meet any criteria outlined within TSM5.

TSM 7- Criteria for Tourism

The proposed application will be assessed against TSM7 of PPS 16, where planning permission will be granted for a tourism use subject to the following design criteria;

- A. a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- B. the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
- C. appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
- D. utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
- E. is designed to deter crime and promote personal safety;
- F. development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context. In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

General Criteria

- G. it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;
- H. it does not harm the amenities of nearby residents;
- I. it does not adversely affect features of the natural or built heritage;
- J. it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains

- sewerage and water supply services must be utilised where available and practicable;
- K. access arrangements must be in accordance with the Department's published guidance;
 - L. access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;
 - M. the existing road network can safely handle any extra vehicular traffic the proposal will generate;
 - N. access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.
 - O. it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided;

The proposal is compatible with surrounding lands uses; the proposal does not detract from the landscape quality and character of the surrounding areas. The proposal will not harm the amenities of any nearby dwellings. The existing boundary treatment, topography of the land and the building set back from the public road ensure that the building and outside areas are screened from public view. Transport NI has no objections in respect of the existing access to the public road and Water NI has no objections in respect of the applicant dealing with any proposed effluent via a septic tank. The proposal is considered to be in compliance with TSM7.

Planning Policy Statement 2- Natural Heritage

The application is within the Mourne Area of Outstanding Natural Beauty and is considered against PPS 2 Natural Heritage, NH6 Areas of Outstanding Natural Beauty. This area is of particular scenic quality and any development should respect the locality and conserve its natural features that add to its attractiveness. The design put forward is similar to existing and surrounding buildings and is considered an appropriate design for the locality and sympathetic to the special character of the area.

Conclusion

The proposal is not policy compliant with the requirements of the SPPS, CTY1, CTY4, CTY11 of PPS21 and Policy TSM 5 of PPS16 and is therefore recommended for refusal.

Reasons for Refusal:

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 Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside relating to the conversion and re-use of existing buildings in the countryside for residential use in that the building to be converted is not considered to be a locally important building.

3. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business is not currently active and established.

4. The proposal is contrary to the provisions of Policy TSM5 of Planning Policy Statement 16, Tourism in that the use of the building for self-catering accommodation in the countryside does not meet with any of the identified circumstances for such a development stipulated in the policy.

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

Written response to the planning service, Newry, Mourne and Down District Council reference to the planning application LA07/2016/1564/F. Barn conversion at Lanewaylodge western riding centre, 6 leirim road, Hilltown, Newry. This document together with a copy of an Economic impact statement constitute the written submission for speaking rights at the forth coming planning committee meeting on the [4th Of July 2018].

Planning Service point 1 Policy CTY1 of PPS21. There are several good reasons why the self-catering accommodation could not be located within a settlement.

Firstly [1] The accommodation **on site** will allow visitors easy access to horse clinics , trail rides , BBQs 's , **and the regular on site** social gatherings with likeminded horse loving people .

[2] Many people want to come with their horse on holiday **to learn the principles of Western Style riding as well as joining** in with the variety of horse activities including the variety of trails on offer at Lanewaylodge. These people need a place to stay near to their horses so that they can attend to their welfare several times a day. Having to travel from Newry or Newcastle 3 -4 times daily **due to the current lack of suitable accommodation in the village of Hilltown** is very restrictive and time consuming.

[3] Having on site self-catering **accommodation** will provide a place for day customers and their families **[many of whom travel long distances, typically from Belfast and Dublin and further afield]** to try the western style horse riding to rest, have a meal, shower, refreshments and toilet facilities. On many occasions I get an extended family come to take pictures of those riding the horses **and** they need a place to wait while the others are out on the trail.

[4] On a continuing basis I work with children with special needs and have regular groups coming from Foster Care Associates Belfast **who** get a lot out of the therapeutic benefits of interacting with the horses **and on site** accommodation is needed so that they can avail of rest bite or weekend breaks and be around the horses and help and learn about the horse through routine chores, i.e. mucking out , grooming, feeding ,exercising etc. I live on site so help would all ways be on hand.

[5] **I have experienced a significant increase over the past 9 years in the amount of** international visitors wanting to ride western style in the only centre open to the public in Northern Ireland **and** having to help them find accommodation and recommend places to eat in Newcastle and Newry continues to starve the local village of much needed visitors and jobs.

[6] The design of the barn conversion allows the lounge area in one of the units to be used as a viewing gallery for friends and families should they need to shelter and still watch people on the horses.

Planning Service point 2[. Not locally an important building] Having reviewed pps21 CTY4, I can find no reference to [locally an important building] , on the contrary the proposal complies with all the requirements set out a, b, c/ d, e , f and g, e, f and g are backed up by the consultation reports from the various public bodies the planning service consulted with. Paragraph 5.22 there will be no loss of character as the proposal falls within the existing floor plan, the building is typical of many farm building found throughout South Down. The existing building in size and design lends itself to adaptation with the proposed layout meeting and indeed exceeding the requirements of the Northern Ireland Tourist Board and Tourism Ireland. The Planning Service have accepted and stated that " the proposal

is acceptable in terms of character and scale'. 'Had the existing building been an old stone flax mill it would not have met any of the criteria regarding size and scale.

Planning Service point 3. [Farming not Active] Under pps21 cty11 the criteria for determining 'Active Farming' is set out in CTY10 , paragraph 5.39 clearly states that 'AGRICULTURAL ACTIVITY ' INCLUDES MAINTAINING THE LAND IN GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITON . I have been maintaining the land for this past 30years , drainage, hedge cutting, ploughing, reseeding, weed control, fertilizer, slurry. etc., all on an ongoing basis, I have supplied the Planning Service with a list of farming activities in chronological order from 1995 until the present day 2018, with a list of agricultural contractors used and their contact details. The farm diversification program for Lanewaylodge started back in 2005, when John Mc Aleavey [owner] attended a business mentoring program at the Southern Regional College , titled Diversification challenge, this was supported with help of Department of Agriculture Newry and business start up with the Newry Enterprise Agency. All courses were successfully completed. The Planning Service gave approval for the start of the farm diversification when in August 2006 they granted permission for a Sand Arena for training Reining Horses[Cowboy style] . Planning REF P/2006/1052/F, . This I believe to be a precedent. The current application seeks to develop on from this Having had a meeting with DAERA in their Armagh office I was informed that the Business ID requested by the Planning Service is generated only when a farmer applies for the "Single Farm Payment" and although I have been keeping the farm in grassland for this past 22years and have not applied for the single farm payment or Let the land I would have been entitled to do so on the 22nd of June 2018, my application for a business identifier number was accepted and verified by the DAERA office in Downpatrick, hopefully I will have the number for the 4th of July planning meeting.

Planning Service point 4. Contrary to PPS16 POLICY TSM5. The proposal meets all the criteria set out in the INTRODUCTION of PPS 16 TOURISM. 1.0, 1.2,1.3,[1.4 in particular] 1.5 and 1.6.Paragraph 5.3 Single unit self-catering accommodation proposals clearly states that the conversion and reuse of an existing building to provide a self-catering unit PPS21[POLICY CTY4] AND PROPOSALS involving the reuse or adaptation of an existing farm building on a farm-PPS21 POLICY CTY11 are permissible under PPS 16. TOURISM. The proposal before you today is being considered under TSM 5 which specifically relates to the development of a minimum of 3 self-contained units within the grounds of an EXISTING HOTEL. . This I feel discriminates against the growth of a small business like mine. I would certainly add a 3rd unit on the ground floor of the barn to comply with the 3 unit element of TSM5. Finally I believe a precedent has already been set with regards to permission under PPS 16 Tourism. PLANNING APPLICATION LA07/2017/0616/F in which permission was given for a single self-catering tourist accommodation without the need for a an existing Hotel. Please find attached a copy of the Economic Impact Statement.

ITEM NO	2						
APPLIC NO	LA07/2017/0699/O		Outline	DATE VALID	11/05/2017		
COUNCIL OPINION	REFUSAL						
APPLICANT	Brian & Laura Fealy 14 Bryansford Road Hilltown			AGENT	Karl Sherry 103 Rostrevor Road Hilltown BT34 5TZ 028 4063 8336		
LOCATION	130m West of No. 21 Kilkeel Road Hilltown						
PROPOSAL	Proposed dwelling & detached garage on a farm.						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions		
	0	0		0		0	
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - the farm business is currently active and has been established for at least six years;
 - the proposed new building is visually linked with an established group of buildings on the farm;
 - 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
-



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/0699/O

Date Received:

11/05/2017

Proposal:

Proposed dwelling and detached garage on a farm

Location:

130m West of No. 21 Kilkeel Road, Hilltown

Site Characteristics & Area Characteristics:

The site is located approximately 1.4 miles east of Hilltown, some 300m off Kilkeel Road and is accessed via an existing laneway serving one dwelling (No.21) and surrounding farm lands. No.21 Kilkeel Road (a replacement bungalow dwelling) is sited approximately 130m east of the site. The site itself comprises a field which is relatively level and which is bound by hedgerow and post and wire fencing along four existing boundaries, with the addition of mature trees augmenting the northern and western boundaries. There is a small watercourse running adjacent to the southern site boundary. There is also an existing block structure located in the south western area of the site, which is fenced off from the remainder of the field.

Site History and History on the farm holding:

The farm maps provided (dated 02/08/2013) indicate that this farm holding (business reference 655357) has 1.84 hectares of land registered to it, over three fields. Planning records indicate there have been no previous applications on the site or respective farm holding to date.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Area Plan 2015 (BNMAP2015)
- PPS 2 'Natural Heritage'
- PPS 3 'Access, Movement and Parking'
- PPS 6 'Planning, Archaeology and the Built Environment'
- PPS15 'Planning and Flood Risk'
- PPS 21 'Sustainable Development in the Countryside'

Consultations:NI Water:

No objections, standard
informatives.(23/08/2017.)

DfC Historic Environment Division:

Historic Monuments has 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 (23/08/2017.) Proximity of site to designated graveyard and church (DOW048:019)

DfI Transport NI:

No objections, subject to conditions
(06/09/2017)

DAERA :

Farm Business ID 655357 (category 3 business) has been in existence for more than 6 years and has not claimed subsidies in the past year (12/09/2017)

DfI Rivers Agency:

Policies FLD2, FLD3 and FLD5 of PPS15 apply to this site. Conditions and informatives attached (18/09/2017)

Objections & Representations

- 4 Neighbouring property notified on 22/08/2017 (No's 14, 17, 21, 22 Kilkeel Road) statutory expiry date 05/09/2017
- Application advertised in 3 local newspapers (statutory publication end 08/06/2017)
- 0 objections / representations received

Consideration and Assessment:

The site is located out with settlement development limits as identified by the BNMAP 2015. It is also within the designated Mourne AONB. This proposal seeks outline planning permission for a farm dwelling. As there is no specific policy within the BNMAP relative to this site and given there is no significant change to the policy requirements for dwellings on farms following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Principle of Development

The proposed farm dwelling is applied for against the merits of farm business ID 655357. The applicant does not appear to be a formal member of this farm business however the associated P1C form has been signed by both the applicant and the

respective farm business owner, as required. PPS21 makes provision for dwellings in the countryside. Policy CTY1 outlines a number of developments which are acceptable in principle, provided the required policy criteria are met, this includes farm dwellings that are in accordance with Policy CTY10.

There are three criteria to be met to comply with Policy CTY10:

Criterion (a) requires that the farm business is currently active and has been established for at least 6 years:

The respective P1C form stipulates that this farm business was allocated its business ID number in 2011. DAERA in their consultation response dated 12/09/2017 confirm that the respective farm business has been in existence for more than 6 years, verifying that it has been in existence for at least 6 years.

In terms of farming activity, DAERA has noted that the farm business has not claimed subsidies in the past year, the initial test for current 'activity.' There is no requirement under CTY10 to be a 'full-time' farmer, however sufficient evidence must be provided to demonstrate the economic viability of the farm business. Paragraph 5.38 of PPS21 also requires evidence to prove active farming over the required 6 year period.

A response was received from the appointed agent explaining that the farm owners do not apply for subsidies, with a copy of their herd register details provided to evidence farming activity. Upon initial viewing, the herd register appears to detail that there have been 3 cattle on this holding dated back to June 2011, although these records have been crossed off as mistaken records. There appear to be a number of incomplete cattle records since 2011, with no dates provided to indicate when they were moved onto this holding. There are however complete records from May 2016 to April 2017 in relation to 10 cattle. From the information provided, I am satisfied that the farm is 'currently active,' however there is no persuasive evidence of farming activity from 2011 until these more recent herd movements in May 2017.

Policy CTY10 (a) requires active farming over the 'required period,' i.e. the 6 years. This interpretation has been included by a Commissioner in a recent appeal decision (2016/A0048) where it was noted the longevity of the holding is critical and the onus is on the agent / applicant to provide sufficient information to demonstrate compliance with the policy in this regard. The agent has made reference in the written response to an illness experienced by the farmer during 2013 and 2014 to explain the gaps in farming activity however no evidence of this has been provided. Furthermore, as herd register is incomplete, it does not indicate activity from 2011.

From the information that has been provided (following request,) I am satisfied that the farm business has existed for more than 6 years and is currently active, but am

not persuaded that it meets the test of activity over the required period. Criteria (a) is not therefore considered to be met on the basis of the information on file.

Criterion (b) seeks to confirm that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application:

The planning history as listed above demonstrates that there have been no previous development opportunities on this holding, this criterion is therefore met.

Criterion (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm:

The farm is registered to an address within the settlement limits of Hilltown. A site inspection of the holding in its entirety shows that the only building on this holding is the concrete block building, located in the south western area of the site as shown below. According to planning records, this building does not appear to benefit from planning approval, nor has there been a Certificate of Lawfulness submitted to verify its legal status as a building on the holding.



The agent was made aware of these anomalies and given the opportunity to provide evidence that the building has been erected for more than five years to prevent any enforceable action and to satisfy criteria c) of CTY10. A written response has been received stipulating that this building was constructed during 2010 and 2011 as a

shelter for cattle, with a cattle crush also on site, both required for the purposes of keeping cattle. It is widely accepted by the Planning Appeals Commission, that where the legal status of a building is uncertain, and in the absence of a Lawful Development Certificate to demonstrate it is lawful, it cannot be weighed into the consideration of the relevant policy requirement. (for example appeal reference 2016/A0129.) The application therefore fails to meet the requirements of Policy CTY10 (c.)

Where the proposal meets all of the criteria of CTY10, it must also meet the requirements of CTY13, CTY14 and CTY16. Despite the application in its current form failing to meet the requirements of Policy CTY10 (a) and (c), for the purposes of completion, the additional policy requirements are considered below.

Design, Integration and Rural Character

The critical views of this site are considered to be when travelling along the Kilkeel Road in both directions. The site is set back approximately 300m from the road and there is surrounding mature foliage further west of the site which help to screen the site. Policy CTY13 requires a dwelling to be sited to cluster or visually link however with an established group of buildings on a farm, which this site fails to meet. In terms of Policy CTY14, if the concerns against Policies CTY10 and CTY13 were overcome, a single storey dwelling could be integrated into the site without appearing unduly prominent in the landscape. This would be subject to the requirements of Policy NH6 of PPS2 given the site is located within the Mourne AONB, the details of which would be assessed through a Reserved Matters application in the event the above issues are overcome. Any dwelling on this site would be required to comply with both the 'Building on Tradition' and 'Dwellings in the Mournes' design guidance.

Access, Movement and Parking

The P1 application form indicated the intent would be to alter the existing access to Kilkeel Road. Transport NI do not object to this in terms of PPS3 requirements, with attached conditions requiring visibility splays of 2.4m x 80m. Policy CTY10 would seek to ensure that access is obtained using the existing laneway in the event the policy concerns are overcome.

Sewerage / Service Provision

The proposed dwelling would seek to connect to mains water supply, with the installation of a septic tank to dispose of foul sewage and stone sump soakaways to deal with surface water. NI Water have attached standard informatives in this regard. The applicant would be required to obtain the necessary consents to discharge from the relevant authority prior to submitting any Reserved Matters Application to ensure the requirement of Policy CTY16 can be achieved.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - the farm business is currently active and has been established for at least six years;
 - the proposed new building is visually linked with an established group of buildings on the farm;

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

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

ITEM NO	3			
APPLIC NO	LA07/2017/1360/F	Full	DATE VALID	06/09/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Matthew D'Arcy & Company Ltd 27 St Mary's Street Newry BT34 2AA		AGENT	Alina Holyst RIBA 6 Ros Ard Rostrevor Co Down BT34 3XE 079 2847 4933
LOCATION	17-19 Monaghan Street Newry BT35 6BB. 6 Lower Catherine Street Newry			
PROPOSAL	Refurbishment of existing bar and extension to provide craft micro distillery & visitor centre, function room, restaurant and ancillary facilities at 17-19 Monaghan Street, BT35 6BB			

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1360/F

Date Received: 05.09.17

Proposal: Refurbishment of existing bar and extension to provide craft micro distillery & visitor centre, function room, restaurant and ancillary facilities

Location: 17-19 Monaghan Street, Newry and 6 Lower Catherine Street, Newry

Site Characteristics & Area Characteristics:

Site is located within the urban centre comprising of an existing bar, storage buildings and yard.

Site History:

P/2013/0583/F - Retention of storage container for the sale and ancillary storage of fireworks 6 Lower Catherine Street, Newry. Refused (Land at Catherine Street)

P/2005/0054/F - 3 storey development consisting of ground floor retail unit with first and second floor office accommodation, provision of parking to rear. 17B and C and rear of 19 Monaghan Street, Newry. Granted (Application site)

P/1982/0598 - COU from furniture store to amusement centre. 17C Monaghan Street, Newry

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Inside the development limits and primary retail core

Policy and Other Guidance: SPPS, PSRNI, PPS3, PPS6, PPS15, PPS16, DCAN, 4, DCAN 7, DCAN11, DCAN 15 and Parking Standards

PPS3 (AMP7), DCAN 15 and Parking Standards: Transport NI have raised no objections. The development requires approximately 54 car parking spaces and 1 lorry space. Whilst lorry parking and access can be accommodated, car parking cannot be directly provided on site. Despite this proposals include pedestrian access

to a car park to the rear of the building which is within the ownership and control of the Council who have raised no specific objection in this regard. Due to its location within the city centre it is well placed and served by on street/ public car parking including public transport facilities including a bus stop immediately outside the premises.

SPPS and PPS6 (BH2 and BH4):

HED in comments dated 04.10.17 have raised no major concerns with proposals and advise that the proposed development area is the former 19th century distillery recorded on the Departments Industrial Heritage Record with conditions to be applied with regard to archaeological interests.

PSRNI (DES 2), DCAN 4, DCAN 7 and DCAN 11:

Proposals are in keeping with surrounding land uses. The site is currently in use as a public house with proposals now generating additional commercial and leisure uses that weren't previously in place at this location. However given the existing and surrounding land uses there is unlikely to be any further impact to amenity than what is already experienced at the site and no objections have been received from neighbours in relation to this. Hours of opening and noise mitigation methods can be controlled by planning conditions to avoid any potential impact to amenity.

The overall design is visually acceptable and provision has been made for those whose mobility is impaired.

SPPS and PPS4 (PED1 and PED9)

The craft micro distillery will be located to the rear of and within the confines of the existing building. Whilst ordinarily such development falling within this use class is directed towards areas specifically zoned for such purpose. However due to the small scale nature of proposals which is part of a much larger visitor attraction there is unlikely to be any further impact upon amenity although to prevent such issues it is recommended that planning conditions relating to noise control and hours of operation are applied by way of planning conditions. Proposals are deemed acceptable and fully meet the requirements of PED 9.

PPS15

Rivers Agency in comments dated 25.05.18 have indicated that they have no reason to disagree with the conclusions of the detailed assessment and therefore have no further comment.

SPPS (Retailing)

The nature and scale of the development is appropriate to its location. Proposals involve the sympathetic renovation of an existing building with extension proposals which are acceptable in terms of scale, size and design. The site is located within a primary retail core however the proposed development includes elements of retail usage with the sale of drink and restaurant services deemed *sui generis* under the Planning (Use Classes) Order (NI) 2015. In planning policy terms it is traditionally

assessed as being a retail proposal rather than one for economic development. Although the micro distillery incorporates a small level of light industrial usage this is minor to the wider scheme and will have no direct detrimental impact to the amenity of surrounding properties. Proposals also fully meet the requirements of TSM7. Overall proposals meet the thrust of planning policy without wider detriment to the area or indeed the current development plan.

PPS16 (TSM1 and TSM 7)

Development proposals are located within the development limits of Newry City is of a nature, scale, size and design appropriate to its location. Proposals will make a positive contribution to the streetscape and will assist in the revitalising of this area of Newry City attracting additional visitors to the area. Proposals also fully meet the criteria of TSM7.

Consultations:

Environmental Health (05.04.18) – Potential for noise disturbance and close time of 1am. (Phone call with EH 24.04.18 preferred option to sort out issue of concern prior to grant of permission but agree application could be approved with negative conditions to reflect EH concerns including the requirement for an acoustic report, hours of opening restriction and detailed drawings to show proposed attenuation measures)

Transport NI (26/09/17) – No objections

Historic Environment Division (04.10.17) – Content proposals satisfies PPS6 but is subject to conditions for the agreement and implementation of a developer funded programme of archaeological works, including and industrial survey of upstanding remains.

NIW (13.10.17) – Public, foul and surface water sewer available as well as capacity at the WWTW

Newry Mourne and Down Council (14.11.17) - Applicant does not own or control the car park outlined in blue, however the council is willing to work with the applicant to ensure that parking requirements can be met.

Rivers Agency (25.05.18) – No reason to disagree with conclusions of the detailed assessment.

Objections & Representations

11 neighbours notified
Advertised September 2017
No objections received

Consideration and Assessment:

Proposals are acceptable, fully meeting the requirements of planning policy for the reasons set out above. Consultees are generally satisfied although Environmental Health require further information with regard to noise however planning conditions relating to noise mitigation, hours of opening and detailed drawings can be made subject to condition. Otherwise the application is acceptable in principle and is therefore recommended as an approval.

Recommendation:

Approval

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The use of the restaurant, function/ seating area to first floor (looking out to Monaghan Street), bar and first floor function/ audio visual room hereby permitted shall not be open to customers outside the following times 10.00 - 01.00 hrs

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

3. The proposed development shall not become operational until an acoustic report and detailed drawings of proposed attenuation measures (to floors, walls and ceilings to prevent noise leakage to adjacent properties) have been submitted to the Planning Authority and agreed in writing to the satisfaction of Environmental Health; all works which form part of the scheme shall be completed before the development comes into operation.

Reason: In the interest of amenity

4. 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 Department. The programme should 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.

5. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic

Environment Division to observe the operations and carry out archaeological recording.

Reason: To ensure the identification, evaluation and appropriate recording of any archaeological remains which are exposed by the operations.

Case Officer

Authorised Officer

Photographs



Model of proposed rear entrance/ elevation



Model of existing building and proposed front entrance/ elevation



Model – Aerial view



Existing yard at Lower Catherine Street



Existing yard at Lower Catherine Street and entrance to rear



Existing car park to rear of property, rear elevation of existing buildings



Existing car park to rear of property, rear elevation of existing buildings



Existing yard accessed via Lower Catehine Street



Front elevation (Monaghan Street)



Existing hall at 1st floor level



Existing bar at 1st floor level



Proposed function/ theatre room



Proposed function/ theatre room



Proposed function/ theatre room



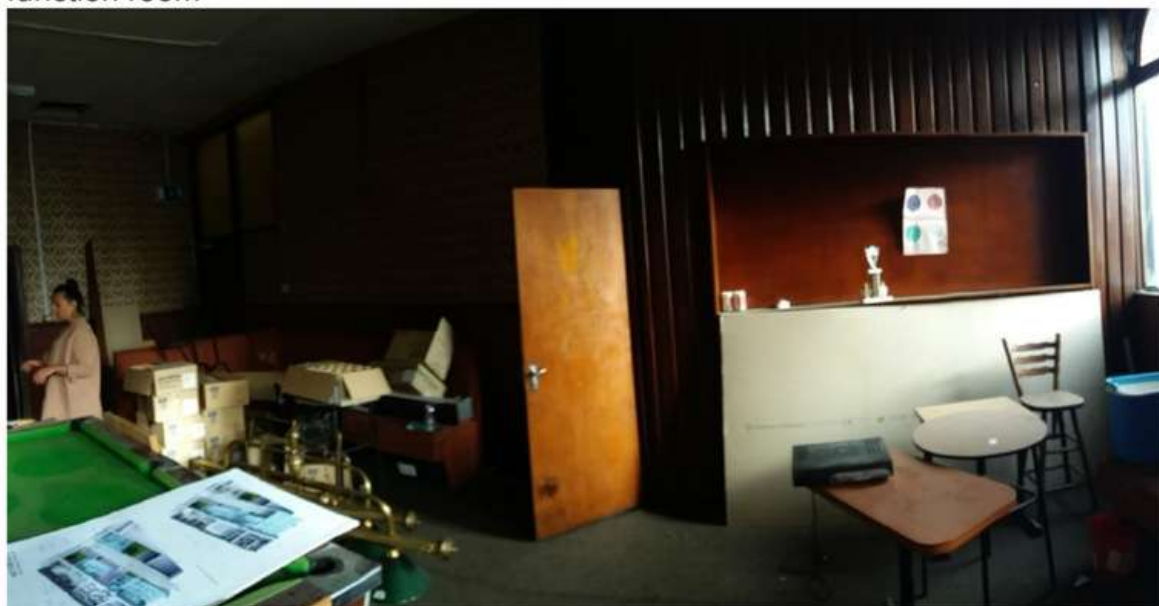
Proposed function/ theatre room



Proposed function/ theatre room



Existing toilet area at 1st floor level to be removed and area used as part of theatre/ function room



Existing 1st floor function room will be removed to facilitate kitchen/ staff room



Existing 1st floor function room will be removed to facilitate kitchen/ staff room



Existing 1st floor function room will be removed to facilitate kitchen/ staff room



Existing 1st floor function room will be removed to facilitate kitchen/ staff room



Existing entrance on ground floor



Side yard to be utilised for restaurant



Side yard to be utilised for restaurant



Existing rear yard



Existing rear yard



Existing rear yard



Existing storage building to be used for distillery area



Existing storage building to be used for distillery area



Existing storage building to be used for distillery area



Existing rear yard



Existing rear yard



Side yard to be utilised for restaurant



Side yard to be utilised for restaurant



Existing bar at ground floor will remain a bar



Existing bar at ground floor will become souvenir shop and ticket sales area



Existing bar at ground floor will become souvenir shop and ticket sales area



Existing bar at ground floor will become souvenir shop and ticket sales area

ITEM NO	5	Outline	DATE VALID	28/09/2017
APPLIC NO	LA07/2017/1494/O			
COUNCIL OPINION	REFUSAL			
APPLICANT	John Murnion 72 Kilkeel Road Hilltown BT34 5XH		AGENT	Architectural Services 31 Yellow Road Hilltown BT34 5UD 07834467502

LOCATION Opposite and north of No.43 Bryansford Road
Stang
Hilltown
Newry
BT34 5XQ

PROPOSAL Proposed one and a half storey dwelling and detached domestic garage

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

1. The proposal is contrary to The Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm or that health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to 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.



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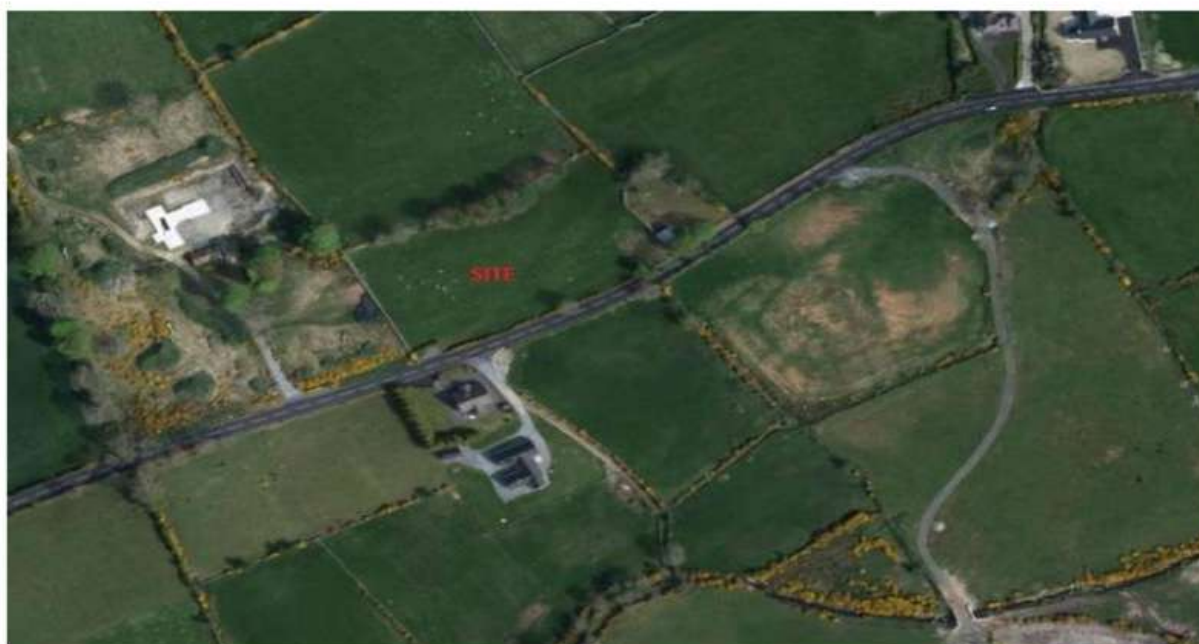
Newry, Mourne and Down District Council

Application Reference: LA07/2017/1494/F

Date Received: 28th September 2017

Proposal: Proposed one and a half storey dwelling and detached domestic garage.

Location: The site is located on lands opposite and north of No 43 Byransford Road, Hilltown.



Site Characteristics & Area Characteristics:

The site is comprised of a 0.62 hectare portion of land cut out of a larger agricultural field, currently used for grazing. The site is positioned above the level of the road and is defined by a steep grass verge which contains a low stone wall, a post and fence with a sporadic hedgerow. The site slopes steadily upwards from the road to a defined, tree lined boundary at the rear. Within the site there is an existing cattle crush and a farm building which is positioned gable end to the road.

The site is rural in character and predominantly agricultural in use with a number of farm holdings and single dwellings dispersed along the road.

Site History:

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

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

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

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

Consultations:

Transport NI – No objections

DARDNI – Confirmed 6 years active business and payments claimed

Objections & Representations

The following neighbouring properties were notified on 9th October 2017:

- 42, 43 and 45 Bryansford Road, Hilltown

The application was advertised in the local press on 18th October 2017.

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

Consideration and Assessment:

The proposal is an application for outline planning permission for a farm dwelling and garage.

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

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

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

It is considered that criteria (A) has been met.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search on EPIC has not revealed any other planning applications in connections with the business ID, nor any other developments being sold off. There is no evidence to suggest that any development opportunities or dwellings have been sold off since 25th November 2008, therefore the proposal meets criteria (b)

The proposed site is located directly west of an existing farm building and a cattle crush. It is considered that the dwelling would not cluster and visually link with an established group of buildings on the farm as only one building exists on site.

From assessment of the farm holding, it appears that the main farm, dwelling and buildings are located at lands surrounding 72 Kilkeel Road, Hilltown. This is confirmed in an accompanying statement with the application.

Criteria C of CTY 10 states that consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing It is noted that there are a number of fields which are immediately adjacent to the main farm holding which could allow the proposal to satisfy this aspect of the proposal.

The applicant is seeking approval at the proposed 'out-farm' because the land at Kilkeel Road is accessed via an existing laneway of which the applicant only has right of way. He considers that his lack of ownership of surrounding land prohibits him from creating a new, safe entrance adjacent the main farm complex.

In assessment of this it is not considered that the above justification is sufficient to warrant an approval at an off-site location.

It is considered therefore that criteria (c) has not been met.

CTY13

As it has been considered above that the proposal fails to comply with Criteria C of CTY 10, the proposal also fails to comply with criteria (G) of CTY 13.

CTY14

In terms of rural character, the site will be located on land which is positioned above road level. A dwelling would benefit from a backdrop of mature trees, it is noted however, that the applicant seeks a one and half storey dwelling, details, other than a proposed layout, have not been provided in this outline application. It is considered that given the lack of boundary vegetation to the west and the elevated nature of the site, that a single storey dwelling may be more appropriate. However, it is not considered that the rural character of the area would be detrimentally affected should the principle of a dwelling be acceptable.

Summary

The proposed farm dwelling does not meet the criteria of the SPPS and policies CTY10 and 13, and is therefore recommended for refusal on this basis.

Recommendation:

Refusal

REASONS:

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

2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm or that health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

3. The proposal is contrary to 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.

Signed:

Date:

Signed:

Date:

ITEM NO 12
APPLIC NO LA07/2018/0197/O
COUNCIL OPINION REFUSAL
APPLICANT Martin McAvoy 1 Kennedy Drive
 Hilltown
 BT34 5UW

Outline

DATE VALID 30/01/2018

AGENT Jonathan Taylor
 (CGDM) 27 Patrick
 Street
 Newry
 BT35 8EB
 028 3025 0844

LOCATION Lands 21 m to the East of No. 4 Carmeen Road
 Hilltown
 Newry
 BT34 5TL

PROPOSAL Proposed 2 No new dwellings within an infill site

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

1. The proposal is contrary to Paragraph 6.65 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Carmeen Road.

3. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the (buildings would, if permitted create or add to a ribbon of development);
 - and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
-



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0197/O

Date Received: 30/01/2018

Proposal: 2 no. new dwellings within an infill site

Location: Lands 21 m to the East of No. 4 Carmeen Road, Hilltown
Newry, BT34 5TL

Site Characteristics & Area Characteristics:

The site is located approximately 1.9 miles south-west of Hilltown in a rural area which also forms part of the Mourne Area of Outstanding Natural Beauty (AONB.) some 180m from the junction of Carmeen and Newry Road. There are a number of buildings in the immediate site vicinity including; No's 76 Newry Road and No. 2 Carmeen Road, both two storey dwellings further north east of the site and a building group to the immediate south west, listed as No's 4 and 6 Carmeen Road which do not appear to be inhabited. The road frontage site comprises a linear plot formed from a larger field and includes part of an existing building (agricultural in appearance) which is partially positioned in the south-western corner of the site. The site is bound to the roadside by native species hedgerow and to the NE and SW by post and wire fencing, with the rear SE boundary undefined. At the time of site inspection there would appear to be overgrown earth present on the site, creating what appear as somewhat irregular site contours.

Site History / relevant surrounding history:

There are no former planning records in respect of this site, including the existing building which is partially on this site. This building would appear to have been erected sometime between December 2008 and January 2009 according to spatial records, though the Council are not in receipt of any Certificate of Lawfulness for this existing building to date.

Immediately adjacent and NE of the site, a dwelling has been approved by virtue of planning application references P/2002/1378/O (permission granted 05/09/2002) P/2008/0537/F, granted on 10/10/2008. To the south west of the site, there is an approved replacement dwelling at No.6 Carmeen Road through respective historical applications P/2004/0186/O (permission granted 08/07/2004) and P/2007/0670/RM (permission granted 16/07/2008.)

Planning Policies & Material Considerations:

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

Consultations:

DfI Roads (response dated 14/02/2018)

No objections in principle, subject to attached conditions

NI Water (response dated 12/02/2018)

Standard response, informatives attached

Objections & Representations

- 3 neighbouring properties were notified (No's 2A, 4, 6 Carmeen Road) were notified on 12/02/2018 (statutory expiry date 26/02/2018) All three letters were returned by Royal Mail. Site inspection confirms No.2A is not built yet and No's 4 and 6 do not appear to be inhabited;
- Application was advertised in 3 local papers 19/02/2018, 21/02/2018 and 22/02/2018 (statutory expiry 08/03/2018)
- 0 objections or representations have been received

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of BNMAP 2015. Accordingly with BNMAP, the site is located outside settlement limits and is within the designated Mourne AONB (AONB2.) There are no specific policies in BNMAP that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21. The main issues to be considered are the principle of the development, integration and rural character, road safety and impacts on amenity.

Policy CTY1 of PPS21 sets out six circumstances where a new dwelling in the countryside may be acceptable. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. As there is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that *"an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets*

other planning and environmental requirements". A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. For the purposes of this policy, a road frontage includes a footpath or private lane, as in this case. In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

1. Identify whether there is a substantial and continuously built up frontage.
2. Establish whether there is a small gap site.
3. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
4. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

This approach will be followed below:

1. This area of road frontage runs north-east to south-west. In the context of the site working from north-east, is No.2 Carmeen Road, an eligible building with frontage. This is then followed by a field (width 56.39m). Adjacent to this field is the site in respect of application P/2008/0537/F, which granted approval for the erection of a dwelling on 10/10/2008. At the time of site inspection, there was some evidence of foundation related works; however no building has been erected. The agent was requested to clarify which three buildings this proposal is reliant on and given the opportunity to submit any additional information for consideration. A written response dated 17th April 2018 was submitted by the agent which argues that the foundations and access in respect of P/2008/0537/F are in place and as such this *'this building should therefore be counted as a fully built dwelling.'* This application is not the vehicle to assess the commencement of the adjacent approval. Regardless of its status, there is currently no building erected on this site. PAC decision 2016/A0129 is clear in that the possibility of future buildings cannot be taken into account in infill assessment given the wording of the policy and therefore this approved dwelling is discounted as an eligible building within this frontage.



Above: Adjacent site in respect of planning approval P/2008/0537/F as at 09/03/2018

Following this, to the adjacent south west then is the subject site, which as mentioned includes part of an existing agricultural style building towards the rear, which is separated by post and wire fencing, with the site area in front of this building towards the road side. Regardless of the lawfulness of this building, it does not qualify as a building with frontage. Further south west then are No's 4 and 6 Carmeen Road which appear as two adjoining buildings with shared frontage. For the purposes of this assessment they qualify as two buildings with road frontage. In this context, No's 2, 4 and 6 Carmeen Road qualify as three buildings along this road frontage without accompanying development to the rear.



2. The second test of whether this is a small gap is related to the issue of plot size under the third test. For clarification, the 'gap' is considered as the gap between buildings (in this context No.2 Carmeen Road and the building group of No.4 and 6 Carmeen Road) in line with the PAC's interpretation in appeal reference 2016/A0066 which measures 244.3m. The average width of each plot along this frontage is 40.54m. In this scenario, the gap is capable of accommodating 6 dwellings based on established plot sizes. A new dwelling in the proposed position is therefore contrary to policy CTY8 in that this gap does not meet the exceptions test of CTY8 as a *small gap site* (my emphasis) within a substantial and continuously built up frontage.

3. The proposed site is assessed against the required development pattern criteria:

- **SIZE & SCALE** – Existing buildings in this frontage range in size: No's 2 and 4 are two storeys, with No.6 a single storey traditional building. The adjacent approval which has not been built (P/2008/0537/F) was approved with a 7.5m ridge height from FFL. In the event of an approval however, a single storey dwelling should be conditioned, given the elevated position of this site (particularly when viewed from B8 Newry Road) and its relationship to road level;
- **SITING** – As this is an outline proposal, details of siting will be assessed at a later stage. The concept layout submitted would be in keeping with the established settlement pattern. In the event of an approval, a siting condition should be placed on the decision to ensure any development is in keeping with the existing settlement pattern along this road frontage;

- **PLOT SIZE** – The plot width of 70 metres is (albeit only slightly) greater than existing plot widths, with the plot depth comparable to those in this frontage. In this existing settlement pattern, the gap as outlined is considered to be big enough to accommodate 6 dwellings. This existing pattern of development is not considered to merit a substantial and continuously built up frontage, with the existing gap providing a visual break in the developed appearance of this locality which helps to maintain the rural character which is under threat.

4. Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that *"All development in the countryside must integrate into its setting, respect rural character and be appropriately designed."* Whilst the proposal fails in principle against CTY8 requirements, for the purpose of completion, it is assessed under policies CTY13 and CTY14 of PPS21.

The site is visible from several vantage points; from the Yellow and New Roads, the site is largely screened by the existing farm building to the rear of the site. Critical views of the site are considered to be taken from B8 Newry Road (travelling south east) and Carmeen Road (bi directional.) When travelling south east along the B8 Newry Road, the site is readily visible, with the gable of No.4 and ridge line of the building towards the rear of the site visible from view. When travelling in both directions along Carmeen Road, the existing roadside vegetation helps to screen the site from long distance views, in addition to the existing building group of No's 4 and 6 when travelling in a south-westerly direction. In the event of an approval on this site, a 5.5m ridge restriction and the planting of appropriate landscaping along the roadside (north-west,) north east and south western boundaries would be required to ensure the integration requirements of CTY13 are met. As the proposal fails to meet the exceptions test of CTY8, it inevitably fails to meet CTY14 (d) in that the proposed dwelling would in this context add to a ribbon of development.



Above: critical view from B8 Newry Road travelling in a south-easterly direction.

As the site is located within Mourne AONB, Policy NH6 criteria of PPS2 also apply to this assessment. Given this is an outline proposal; the full extent of the scheme is not readily available. However in principle, the addition of two dwellings on this site in the event of an approval would be capable of meeting requirements a) to c) of Policy NH6.

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. In this case Transport NI requires visibility splays of 2.0m x 60m in both directions. This should be shown on the reserved matters submission. Provided these conditions can be met, the proposed access will not prejudice road safety.

In terms of services, it is proposed to connect the dwellings to mains water supply, with a septic tank to dispose of foul sewage and stone filled soak pit to deal with surface water. NI Water has provided standard informatives with no objections. Policy CTY16 states that Planning permission will only be granted for development relying on non-mains sewerage where the applicant can demonstrate that this will not create or add to a pollution problem. None of the supporting evidence referred to under policy CTY16 has been submitted. In the event of an approval, it would therefore be necessary to impose a negative condition that evidence of consent to discharge to be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Given No's 4/6 do not appear to be inhabited, the approved 2A is not built and the separation distance between No.2, the current proposal does not present any concerns in terms of residential amenity, in principle. However in the event of an approval, this matter should be fully assessed at reserved matters stage.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to Paragraph 6.65 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Carmeen Road.

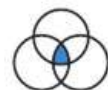
3. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the (buildings would, if permitted create or add to a ribbon of development); and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

27th June, 2018

Job Number: 553

NEWRY, MOURNE & DOWN
Local Planning Office
O'Hagan House,
Monaghan Row,
Newry,
BT35 8DJ

Proposed Outline Planning Permission at lands 21m to the East of No 4 Carmeen Road, Hilltown, Newry, BT34 5TL.

Dear Sir / Madam,

Please find enclosed additional information submitted to Newry & Mourne District Council for requests for speaking rights and accompanying written submission for planning applications listed on the agenda for the planning meeting dated 4th July 2018.

If you have any queries or you should require any further information please do not hesitate to contact me.

Yours Sincerely,

Jonathan Taylor

Architectural Technologist

Date: 25/06/2018

Planning reference – LA07/2018/0197/O

Additional Information submitted to Newry Mourne & Down District Council

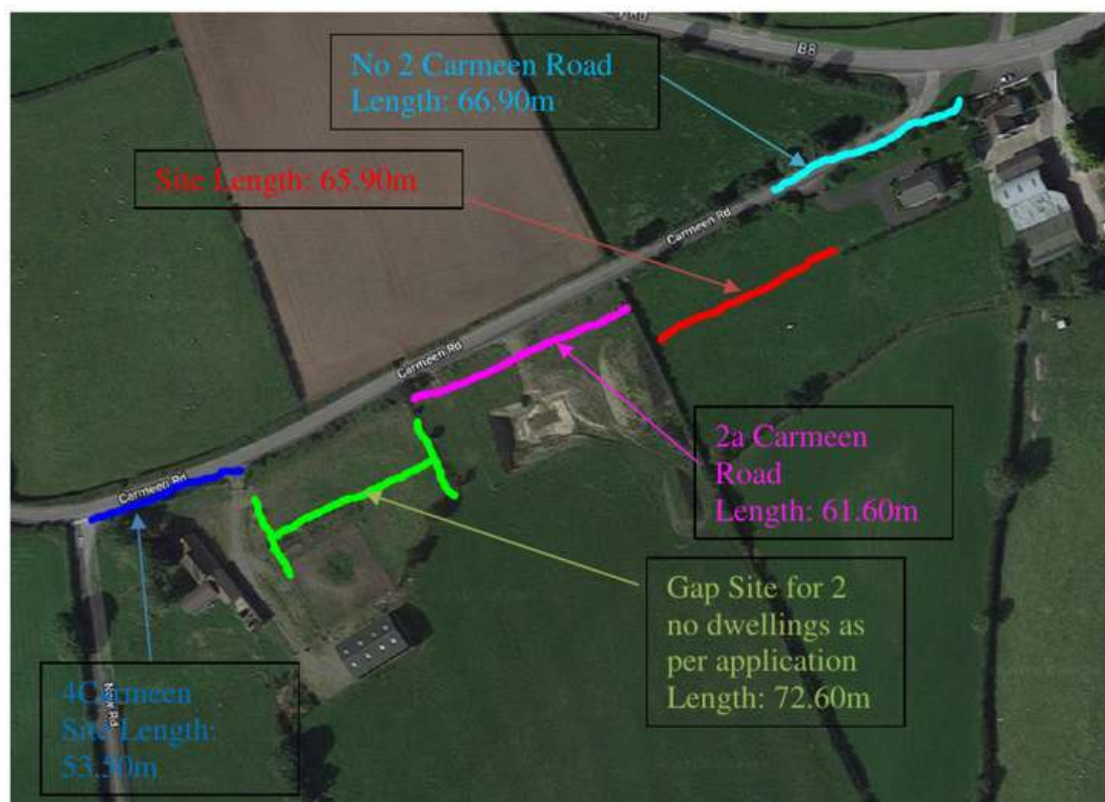
Outline Planning Permission for 2 no. new dwellings within an infill site. Location lands 21m to the east of No. 4 Carmeen Road, Hilltown, Newry, BT34 5TL.

Reasons for refusal:

1. The proposal is contrary to paragraph 6.65 of the Strategic Planning Policy statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

The site is being initially compared to PAC decision 2016/A0129. In PAC decision 2016/A0129 there was a recently constructed garage type structure which is not similar to site 2a Carmeen Road.

In addition to this the PAC decision 2016/A0129, further comments that the recently constructed garage type structure to the south of the appeal site does not accord with stamped approved plans and wasn't inspected at foundation stage. "Accordingly, it does not have planning permission given this and in the absence of a lawful development certificate to demonstrate it is lawful, it cannot be weighed into consideration of the policy requirement". In the development known as 2a Carmeen road, the building is in accordance with stamped approved plans and was inspected by building control. When taken into consideration you can see below the actual distances below with a 72.60m gap highlighted in green to develop a maximum of 2 small infill gap sites.



We feel that this is an in-fill gap site to accommodate two dwellings that respect the rural character of the village of Hilltown and the traditional pattern of settlement within the area. In contradiction to the reasons for refusal, there is a dwelling in construction to the east of our proposed planning application known as 2A Carmeen Road as per the professional planning report. There are foundations in place with an entrance to the site proving that work has been started and will be completed. The building control inspection was completed on the 4th and 7th October 2013 as confirmed in the attached email by Colum Jackson (Building Control). As per the guidance on planning permission and starting development “where an applicant has complied with conditions relating to works to be carried before the commencement of other work e.g. the construction of an access in accordance with the approved plans and where an applicant has commenced any work of construction in the course of the erection of a building, such as the digging of foundations and preferably pouring of concrete, driving of piles or other substantive works”. These works have been completed and should be recognised as a committed start to implement the planning permission as per the Planning Act Northern Ireland (2011).

The foundations are ready to build upon they are not going to be moved or removed this will ultimately become a dwelling thus making our proposed outline application an area for a small gap site.

If the proposed application was passed the design of the dwelling would be in keeping with a traditional purpose to stay within the rural surrounding to conserve the landscape and natural resources as per point 6.65 of the SPPS. The area is largely screened already by an existing farm shed, however Native species of hedgerow and plantation have been proposed to further hide the new build to add to the environment

which are not there at present. By passing the application this would further add to the aim of the SPPS and help to sustain rural communities with the addition of further families coming in to the area.

2. The proposal contrary to Paragraph 6.73 of the Strategic Planning Policy statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the countryside in that the proposal would, if permitted result in the addition of ribbon development along Carmeen road.

As I previously mentioned how the area should be considered as a gap site due to dwelling already in construction. After further consideration to why this application will not result in the addition of ribbon development as per Policy CTY8 of Planning Policy Statement 21, we have realised that instead of having two separate entrances the site can be adjusted to have one shared laneway within the red line and two out shots entering both dwellings the laneway can also continue past the dwellings providing a permanent access to the remaining land behind the dwellings so there is no restriction. Further to this it will cause no road safety issues with a clear 60m visibility to both sides. Please see amended drawing attached to justify why this is not a case of ribbon development and why the gap site is sufficient to accommodate a maximum of 2 houses and respects the existing development pattern in terms of size, scale, siting and plot size plus meets other planning and environmental requirements.

3. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The buildings would, if permitted result in suburban style build up of development when viewed with existing and approved buildings;
 - The (buildings would, if permitted create or add to a ribbon of development); and would therefore result in a detrimental change to further erode the rural character of the countryside.

By making these minor changes the proposed dwellings will not result in a suburban style build up and be in continuance with the pattern of dwellings already situated on the Carmeen road with the dwelling facing the road and meet policy CTY14 of the planning policy statement 21. The dwelling in construction known as 2A Carmeen road, has been passed with a ridge height of 7.75m to which I would consider to stand out too much if it was on its own. Further providing 2 infill dwellings within a gap site with a lower ridge height will be more in keeping with no 4 and no 6 already situated on the Carmeen. By keeping the ridge height at 5.5m this will prevent views from the Newry and Yellow road from being spoilt.

If you have any queries or you should require any further information please do not hesitate to contact me.

Yours Sincerely,

Daniel Maher
Architectural Technologist

Adrian Travers

141

From: colum.jackson@nmandd.org
Sent: 13 October 2017 14:44
To: Adrian Travers
Subject: RE: My Clients: Paul & Valerie Smith Sale of lands & building site at Carmeen Road, Hilltown Building Control Reference: FP/2013/1962

Adrian

I can confirm that Building Control carried out foundation excavation inspections on the 4th and 7 Oct 2013. The BC Surveyor requested details from a Structural Engineer in relation to the design and certification of the foundations. To date we have not received this information, however we are also aware that work has not progressed to date. We would need the Engineers details prior to work progressing any further on this site.

Regards

Colum Jackson
Assistant Director of Regulatory & Technical Services.
Building Control

Comhairle Ceantair an lúir, Mhúrn agus an Dúin
Newry, Mourne and Down District Council
Newry Office
O'Hagan House
Monaghan Row
Newry BT35 8DJ

Council : 0300 013 2233
Planning : 0300 200 7830
T: 028 3031 3000, Ext 3011
E: colum.jackson@nmandd.org

www.newrymournedown.org
www.facebook.com/nmdcouncil
www.twitter.com/nmdcouncil

Save paper - think before you print!

From: "Adrian Travers" <emma@adriantravers.com>
To: <colum.jackson@nmandd.org>,
Date: 13/10/2017 12:13
Subject: RE: My Clients: Paul & Valerie Smith Sale of lands & building site at Carmeen Road, Hilltown Building Control Reference: FP/2013/1962

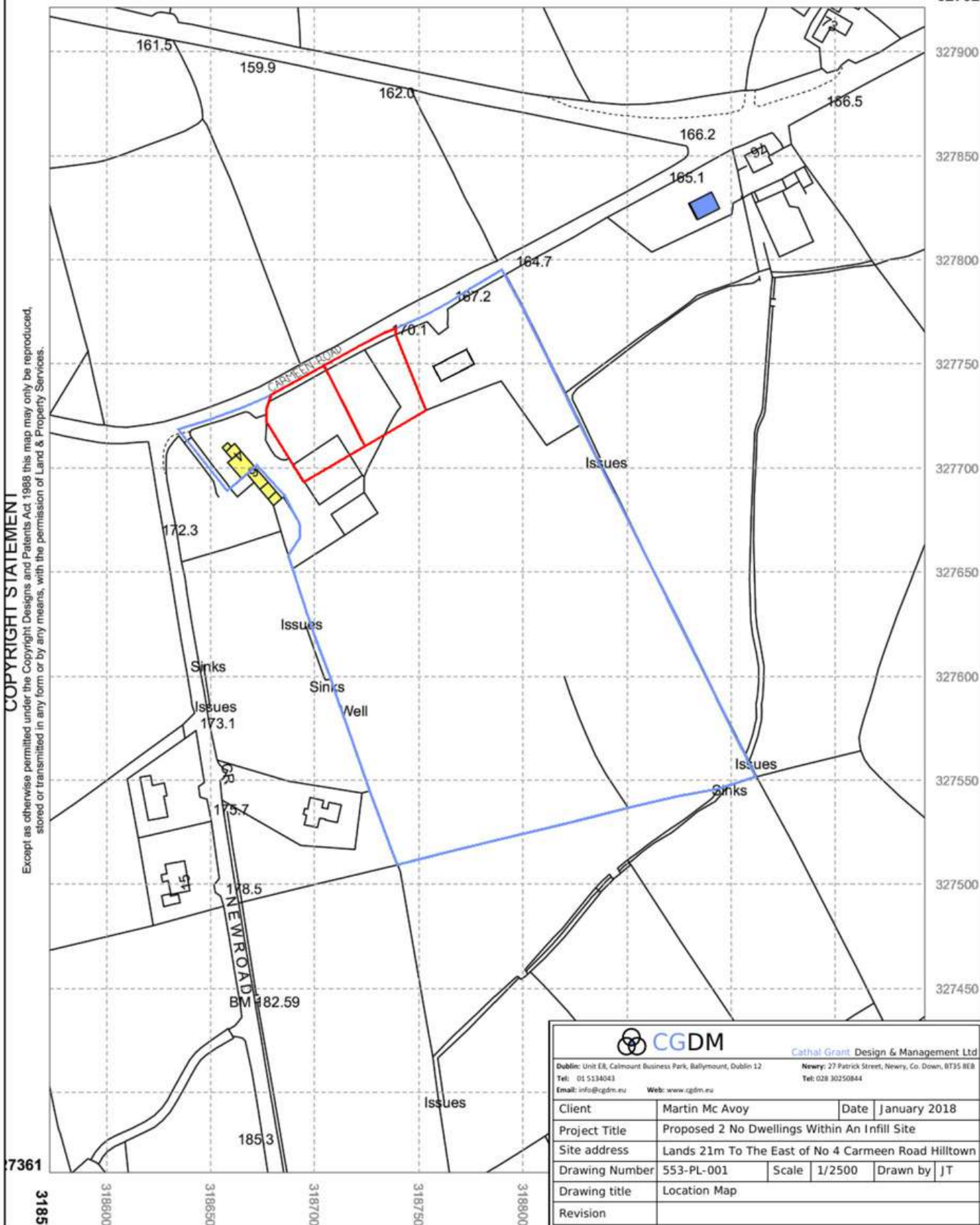
Hello Colum,

Further to our telephone conversation this morning I write to advise that I act on behalf of the above named in relation to the sale of a building site and adjoining lands at Carmeen Road, Hilltown. Building Control Approval was granted on the 11th October 2017 in respect of the building site. I would be obliged if you would kindly confirm the dates on which Building Control inspected the foundations on the Building Site. Could you please also confirm that Building Control were satisfied with the construction of the foundations.

I look forward to hearing from you in anticipation of your kind assistance herein as soon as possible.

Centre Point (Easting, Northing): 318783, 327641
 15 NEW ROAD, CARMEEN, MAYOBRIDGE, BT34 5TW, 185335050

Plan No. 26703SW



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 CGDM		Cathal Grant Design & Management Ltd	
Dublin: Unit E8, Calmount Business Park, Ballymount, Dublin 12		Newry: 27 Patrick Street, Newry, Co. Down, BT35 8EB	
Tel: 01 5134043		Tel: 028 30250844	
Email: info@cgdm.eu		Web: www.cgdm.eu	
Client	Martin Mc Avoy	Date	January 2018
Project Title	Proposed 2 No Dwellings Within An Infill Site		
Site address	Lands 21m To The East of No 4 Carmeen Road Hilltown		
Drawing Number	553-PL-001	Scale	1/2500
Drawing title	Location Map		
Revision			



		<small>Cathal Grant Design & Management Ltd</small>	
<small>Dublin: Unit E8, Calmount Business Park, Ballymount, Dublin 12</small>		<small>Newry: 27 Patrick Street, Newry, Co. Down, BT35 8EB</small>	
<small>Tel: 01 5334043</small>		<small>Tel: 028 30250844</small>	
<small>Email: info@cgdm.eu</small>		<small>Web: www.cgdm.eu</small>	
Client	Martin Mc Avoy	Date	Client
Project Title	Proposed 2 No Dwellings Within An Infill Site		
Site address	Lands 21m To The East of No 4 Carmeen Road Hilltown		
Drawing Number	553-PL-002	Scale	1/500
Drawing title	Proposed Site Plan		
Revision	Revision A		

ITEM NO 14
APPLIC NO LA07/2018/0464/O
COUNCIL OPINION **REFUSAL**
APPLICANT Mary Slane 129 Camlough Road
 Newry
 BT35 7JR

Outline

DATE VALID 20/03/2018

AGENT Collins and Collins
 2 Marcus Street
 Newry
 BT34 1AZ
 02830266602

LOCATION
 Between No. 34 and 38 Seafin Road
 Killeavy
 Meigh
 Newry

PROPOSAL
 Dwelling and garage (amended address)

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

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

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

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

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0464/O

Date Received: 26.03.2018

Proposal: Dwelling and garage (amended address)

Location: Between No. 34 and 38 Seafin Road Killeavy Meigh Newry

Site History: LA07/2016/1449/O- Proposed dwelling and detached domestic garage (infill site)- Refusal

Site characteristics:

The site is positioned between no 34 and 38 Seafin Road. Along the north western boundary of the site there is an existing access to no 36a&b. The ridges of the roofs of such properties are only visible from the Seafin Road. North of 38, there is another laneway access to an agricultural type shed and a site containing a mobile home.

The site itself is a large rectangular plot and which is currently a green field. The roadside boundary and the boundary with 34 are both defined by a grass bank and hedging. The boundary with the laneway is defined by post and wire fencing and young trees.

Planning Policies & Material Considerations:

The site is located approximately 1 mile north of Meigh Village. The site is within the countryside context and An Area of Outstanding Natural Beauty as defined in the Banbridge, Newry and Mourne Area Plan 2015.

SPPS, PPS 2, PPS 3 & PPS 21

Objections & Representations

No. of neighbours notified=14

Advertise expiry= 21/6/2018

No. of representations received=0

Consultations

TransportNI- no objections

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 and garage 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 34 and 38. North of 38, there is an access to a mobile home and further down the laneway a shed. The mobile home has been placed on the lands without the benefit of planning approval. An unauthorised mobile home cannot be included as part of the assessment. Even if it was to be included, the mobile does not have a frontage to the Seafin Road as an agricultural field lies between the boundary of its plot and the roadside. (2016/A0066)

The proposal is contrary to CTY 8 as the built up frontage does not include a line of 3 or more buildings along a road frontage.

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 the Seafin Road. The proposal is contrary to CTY 14.

Recommendation:

Refusal

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

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 creation of ribbon development along Seafin Road.

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

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

-the (building) would, if permitted create a ribbon of development;

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

.....

.....

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING - 09 MAY 2018			
LA07/2017/1326/ F	Peter Morgan - dwelling and garage on a farm - 30m south of 28 Bog Road, Kilcoo	Remove from the addendum list at the request of Councillor Clarke in order for the applicant to have an office meeting with Planning Officers	Annette McAlarney	Meeting has been convened with applicant on 31 May 2018. Application will be returned to August meeting	
P/2014/0427/0	Joseph McGivern - site for dwelling to the rear and south of 2 Berkley Grove, Warrenpoint	Remove from the agenda to allow for further discussion with Planning Officers	Jacqui McParland	Agent has submitted additional information to address roads issues. 13th June 2018. Reconsult TNI.	
LA07/2017/1478/ F	Mr P Bloomfield - infill dwelling -40m south of 64 The Heights, Loughinisland, Down	Defer Planning Application LA07/2017/1478/F for a period of 3 months to allow Planners time to reconsider their recommendation in the event that the adjacent dwelling that had already been granted planning permission had commenced building works and	Annette McAlarney	3 months expires on 9 August 2018. When site will be checked for progress on building works.	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>was built to a suitable level.</p> <p>Also agreed to delegate the final decision to Planning Officers after the expiry of the 3 month period.</p>			
LA07/2017/1624/ 0	Thomas Stevenson - replacement dwelling -50m NW of 18 Turlough's Hill, Annalong	<p>Defer Planning Application LA07/2017/1624/O to allow time for the agent to provide more documentary evidence regarding issues raised by Committee Members including the need for a health and safety report on access through the farmyard and also the case of need for the applicant to be living close to the farm.</p>	Jacqui McParland	<p>Agent has submitted a H&S Report. No additional case for need submitted. Dept has requested this again - 11th June 2018.</p>	
LA07/2017/1854/ 0	Mr J McIlmail - proposed dwelling and garage - land contained between 71 & 73 Lisoid Road, Bright, Downpatrick	<p>Defer Planning Application LA07/2017/1854/O to allow for a site visit to take place.</p>	Annette McAlarney	<p>Site visit held 06-06-2018 - application back on the schedule for meeting on 04-07-2018</p>	
LA07/2017/1186/ F	Wolfhill Developments Ltd - change of use and	<p>Defer Planning Application LA07/2017/1186/F to allow for a</p>	J McParland	<p>Meeting held with applicant</p>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	conversion of part of former school building - 4 Lurgancanty Road, Clontifleece, Warrenpoint	<p>meeting to take place between the Applicant and Planning Officers to discuss revised design issues.</p> <p>Agreed to delegate the issue of the final decision on the application to Planning Officers.</p>		<p>and agent. Resubmission received on the 6th June 2018. Awaiting assessment.</p>	
LA07/2017/1721/F	Millvale Services Ltd - proposed parking for neighbouring Millvale Service Station - Millvale Road, Bessbrook	<p>Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted as soon as possible and report back to Committee for further consideration of the application.</p>	Pat Rooney		
		PLANNING MEETING - 6 JUNE 2018			
LA07/2017/1380/0	Robert McBriar - dwelling and garage - 26m west of No. 45 Manse Road, Crossgar.	<p>Remove from the addendum list at the request of Councillor Macauley for full presentation. Councillor Murnin advised the applicant wanted an opportunity to meet with</p>	Annette McAlarney	<p>Application back on the schedule for meeting on 04-07-2018</p>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		Planners and if there was no resolution he would be withdrawing the application		Meeting to be held 14-06-2018	
LA07/2018/0042/ F	Ciaran O'Higgins - farm dwelling and garage - adjacent to No. 46 Bann Road, Castlewellan.	Remove from the addendum list at the request of Councillor Devlin for full presentation at Committee Meeting	Annette McAlarney	Application back on the schedule for meeting on 04-07-2018	
LA07/2016/1564/ F	John McAleavey - Laneway Lodge Riding Centre - proposed conversion of existing hay loft into tourist accommodation at 6 Leitrim Road, Hilltown	Remove from the addendum list at the request of Councillor McAteer and Councillor Hanna for presentation at the next Committee Meeting	Jacqui McParland	Application on schedule for the 4th July 18.	
LA07/2016/1632/ 0	Jason Fegan - proposed farm dwelling - lands 45m NW of No. 12 Upper Knockbarragh Road, Warrenpoint.	Defer for a site visit		Awaiting SV.	
LA07/2017/1030/ 0	Michael Tinnelly - site for 100 bedroom hotel and spa - 200m east of No. 25 Greenpark Road, Rostrevor.	Defer application so that the agent/applicant/Planning Consultant can meet with the SPTO to identify what outstanding information has to be submitted to allow Planners and HED to make an informed	Jacqui McParland	Held meeting on the 14th June with agent. Discussed what was required.	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		assessment and opinion on the application. As it is a major application it be brought back to the Committee in due course		Allowing 28 days for submission. Aim to get it back to committee in September 18.	
LA07/2018/0197/0	Martin McAvoy - 2 new dwellings within an infill site - lands 21m to the east of No. 4 Carmeen Road, Hilltown, Newry.	Remove from the addendum list at the request of Councillor McAteer for presentation at the next Committee Meeting	Jacqui McParland	On Schedule for 4th July 18.	
LA07/2018/0398/0	Shea McAnulty - proposed infill gap site for a new dwelling and detached garage - lands between No. 5 and 5a Cons Lane, Newry	Application removed from the schedule for further consideration by Planners	Andrew Davidson		