



June 28th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 29th June 2016** at **10:00 am** in the **Boardroom Monaghan Row Newry**.

The Members of the Planning Committee are:-

Chair: **Councillor W Clarke**

Vice Chair: **Councillor J Macauley**

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

Agenda

1. **Apologies.**
2. **Declarations of Interest.**

Minutes for Consideration and Adoption

3. **Minutes of the Planning Committee Meeting held on Wednesday 8 June 2016. (Attached).**

Minutes Planning Mtg 8 June 2016.pdf

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Development Management - Planning Applications for determination

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

Addendum list - 29-06-2016.pdf

Page 12

5. **LA07/2015/0009/F - Kathleen McKevitt - erection of farm dwelling and garage - approx 75m north of 26 Jack's Road (access from Clontigora Road) Killeen, Armagh. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Barney McKevitt ERES Limited, Agent (in support of the application). **Submission attached.**

LA07-2015-0009-F Kathleen McKevitt.pdf

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Item 5 - submission of support LA07-2015-0009-F.pdf

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6. **LA07/2015/0310/0 - Pdraig and Adrian Walsh - proposed single storey detached dwelling and garage on a farm - land 175m nw of 196 Lackan Road, Kilcoo, Newry. (Case Officer report attached).**

Rec: REFUSAL

7. LA07/2015/0511/0 - Peter McEvoy - dwelling and detached garage - adjacent and immediately north of 147 Rathfriland Road, Newry. (Case Officer report attached).

Rec: REFUSAL

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

LA07-2015-0511-0 P McEvoy.pdf

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Item 7 - submission of support - LA07-2015-0511-0.pdf

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8. LA07/2015/0546/F - Jane Magee - retention of building with alterations to be used as a farm shed and animal handling facility in substitution for agricultural building granted permission under R/2007/1021/F - approx 70m south east of 71 Ardglass Road, Ballyhornan. (Case Officer report attached). (Representation of support from former Councillor C McGrath attached).

Rec: REFUSAL

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

LA07-2015-0546-F Jane Magee.pdf

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Item 8 - submission of support LA07-2015-0546-F.pdf

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9. LA07/2015/0579/F - Laurence McGuinness - proposed retention of existing buildings for the retail selling of household fuel and vehicle fuel and fuel pump - 43 Forkhill Road, Cloghogue, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, Agent (in support of the application). **Submission attached.**

LA07-2015-0579-F L McGuinness.pdf

Page 65

Item 9 - submission of support LA07-2015-0579-F.pdf

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10. **LA07/2015/0809/F - Michael Magennis -proposed stables for domestic use - lands 55m east of 63 Forkhill, Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Barry Gray Gray Design Ltd. (in support of the application). **(Submission attached)**

[LA07-2015-0809-F M Magennis.pdf](#)

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[Item 10 - submission of support LA07-2015-0809-F.pdf](#)

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11. **LA07/2015/0877/F Diarmid Sloan - roof space conversion, replacement roof and 2 storey extension -10 Tullybrannigan Brae, Newcastle. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2015-0877-F D Sloan.pdf](#)

Page 85

12. **LA07/2015/0936/0 - Owen Gribben - site for dwelling with detached garage on a farm - 50m south of 100 Burren Road, Ballydesland, Warrenpoint. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, Agent (in support of the application). **Submission attached.**

[LA07-2015-0936-O O Gribben.pdf](#)

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[Item 12 - submission of support - LA07-2015-0936-0.pdf](#)

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13. **LA07/2015/1016/F - Parish of Saul and Ballee - proposed new pastoral hall - adjacent to 10 St. Patrick's Road, Saul. (Case Officer report attached). (Representation of support from Councillor Sharvin attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Michael Bailie Agent (in support of the application). **Submission attached.**
- Councillor W Walker has advised of his support for this application on the grounds that the Centre will only be used for religious gatherings and not for financial gain. It is a much needed facility in the Saul area and must be allowed to proceed.

14. **LA07/2015/1071/F - E Flynn - 2 No. semi detached dwellings (in substitution of detached dwelling previously approved under R/2007/0310/F- corrected description received) - site No. 39 Inishmore, Killyleagh. (Case Officer report attached). (Representation of support from Councillor Andrews attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Kieran Dempsey, Architect, along with Eugene Flynn, applicant (in support of the application). **(Submission attached).**

15. **LA07/2015/1109/F - McKinley Contracts - proposed 2 No. apartments - adjacent to No. 24 and opposite Nos. 19 & 20 Tudor Mews, Upper Dromore Road, Warrenpoint. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Diarmid Sloan and from Shauna Murphy (objecting to the application). **Submission of objection attached.**

16. **LA07/2015/1246/0 - Terence J O'Hare - replacement dwelling and garage on farm land - 60m north west of 25 Church Road, Camlough, Newry. (Case Officer report attached).**

Rec: REFUSAL

17. **LA07/2015/1346/F - Brian McAlerney - proposed replacement dwelling - lands 235m south west of 117 Bann Road, Castlewellan. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Barry Gray Gray Design Ltd. (in support of the application). **(Submission attached)**.
- A request for speaking rights has been received from DEA Councillor Patrick Clarke (in support of the application - Councillor Clarke will be summarising what has already been sent in by way of letter from the agent).
- An additional reason for refusal has been added to this planning application. **See attached.**

[LA07-2015-1346-F B McAlerney.pdf](#)

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[Item 17 - submission of support LA07-2015-1346-F.pdf](#)

Page 169

[Item 17 - Additional reason for refusal.pdf](#)

Page 173

18. LA07/2016/0111/F - Mr McEvoy - change of use from shop to 2 dwellings, using existing parking (amended proposal). at No. 158 Crawfordstown Road, Drumaness. (Case Officer report attached).

Rec: REFUSAL

- Planners have advised that this application is to be removed from the schedule - the agent has submitted amended plans which Planners will be considering.

[LA07-2016-0111-F A McEvoy.pdf](#)

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19. LA07/2016/0138/0 - Mr & Mrs Armstrong - dwelling and garage on lands between 69 and 73 Tullyree Road, Kilcoo. (Case Officer report attached).

Rec: REFUSAL

[LA07-2016-0138-O Mr + Mrs Armstrong.pdf](#)

Page 179

20. LA07/2016/0144/A - Newry Coarse Fish Angling Club - vinyl graphics mounted on steel container advertising Newry Coarse Fishing Club - Middlebank, Albert Basin, Newry. (Case Officer report attached).

Rec: CONSENT

[LA07-2016-0144-A Newry Coarse.pdf](#)

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21. LA07/2016/0153/F- Newry Coarse Fish Angling Club - steel frame with steel panels container to be used as a kiosk for an angling club. To be used as an administration post during fishing competitions - Middlebank, Albert Basin, Newry. (Case Officer report attached).

Rec: APPROVAL

[LA07-2016-0153-F O McGauley.pdf](#)

Page 189

22. **LA07/2016/0259/0 - Mr M Fearon - proposed dwelling and detached garage (CTY2A) - 25M south of 10 Lisgarvagh, Lislea, Newry. (Case Officer report attached).**

Rec: REFUSAL

[LA07-2016-0259-O M Fearon.pdf](#)

Page 194

23. **LA07/2016/0315/F - Mr & Mrs Bennett - 2 storey rear extension to form new ground floor kitchen and first floor bedrooms - 28 Lisgarvagh, Lislea, Newry. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Kathleen O'Hare (objecting to the application). **Submission attached.**
- A request for speaking rights has been received from Mr & Mrs Bennett, applicants, and Mr Mark Tumilty, Agent (in support of the application). **Submissions attached.**
- A request for speaking rights has been received from DEA Councillor P Byrne (objecting to the application). **Submission attached.**

[LA07-2016-0315-F Mr+ Mrs Bennett.pdf](#)

Page 200

[Item 23 - submission of objection from K O'Hare.pdf](#)

Page 208

[Item 23 - Submission of support from Aodhan Bennett.pdf](#)

Page 225

[Item 23 - Submission of support from M Tumilty \(Agent\).pdf](#)

Page 226

[Item 23 - submission by Cllr P Byrne.pdf](#)

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24. **LA07/2016/0330/F - Newry, Mourne & Down District Council - proposed open space development, provided designed green spaces including new planting and seating areas connected by a series of pedestrian footpaths - former Barracks Site, School Road, Forkhill. (Case Officer report attached).**

Rec: APPROVAL

[LA07-2016-0330-F NMDDC.pdf](#)

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25. **LA07/2016/0340/0 - Mr A Gallagher - proposed dwelling and garage under infill policy - CTY8 and clustering CTY2a - site 50m east of 31 Ballymaderphy Road, Kilkeel. (Case Officer report attached).**

26. **LA07/2016/0343/0 - Mr D Higgins - proposed new dwelling and garage - 24 Ballyhosset Road, Ballee, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

- Planners have advised that they have received an amended scheme from the applicant which will resolve the reasons for refusal offered. Hence they are withdrawing this application from Committee.

[LA07-2016-0343-O D Higgins.pdf](#)

Page 242

27. **LA07/2016/0346/0 - Mr McKnight - proposed erection of detached farm dwelling - lands approx. 20m north east of 40 Ballycoshane Road, Hilltown. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr McKnight (Applicant). **Submission attached.**

[LA07-2016-0346-O Mr McKnight.pdf](#)

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[Item 27 - submission of support LA07-2016-0372-0.pdf](#)

Page 254

28. **LA07/2016/0372/0 - Jacqueline Magee - proposed dwelling on a farm - lands adjacent and north of 15 Commons Hall Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

- The agent has advised that this application has been withdrawn.

[LA07-2016-0372-O J Magee.pdf](#)

Page 263

29. **LA07/2016/0406/0 - Martin Farnon - site for replacement dwelling and detached garage using existing un-altered access to public road - 100m north west of No. 42 Ballygorian Road, Hilltown. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, Quinn Design and Engineering Services (in support of the application). Mr Quinn has requested that his presentation be viewed on the screens in the Boardroom.

(Submission attached).

- A submission of support has been received from Sinead Bradley MLA.

(Submission attached).

[LA07-2016-0406-O M Farnon.pdf](#)

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[Item 29 - LA07-2016-0406-0 - Support - B Quinn.pdf](#)

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[Item 29 - submission of support LA07-2016-0406-0.pdf](#)

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[Item 29 - submission of support - Sinead Bradley MLA.docx.pdf](#)

Page 302

30. **LA07/2016/0421/0 - Fiona Doyle - proposed infill dwelling and detached garage - site adjacent to and west of No. 25 Tamnaharry Hill Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

- The applicant has asked that this application be withdrawn from the June schedule due to commitments which leaves them unable to attend the meeting. This application will be listed on a future schedule for determination.

[LA07-2016-0421-O F Doyle.pdf](#)

Page 304

31. **LA07/2016/0556/0 - J & J McKibben -site for dwelling and garage - 40m southeast of 181 Moyad Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Richard O'Toole, Agent (in support of the application). **Submission attached.**

[LA07-2016-0556-O J + J McKibbin.pdf](#)

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[Item 31 - submission of support LA07-2016-0556-0.pdf](#)

Page 326

32. **P/2013/0140/F - Lawrence McGuinness - retention of and change of use of land for car sales - 43a Forkhill Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

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

[P-2013-0140-F - L McGuinness.pdf](#)

Page 383

[Item 32 - submission of support P-2013-014--F.pdf](#)

Page 391

33. **P/2013/0752/F - Ulster Small Arms Shooting Club - erection of shooting shed and alternations to existing banks/slopes with retention of car park and pathway including proposed planting scheme (amended plans/additional information) - 60m north west of Aughnaloopy Road, Kilkeel. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Aileen Colgan (objecting to the application). **Submission attached.**
- A request for speaking rights has been received from Pat Quinn, Planning Consultant and Councillor D Taylor (in support of the application). **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor Glyn Hanna (in support of the application). **Submission attached.**

P-2013-0752-F Shooting Club.pdf *Page 448*

Item 33 - statement of objection P-2013-0752-F.pdf *Page 455*

Item 33 - submission of support - P-2013-0752-F.pdf *Page 458*

Item 33 - submission of support (Cllr. G Hanna).pdf *Page 462*

34. **P/2014/0328/F - Ciaran McEntee - retention of building for the purposes of agriculture - to the rear of 47 Ballsmill Road, Crossmaglen. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, Agent (in support of the application). **Submission attached.**

P-2014-0328-F - Ciaran McEntee.pdf *Page 463*

Item 34 - submission of support P-2014-0328-F.pdf *Page 469*

35. **P/2014/0649/0 - Joseph Walls - site for farm dwelling (amended address) - 60m east of No. 20 Sandbank Road, Hilltown. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, Agent (in support of the application). **Submission attached.**

P-2014-0649-O J Walls.pdf *Page 476*

Item 35 - submission of support P-2014-0649-0.pdf *Page 480*

36. **R/2013/0208/F - Liam Lavery - proposed change of use from horse training facilities to campsite and caravan park with associated amenity facilities on lands immediately north west of Woodlodge Stables, Drumbuck Road, Castlewellan. (Case Officer report attached).**

Rec: APPROVAL

[R-2013-0208-F L Lavery.pdf](#)

Page 488

37. **R/2014/0576/F - Mr D Orr - erection of wintering shed for livestock and retention of existing fodder storage shed on part foundation of original shed site - west of 109 Barnamaghery Road, Crossgar. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Gary Thompson, GT Design (in support of the application). **(Submission attached).**
- Councillor Harvey has advised of his support for this planning application.

[R-2014-0576-F D Orr.pdf](#)

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[Item 37 - submission of support - R-2014-0576-F.pdf](#)

Page 500

[Item 37 - submission of support - R-2014-0576-F.pdf](#)

Page 501

38. **LA07/2016/0643/NMC - Una Walls - entrance as existing, no canopy, altered windows and alterations at 10 Manse Road, Dundrum. (Case Officer report attached).**

Rec: REFUSAL

- The agent has requested that this application be withdrawn (letter attached).

[LA07-2016-0643-NMC U Walls.pdf](#)

Page 502

[Item 38 - LA07-2016-0643-NMC \(withdrawal\).pdf](#)

Page 505

39. **R/2012/0081/F - Oaklee Homes Group Ltd - 15 no. apartments and 1 no. house - sites 2 and 4 Donard Street, Newcastle. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Anne Callan for Mr Ewart Davis to speak on her behalf (objecting to Application) **(Submission of objection attached).**
- Councillor Devlin has submitted a statement of objection. **(Attached).**

- Councillor P Clarke has submitted a statement of objection. **(Attached)**.

R-2012-0081-F Oaklee Homes.pdf

Page 506

Item 39 - R-2012-0081-F - Objection (Cllr. L Devlin).pdf

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Item 39 - submission of objection - R-2012-0081-F.pdf

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Item 39 - submission of objection (Cllr. P Clarke).pdf

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 8th June 2016 at 10.00am in the Boardroom, Monaghan Row, Newry

In the Chair:

Councillor W Clarke	(10.00am – 12.35pm)
Councillor J Macauley	(12.35pm – 1.35pm)
Councillor W Clarke	(1.35pm – 2.10pm)

In attendance: (Committee Members)

Cllr W Clarke	Chairperson
Cllr J Macauley	Vice Chairperson

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

(Non Committee Members)

Cllr P Clarke
Cllr J Tinnelly
Cllr M Carr

(Officials)

Mr L Hannaway	Chief Executive
Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Ms N Largey	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/55/2016: APOLOGIES & CHAIRMANS REMARKS

Councillor Clarke, Chairperson, welcomed the members of the public to the meeting. He also welcomed the newly appointed Committee Members, Councillor Casey, Councillor Hanna and Vice Chairperson of the Committee, Councillor J Macauley. He paid tribute to the outgoing Committee Members and commended them on the sterling work they carried out as members of the Planning Committee, in particular to Councillor J Tinnelly in his role as Chairperson for the first year of the Planning Committee.

Councillor Clarke said following a review of the Council's Planning structures speaking rights had now been introduced at Planning Committee Meetings which would provide a more transparent method of how Planning Committee Meetings are conducted. He added the Council would continue to endeavour to ensure it took on board the views of all parties concerned and ensure implementation of good planning process which would deliver good decisions for people and the wider community in terms of wellbeing, the economy and the environment.

Apologies were received from the following:

Councillor V Harte
Councillor M Ruane

P/56/2016: DECLARATIONS OF INTEREST

- Noted:** Councillor W Clarke declared an interest in Planning Application No: R/2013/0375/F – Mrs Mary O Prey – proposed house and garage on the farm for a family member – lands nw of 9 Wateresk Road Dundrum and indicated he would not be taking part in discussion regarding this application.
- Noted:** Councillor L Devlin declared an interest in Planning Application No: LA07/2015/0542/F – Mr RL Annett – agricultural building, yard and access from Council Road – 150m southwest of 20 Council Road Kilkeel and indicated she would not be taking part in discussion regarding this application.
- Noted:** Councillor L Devlin declared an interest in Planning Application No: R/2013/0375/F – Mrs Mary O Prey – proposed house and garage on the farm for a family member – lands nw of 9 Wateresk Road Dundrum and indicated she would not be taking part in discussion regarding this application.
- Noted:** Councillor G Hanna declared an interest in Planning Application No: LA07/2015/0542/F – Mr RL Annett – agricultural building, yard and access from Council Road – 150m southwest of 20 Council Road Kilkeel and indicated he would not be taking part in discussion regarding this application.

P/57/2016: MINUTES OF PLANNING COMMITTEE MEETING - THURSDAY 26 MAY 2016

Read: Minutes of Planning Committee Meeting held on Thursday 26 May 2016. (Copy circulated).

AGREED: **On the proposal of Councillor Devlin seconded by Councillor Craig it was agreed to adopt the Minutes of the Planning Committee Meeting held on Thursday 26 May 2016 as a true and accurate record.**

P/58/2016: APPLICATIONS FOR DETERMINATION

(1) LA07/2015/0481/O – Mr V Quinn

Location:

40m east of 101 Moor Road, Kilkeel

Proposal:

Site for dwelling on a farm

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to issue a Refusal in respect of Planning Application LA07/2015/0481/O, as per the Development Management Officer Report.

NOTED: Abstentions 0

(2) LA07/2015/0526/O - David Campbell

Location:

49m south west of 71 Moor Road, Kilkeel

Proposal:

Site for dwelling and detached garage

Conclusion and recommendation from Planning Official

Refusal

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to issue a Refusal in respect of Planning Application LA07/2015/0526/O, as per the Development Management Officer Report.

NOTED: Abstentions 0

(3) LA07/2014/0850/F – Gareth Nugent

Location:

Lands adjacent to and east of 1-7 Drumleacht and north of Whitecross Bar, Tullyah Road, Whitecross

Proposal:

Erection of 4 semi detached dwellings on lands

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to issue a Refusal in respect of Planning Application LA07/2014/0850/F, as per the Development Management Officer Report

NOTED: Abstentions: 0

(4) LA07/2015/0625/O – Mrs M J Burgess

Location:

Lands between 211 and 213 Derryboy Road, Crossgar

Proposal:

Dwelling and garage

Conclusion and recommendation from Planning Official

Refusal

Representations:

Representation was made by Councillor D Taylor in support of the application.

NOTED: Planning Application LA07/2015/0625/O had been withdrawn by the Applicant and was not considered by the Committee.

(5) LA07/2015/0868/O – Mr & Mrs Ward

Location:

Lands between 20 & 20B Station Road, Killough

Proposal:

Single dwelling and garage

Conclusion and recommendation from Planning Official:

Refusal

NOTED: Planning Application LA07/2015/0868/O had been removed from the schedule to allow Planning Department to review the recommended determination in light of issues which have since arisen with regard to this application and was not considered by the Committee.

(6) LA07/2015/1055/O – Mr J Convery

Location:

20m north east of 15 Chancellors Road, Newry

Proposal:

Proposed site for infill dwelling and domestic garage

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to issue a Refusal in respect of Planning Application LA07/2015/1055/O, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(7) P/2013/0938/F – John Morgan

Location:

220m west of 6 Tamary Road, Mayobridge

Proposal:

225kw wind turbine with 30m mast and 29m rotor for electricity production

Conclusion and recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue a Refusal in respect of Planning Application P/2013/0938/F, as per the Development Management Officer Report

NOTED: Abstentions: 0

(8) LA07/2015/0504/O – Fiona McGivern

Location:

Lands between 18 & 20 Derryleckagh Road, Newry

Proposal:

Proposed infill dwelling

Conclusion and recommendation from Planning Official:

Refusal

Representations:

Representation was made from Councillor S Ennis in support of the application.

Speaking Rights:

A request for speaking rights had been received from a representative from Gray Design Limited.

Mr Colin Dalton Gray Design Limited and Ms Fiona McGivern delivered a presentation.

Discussion:

Discussion followed during which issues were raised in relation CTY8, Section 5.33, road frontage, ribboning, visual linkage and whether the site could be classed as infill. A number of members indicated they felt this application should be considered as exceptional circumstances.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Murnin it was agreed to overturn the recommendation from Planning Department to issue a Refusal in respect of Planning Application LA07/2015/0504/O, as outlined in the Development Management Officer Report, on the grounds of CTY8, as whilst there is ribbon development, the Committee were of the view that because there had been such extensive ribbon development in the area as highlighted by the applicant, that the site appeared to be the only potential infill development left in the area, and that in these particular circumstances the paddock identified in the adjoining site should be considered as part of the curtilage of the dwelling, and the application was therefore an exceptional case.

NOTED: Abstentions: 0

(9) LA07/2015/0542/F – Mr R L Annett

Location:

150m southwest of 20 Council Road, Kilkeel

Proposal:

Agricultural building, yard and access from Council Road

Conclusion and recommendation from Planning Official

Refusal

Speaking Rights:

A request for speaking rights had been received from a representative from Michael Burroughs Associates.

NB: Mr Richard O Toole Michael Burroughs Associates had subsequently advised he would not be speaking.

A request for speaking rights was received from Councillor H Reilly in support of this application.

NB: Councillor Reilly was absent from the meeting.

(11.55am – Councillor Devlin and Councillor Hanna withdrew to the Public Gallery during discussion on this application)

Noted: Mr Rooney asked that the Committee note the following additional reason for refusal which had not been included in the Development Management Officer Report:
“The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the area.”

Discussion:

Councillor McAteer said in terms of knowledge of farming he would question the relevance of a number of the statements contained in the Development Management Officer Report regarding this application in respect of housing of sheep.

On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed to issue a Refusal in respect of Planning Application LA07/2015/0542/F, as per the Development Management Officer Report.

Councillor McAteer said he was not in favour of accepting the recommendation contained in the Development Management Officer Report in respect of Planning Application LA07/2015/0542/F as this application was proven to be exceptional circumstances.

A vote was taken on the Motion as proposed by Councillor Larkin and seconded by Councillor Craig and voting was as follows:

For	5
Against	3

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed to issue a Refusal in respect of Planning Application LA07/2015/0542/F, as per the Development Management Officer Report.

(12.20pm – Councillor L Devlin and Councillor G Hanna re-joined the meeting)

(10) LA07/2015/0552/F – Trevor Perry

Location:

13 Slievehannagh Park, Newcastle

Proposal:

2 No. single storey extensions to front of dwelling which project forward of existing dwelling

Conclusion and recommendation from Planning Official

Approval

Representations:

Representation was made by Councillor S Doran on behalf of the objectors.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to issue an Approval in respect of Planning Application LA07/2015/0552/F, as per the Development Management Officer Report.

NOTED: Abstentions: 0

(11) LA07/2015/1229/O – P J O'Hare

Location:

Between No's 2 and 4 Bog Road, Kilcoo

Proposal:

Infill site for dwelling and garage

Conclusion and recommendation from Planning Official:

Refusal

Representations:

Submission was made by the Agent in support of application.

Speaking Rights:

A request for speaking rights had been received from Martin J Bailie Agent.

NB: Mr Martin J Bailie Agent was absent from the meeting.

Noted: Mr Hay referred to reasons for Refusal as outlined on Page 3 of the Development Management Officer Report and advised that Paragraph 1 had been reworded to read as follows:

“The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not part of a substantial and continuously built up frontage. The proposal is therefore not a valid infill opportunity.”

Mr Hay also advised that Paragraph 2 had been removed in its entirety.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Murnin it was agreed to issue a Refusal in respect of Planning Application LA07/2015/1229/O as per the Development Management Officer Report.

NOTED: Abstentions: 0

(12.35pm – Councillor W Clarke and Councillor L Devlin withdrew to the Public Gallery)
(12.35pm – Councillor J Maculey chaired the meeting from this point)

(12) R/2013/0375/F – Mrs Mary O’Prey

Location:

Lands 40m north west of 9 Wateresk Road, Dundrum

Proposal:

Proposed house and garage on the farm for a family member

Conclusion and recommendation from Planning Official:

Refusal

Speaking Rights:

A request for speaking rights had been received from a representative from Hillen Architects Limited.

Mr Barry Hillen Hillen Architects Limited delivered a presentation.

Discussion:

During discussion issues were raised regarding Single Farm Payment and the submission of receipts/invoices as evidence of establishing active farm activity. Reference was also made

to a Planning Application which had been sent to Planning Appeals and thereafter had been granted approval based on exceptional circumstances.

During discussion regarding letting land on conacre, Mr Hay stated that if land was let in conacre then the farmer who took the land was classed as being the active farmer.

Councillor Larkin proposed to accept the Planning Officer's recommendation to grant a Refusal in respect of Planning Application R/2013/0375/F, as per the Development Officer Management Report. No seconder was received.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Murnin it was agreed to defer Planning Application R/2013/0375/F and that, in the interim, Officers to engage a barrister to assist in preparing a report providing details on the following issues, in order to provide the Planning Committee with more detailed information before proceeding with issuing a determination on Planning Application R/2013/0375/F:

- (a) Clarification on issues regarding letting of land on conacre.
- (b) Clarification on what defines 'active farming'.
- (c) Advice on Planning Appeal 2014/A0133 and other significant Appeal decisions on this issues.

NOTED: Abstentions: 0

(1.35pm – Councillor Macauley vacated the Chair at this point)

(1.35pm – Councillor W Clarke chaired the meeting from this point)

(1.35pm – Councillor L Devlin re-joined the meeting at this point)

(13) R/2015/0093/F – Kennedy's Direct Catch Ltd

Location:

21 Enterprise Avenue, Down Business Park, Downpatrick

Proposal:

Proposed fitness facility and associated parking

Conclusion and recommendation from Planning Official:

Refusal

Speaking Rights:

A request for speaking rights had been received from a representative from Hillen Architects Limited.

Mr Barry Hillen Hillen Architects Limited delivered a presentation.

Discussion:

During discussion issues were raised with regard to ownership of the site the use of the land within an area which is zoned for industrial use.

Councillor Craig proposed and Councillor Larkin seconded the issue of a Refusal in respect of Planning Application R/2015/0093/F, as per the Management Development Officer Report.

A number of Members abstained from the above Motion which was therefore put to a vote and voting was as follows:

For	3
Against	4
Abstentions	3

The Motion was therefore declared lost.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to defer Planning Application R/2015/0093/F in order that the Planning Committee could be provided with more detailed information regarding this application in terms of lease/ownership of the site and possible job creation for the area, and have the opportunity to consider same before issuing a determination on this application.

NOTED: Abstentions 0

FOR NOTING

P/59/2016 – PLANNING DEPARTMENT PERFORMANCE INDICATORS

Read: Planning Department Performance Indicators.
(Copy circulated)

AGREED: It was agreed to note Planning Department Performance Indicators.

P/60/2016 - REPORT – CONTACT FROM PUBLIC REPRESENTATIVES – MAY 2016

Read: Report re: Record of meetings between Planning Officers and Public Representatives for May 2016. (Copy circulated)

AGREED: It was agreed to note the report regarding Record of Meetings between Planning Officers and Public Representatives May 2016.

P/61/2016 - CURRENT PLANNING APPEALS

Read: Report on Current Planning Appeals. (Copy circulated)

AGREED: It was agreed to note the report on Current Planning Appeals.

There being no further business the meeting ended at 2.10pm

For adoption at the Planning Committee Meeting to be held on Wednesday 29 June 2016.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 29 June 2016

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

- **Item 6** – LA07/2015/0310/0 – Padraig and Adrian Walsh – proposed single storey detached dwelling and garage on a farm - land 175m now of 196 Lackan Road, Kilcoo, Newry. **(REFUSAL)**.
- **Item 11** – LA07/2015/0877/F – Dairmid Sloan – roof space conversion, replacement roof and 2 storey extension – 10 Tullybrannigan Brae, Newcastle. **(REFUSAL)**.
- **Item 16** – LA07/2015/1246/0 – Terence J O'Hare – replacement dwelling and garage on farm land – 60m north west of 25 Church Road, Camlough, Newry. **(REFUSAL)**.
- **Item 19** – Mr & Mrs Armstrong – dwelling and garage on lands between 69 and 73 Tullyree Road, Kilcoo. **(REFUSAL)**.
- **Item 20** – LA07/2016/0144/A – Newry Coarse Fish Angling Club – vinyl graphics mounted on steel container advertising Newry Coarse Fishing Club – Middlebank, Albert Basin, Newry. **(APPROVAL)**.
- **Item 21** – LA07/2016/0153/A – Newry Coarse Fish Angling Club – steel frame with steel panels container to be used as a kiosk for an angling club to be used as an administration post during fishing competitions – Middlebank, Albert Basin, Newry. **(APPROVAL)**.
- **Item 22** – LA07/2015/0259/0 – Mr M Fearon – proposed dwelling and detached garage (CTY2A) – 25M south of 10 Lisgarvagh, Lislea, Newry. **(REFUSAL)**.
- **Item 24** - LA07/2016/0330/F - Newry, Mourne & Down District Council - proposed open space development, provided designed green spaces including new planting and seating areas connected by a series of pedestrian footpaths - former Barracks Site, School Road, Forkhill. **(APPROVAL)**
- **Item 25** - LA07/2016/0340/0 - Mr A Gallagher - proposed dwelling and garage under infill policy - CTY8 and clustering CTY2a - site 50m east of 31 Ballymaderphy Road, Kilkeel. **(REFUSAL)**.

- **Item 36** - R/2013/0208/F - Liam Lavery - proposed change of use from horse training facilities to campsite and caravan park with associated amenity facilities on lands immediately north west of Woodlodge Stables, Drumbuck Road, Castlewellan. **(APPROVAL)**.

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

Council Newry, Mourne and Down

Date 6/29/16

ITEM NO	1			
APPLIC NO	LA07/2015/0009/F	Full	DATE VALID	3/27/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mrs Kathleen McKevitt		AGENT	ERES Limited Mourne House 41-43 Downshire Road Newry BT34 1EE 02830250135

LOCATION Approximately 75m north of No 26 Jack's Road (access from Clontigora Road)
 Killeen
 Armagh

PROPOSAL Erection of 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 to 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 Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
- 3 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - 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.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

- 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, be unduly prominent in the landscape; result in a suburban style build-up of development when viewed with existing buildings; add to a ribbon of development; the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.
- 5 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Killeenand the surrounding countryside and result in urban sprawl.



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Application Reference: LA07/2015/0009/F

Date Received: 27.03.2015

Proposal: Erection of farm dwelling and garage

Location: Approximately 75m north of No 26 Jack's Road (access from Clontigora Road), Killeen, Armagh

Site Characteristics & Area Characteristics:

Site is located approx. 3 miles South of Newry within the open countryside and to the NW and outside the settlement limits of Killeen. Land comprises of flat agricultural land with an open and exposed appearance with a barren appearance with little or no vegetative boundaries.

Site History:

No relevant history relating to the application site.

P/2006/1134/RM - Erection of dwelling (Approved 12.02.2007) located immediately adjacent and north of the application site (Kathleen Mc Kevitt – Applicant)

Planning Policies & Material Considerations:

Area Plan: Site is within the open countryside within the AONB

Policy: SPPS, PPS2, PPS3 and PPS21

Dwellings on farms:

DARDNI in their consultation response dated 28.07.15 confirm that the farm business has been active and established for more than 6 years and that single farm payments have been claimed.

The applicant has also provided a solicitors letter to confirm that no dwellings or development opportunities have been sold off or transferred from the farm holding since the 01.11.08 (6 years), whilst this may not be of the current holding as shown on the farm map there does appear to have been transfer of land in 2009 which was originally within the ownership and control of Kathleen Mc Kevitt.

Planning permission was obtained by the applicant Mrs Kathleen Mc Kevitt of 3 Jacks Road P/2006/1134/RM - Erection of dwelling (Approved 12.02.2007) located immediately adjacent and north of the application site this dwelling however this has since been sold/ transferred 07.03.08 this portion of land is not part of the farm holding as shown on the submitted farm map.

There are no buildings or an established group of buildings within the farm holding to which any development proposed on the site can be visually linked or sited to cluster. The agent has addressed this matter through email correspondence dated 10.05.16 advising that whilst 'there is not any group of existing agricultural buildings on the holding, the next logical step is locate beside the existing building located at No. 26 Jacks Road and two dwellings currently under construction, all of which form part of the existing agricultural holding'. These properties however are not part of the farm holding of Mrs Kathleen Mc Kevitt as shown on the submitted farm map and lands to the S of the site (planning references P/2008/0093/F and P/2007/0326/RM) appear to belong to Neil and Laura McKeivitt with land transferred to Niall Mc Kevitt on the 17.08.09. Despite the additional information provided there are no established group of buildings on the farm in which to visually link and site to cluster, visual linkage with other residential is not supported within the policy. A decision that the PAC support following the outcome of 2015/A0176, therefore the application fails to meet all criteria of the SPPS and PPS21: CTY10.

Ribbon Development, Impact on AONB, Integration and Rural Character

The proposed site is visually linked and has a common frontage with buildings sited to the NE thus contributing to a ribbon of development and a built up appearance which will have an adverse visual appearance within the AONB.

The entire site is on approach in either direction when travelling N to S as well as from the road to the E from this vantage point and would not fulfil the requirements of policy due to the open and exposed nature of the site. It is difficult to envisage how a dwelling and ancillary works can be adequately integrated and deemed acceptable given the open and exposed nature of the terrain with little or no vegetative boundaries and will offer no degree of enclosure or screening. Any new build at this location will appear dominant in the local landscape and as a roadside site any development will introduce suburban design solutions and will require substantial landscaping in order to be adequately integrated and will inevitably which lead to a change in rural character of this area.

Setting of Killeen Settlement

The settlement of Killeen is situated 80m SE of the application site which is surrounding by agricultural land with a clear distinction between rural/ urban boundaries. The application site comprises of a large portion of undeveloped land which marks the distinction between this urban settlement and acts as an important visual break from development to the NE and the settlement, development at the application site will encroach on this area creating not only a build-up of development which will have an adverse visual impact but will also result in urban sprawl at this location.

Areas of Outstanding Natural Beauty

The design of the proposed dwelling is reflective of rural form displayed within the area and in itself will not have an adverse impact on the AONB although the cumulative effect of dwellings to which this dwelling will contribute will have an adverse visual impact on the locality.

Consultations:

Transport NI (01.06.16) – No objection

DARDNI (28.07.15) – Farm business i.d. for more than 6 years with claimed

NIEA (02.07.15) – Monuments are content but Drainage and Water Management are satisfied subject to condition

Environmental Health (24.06.15) – No objection in principal

NIW (24.06.15) – Generic response

Objections & Representations

No representations received

9 Neighbour notifications sent

Advertised 21.04.15

Consideration and Assessment:

Proposals fail to fully meet planning policy in relation to visual linkage/ sited to cluster with an existing and established group of buildings on the farm holding with land within the ownership and control of sold/ transferred in August 2009 therefore failing to meet all the criteria for dwellings on farms.

Furthermore development at this location will not adequately integrate, create a built up appearance as well as ribbon development when viewed from points of public access. This portion of land provides a good visual break from the settlement limit of Killeen maintaining the rural character around it and thus protecting the distinction between urban/ rural areas and preventing urban sprawl. Recent PAC decisions in relation to development visually linked/ sited to cluster and consideration of policy other than meeting requirements of dwellings on farms (SPPSS and CTY10) are relevant and support the decision making in relation to such proposals (See 2015/A0176 and 2014/0260). Overall proposals fail to meet policy and therefore it is recommended to refuse the application.

Recommendation:

Refusal

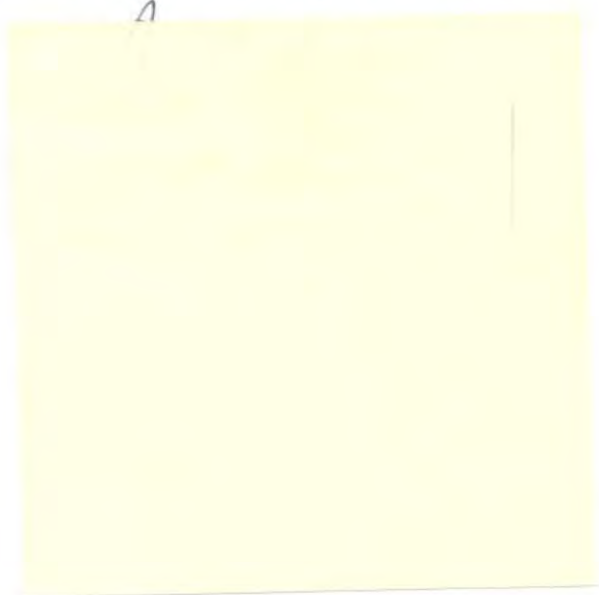
Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and 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 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 that dwellings or development opportunities have been sold off or transferred from the farm holding within 10 years of the date of the application;
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;

- the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; result in a suburban style build-up of development when viewed with existing buildings; add to a ribbon of development; the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

5. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Killeen and the surrounding countryside and result in urban sprawl.





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NEWRY, MOURNE & DOWN COUNCIL

Local Planning Office

Monaghan Row,

Newry,

BT35 8DJ,

Reference: LA07/2015/0009/F
Applicant Name: Mrs Kathleen McKevitt
Proposal: Erection of dwelling and garage on a farm
Site Location: Approximately 75m north of No 26 Jack's Road (access from Clontigora Road) Killeen Armagh

Newry, Mourne & Down Local Planning Office intends to refuse this application on the grounds that:

1 The proposal is contrary to 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 Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

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3 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed building is a prominent feature in the landscape;
- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- the proposed building relies primarily on the use of new landscaping for integration;
- the ancillary works do not integrate with their surroundings;
- the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; result in a suburban style build-up of development when viewed with existing buildings; add to a ribbon of development; the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

5 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Killeen and the surrounding countryside and result in urban sprawl.

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This site was chosen as it reflects the most appropriate location on the existing farm holding. Using the sequential test, as there is not any group of existing agricultural buildings on the holding, the next logical step is locate beside the existing building located at no 26 Jack's Road and two dwellings currently under construction, all of which form part of the existing agricultural holding. The site also respects the separation distance cordon sanitaire from the existing treatment plant to the north-west of the site.

In terms of integration it is felt that site represents the most appropriate location as it is set a considerable distance back from the Clontigora Road and screened from view from the Jacks Road by the existing mature tree line and built development. These attributes will ensure that this site is readily assimilated into the area and will blend unobtrusively into the landscape.

The lands located to the north-west of the farm holding are not readily accessible and would require substantial works to navigate the existing watercourse which divides the farm holding (See attached). This would also require development within a Flood Plain and would therefore be contrary to Policy FLD1 from PPS15.

The lands to the east of the site are more exposed and would offer little chances of integration for a new dwelling.

It is therefore felt that this site location is easily the most appropriate development site on the holding meeting Criterion C from Policy CTY10 while also addressing environmental issues of the existing farm holding.

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The Case Officer in her report has mention two recent appeals however these are not relevant to this case as they relate to clustering with an existing group of buildings on the holding. In our clients case there are no existing buildings on the holding and therefore the next logical step was to locate the dwelling on the most appropriate part of the holding.

The Case Officer has stated that this proposal will Mar the distinction between the settlement limit of Killeen and the countryside. This is an incorrect assumption and indeed misleading. There is a separation distance of more than 70m between the proposed site and the settlement limit. There is also existing and approved development between the two entities therefore this refusal reason is an unfair addition to the application.

In addition to this, despite the Case Officer's assertions that this proposal will fail to integrate into the landscape and will change the character of the area it is felt that no reference has been made to the existing development throughout this area. This development in this area is typified by dwellings on exposed sites which are visible for miles around. This is in fact the character of this landscape which has been forever changed in this respect. This proposal actually represent a more appropriate site in terms of scale and integration than most other dwellings in the locality. The standard for integration has already been determined in this area and the Case Officer is harshly assessing this application in this manner.

With regards to the refusal reason relating to ribbon development is is questionable how this can be attributed to this site, given that the proposal does not share a common frontage with any other development at this location.



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In light of the above submission and the information previously submitted to the Council I would respectfully request that this application be deferred for further consideration.

Yours Sincerely,

Stephen Hughes
ERES Ltd.



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ITEM NO	2				
APPLIC NO	LA07/2015/0310/O	Outline	DATE VALID	5/19/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Padraig and Adrian Walsh 45 Sandymount Street Belfast BT9 5DP		AGENT	Fletchers architects (N.I.) Ltd Unit 11 The Lodge 1 Dublin Road Castlewellan BT31 9AG 028 43778710	
LOCATION	Land 175m North west of 196 Lackan Road Kilcoo Newry Co.Down				
PROPOSAL	Proposed single storey detached dwelling and garage on a farm				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (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 currently active and has been established for at least six years.



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

Application Reference: LA07/2015/0310/O

Date Received: 19th May 2015

Proposal: Proposed single storey detached dwelling and garage on a farm

Location: Land 175m NW of 196 Lackan Road, Kilcoo, Newry

Site Characteristics & Area Characteristics:

The site in question is located off the Lackan Road on lands that sit higher than the road itself and raises as the road as the land distances from the road. On the site at present there is an access and lane marked with a stone wall and a small collection of out buildings of little consequence.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located within the Mourne AONB and there is an archaeological site and monument and is also within a Countryside Policy Area.

Site History:

There is no relevant site history for the site outlined in red, there is history associated with 196 Lackan Road however this will have no impact on the planning history of the site in question.

Planning Policies & Material Considerations:

The material considered includes the Ards and Down Area Plan 2015, PPS 21 and SPPS along with other material considerations as necessary.

Consultations:

Transport NI – no objections

NI Water – no objections

NIEA – initially responded requesting the siting is altered as the site could possibly harm the monument. The agent entered into discussion with NIEA and an alternative siting was chosen, re consultation was carried out upon receipt and a final response of no objections has been received.

DARD – responded to say that the farm is active and established and has been for a period of 6 years and that claims are made.

Objections & Representations

2 neighbours were notified and neighbour notification expired on 02-07-2015, the application was advertised which expired 24-06-2015. There have been no objections received to date.

Consideration and Assessment:

CTY 10 Dwellings on Farms is considered mainly for this application.

DARD had responded stating that the business was active and established and that farm claims were made and had done for a period at least 6 years, normally this information would be sufficient to establish that the farm is active and established however the supporting statement states that the land is not farmed by the applicant and that the land has been let in con acre and the applicant maintains the land. The evidence submitted would not be sufficient to support that the applicant is actively farming the lands and that there is an active business in place at present.

DARD was contacted for clarification on the response and advised that the applicant had not submitted a claim since 2014. Therefore while it would appear that perhaps in the past there has been activity this would appear to have ceased and therefore it has not been demonstrated that the farm is currently active.

A planning history has been carried out and there does not appear to be any development opportunities sold off from the holding since 25 November 2008. The agent has confirmed in the supporting statement that there has been no development opportunities sold off from the holding.

The new building would be sufficiently located adjacent to existing buildings, the only buildings on the holding. The siting had to be altered to ensure there was no impact on a protected monument. The siting clusters and visually links with the existing buildings on the farm sufficiently.

The application fails to meet the policy requirement of CTY 10 dwellings on farms as it has not been adequately demonstrated that there is an active and established farm business in operation.

An application for a dwelling on a farm would also be considered against CTY 13 of PPS 21, the applicant had indicated in the proposal that a single storey dwelling is sought. It is noted that a single storey dwelling would be acceptable on the lands in question. Along the road there various developments on lands higher than the road with the back drop of the hills, a dwelling on this site would not be a prominent feature in the landscape.

The site has adequate boundaries as there are small fields to the front of the buildings, there would be a suitable degree of enclosure in place at present. There is an existing lane at present that can be utilised and ancillary works can be designed to integrate successfully.

As this is an outline application the full design of the building has not been considered, however the applicant has applied for a single storey dwelling and it is felt a single storey dwelling could be accommodated on the site adequately.

A dwelling could be designed to blend with the existing land form and make use of the natural back drop provided by the topography.

The dwelling would be visually linked to cluster with existing farm buildings.

Recommendation:

Refusal – it has been demonstrated that the applicant is not actively farming the lands and therefore CTY 10 has not been adhered to.

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (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 currently active and has been established for at least six years.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	3				
APPLIC NO	LA07/2015/0511/O	Outline	DATE VALID	6/9/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Peter McEvoy 147 Rathfriland Road Newry BT34 1PQ	AGENT	Karl J Sherry 103 Rostrevor Road Hilltown Newry BT34 5TZ NA		
LOCATION	Adjacent to and immediately north of 147 Rathfriland Road Newry Co Down BT34 1PQ				
PROPOSAL	Dwelling and detached garage				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	0
			Addresses	Signatures	Addresses
			0	0	0

- 1 The proposal is contrary to Policies CTY1 and CTY2a (New Dwellings in Existing Clusters) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is not bounded on at least two sides with other development in the cluster and the development does not represent rounding off or consolidation of the cluster, but would visually intrude into the open countryside.
- 2 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development would result in a suburban style build-up of development when viewed with existing buildings and would therefore further erode the rural character of the area.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0511/O

Date Received: 24th June 2015

Proposal: Dwelling and detached garage

Location: Adjacent to and immediately north of 147 Rathfriland Road, Newry, Co Down, BT34 1PQ.
The site is located at Shinn crossroads 2½ miles NE of Newry.

Site Characteristics & Area Characteristics:

The site is part of a larger agricultural field. It fronts onto the Turnavall Road to the east (though the dwellings on this part of the road have the address 'Rathfriland Road' - the main road beyond the site to the north). The land within the site is undulating with a hump in the middle of the field and land falling towards the boundaries. The eastern boundary along the roadside is a 3 metre hedge. There are mature trees approximately 10 metres high to the north and south. The western boundary is undefined on the ground.



The site is located to the west of a heavily developed rural crossroads, sometimes known as Shinn. However, this area has no settlement limit and remains rural land outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. The area has an undulating drumlin landscape and the dominant land use is agriculture. A surface water flood zone affects the northern edge of the site.

Site History:

On this site on 7th October 2005 planning permission was refused for a site for a dwelling and garage under application P/2005/0189/O due to build-up.

Approval was granted for another cluster dwelling towards the east side of this cluster under application P/2014/0448/F. An appeal 2014/A0245 was also allowed for a cluster dwelling to the north, but it was considered part of a separate cluster of buildings around the focal point of St. Colman's RC Church.

The current application was initially made for two cluster dwellings and was recommended for refusal in April 2016. The agent has subsequently amended his application to a single dwelling, though it remains contrary to the relevant policies as discussed below.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS11 – Planning and Waste Management
- PPS15 – Planning and Flood Risk
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

Consultations:

TransportNI – No objections in principle subject to the provision of visibility splays of 2.0m x full frontage setback.

NI Water – Site specific informatives.

NIEA – No objections provided there is available capacity at the receiving WwTW.

Environmental Health – No objections provided development is connected to public sewerage system.

Rivers Agency – No objections.

Loughs Agency – No objections.

Objections & Representations

The initial application for two dwellings was advertised in local newspapers on 10th July 2015 and five neighbouring properties were notified on 24th August 2015. The amended proposal for a single dwelling was advertised in the press on 13th May 2016 and the neighbours were notified on 26th April 2016. No third party objections or representations were received in response to either consultation.

Consideration and Assessment:

The main issues to be considered are the principle of the development, integration and rural character, road safety and effects on amenity.

AREA PLAN

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

PRINCIPLE OF DEVELOPMENT

As there is no significant change to the policy requirements for new dwellings in existing clusters 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. Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a.

Policy CTY2a sets six criteria that must all be met by the proposal. The first three relate to the nature of the cluster, the next two relate to the site itself and the final one considers residential amenity.

The cluster of development lies outside of a farm and consists of more than four buildings of which at least three are dwellings. In this case, there are approximately 22 dwellings that read together as a visual entity in the local landscape, the extent of which is defined on the drawing below. Clear edges to the cluster are formed by a local river to the SE and the Turnavall Road to the west. For the purposes of this assessment, No. 147 Rathfriland Road (to the south of the site) is not considered to be part of the cluster as it is significantly detached from the main group of buildings and does not read with them due to the mature vegetation surrounding its curtilage. There is no focal point at the cluster such as a social / community building, but it is located at a cross-roads. While the road junction has been staggered to improve road safety, the cluster marks the point where Shinn Road and Turnavall Road meet the main Rathfriland Road, meeting this criteria. It was accepted that the cluster meets the three initial criteria under the previous application P/2014/0448/F referred to above and it continues to do so.

Turning then to the proposed site, it does not lie within the established cluster of development as the previous application P/2014/0448/F did. It is bounded on only one side by other development within the cluster (to the east), and even here it is separated from that development by the Turnavall Road. Therefore it does not directly adjoin any other property that is considered part of the cluster. Although it adjoins the curtilage of No. 147 to the south, it does not read with it due to the mature trees along the boundary. Neither does it read with development across the Rathfriland Road to the north due to the width of this road and the mature trees on the northern boundary. The proposal sits outside the established footprint of development and clearly cannot be absorbed into the existing cluster through

rounding off or consolidation (compared to the previous approval where there was other development on three sides). Instead, it would mark an intrusion into the open countryside that surrounds the cluster of development, and this would alter the existing character of the southern half of the cluster (which is presently defined by the road and river) to an unacceptable degree.



Finally, with regard to residential amenity, a dwelling could be appropriately sited in the field without harm to the amenity of any existing dwelling.

In summary, there is an established cluster of development at this location, but the site is not within it and does not represent consolidation or rounding off of the cluster, but a new intrusion into the open countryside, contrary to the fourth and fifth criteria. As it fails to meet policy CTY2a, it is unacceptable in principle in the countryside and contrary to policy CTY1.

INTEGRATION AND RURAL CHARACTER

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."*

These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

Given the relatively low-lying nature of the front part of the field, and the presence of mature trees to both the north and south which provide screening and backdrop, the site has the capability to satisfactorily integrate a new dwelling of a modest scale without it being unduly prominent in the landscape. Therefore the proposal is not considered contrary to policy CTY13. Now that the proposal has been reduced to a single dwelling, there would be no issue of ribbon development. However, the proposal would increase the impression of suburban style build-up of development when viewed with existing buildings in the cluster. The area remains rural as it has no defined settlement limit and although the rural character has been eroded to

some degree by historic development around the crossroads, this new incursion into the countryside would do further harm to the rural character of the area. The proposal is contrary to criteria (b) of CTY14.

ACCESS

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. There is sufficient road frontage to achieve a safe access with the visibility splays of 2.0m x full frontage setback as recommended by TransportNI. This should be conditioned in the event of approval.

SEWERAGE

It is proposed to connect to mains sewerage. The sewer terminates approx. 150m south of the site on Turnavall Road at a Waste Water Treatment Works (Bankside). NI Water confirmed that there is available capacity at the receiving WwTW. Due to the proximity of the site to the WwTW, additional information may be required to ensure that the conditions of PPS11 can be met if the application is to be approved. Standard consultation responses were received from NIEA, Loughs Agency, Environmental Health and NI Water. Their standard informatives will be added in the event of approval.

FLOODING

A surface water flood zone affects the northern edge of the site. Rivers Agency was consulted and returned no objections. A Drainage Assessment is not required under PPS15, but it would be up to the developer to carry out their own assessment of flood risk and identify mitigation measures in the event of approval.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policies CTY1 and CTY2a (New Dwellings in Existing Clusters) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is not bounded on at least two sides with other development in the cluster and the development does not represent rounding off or consolidation of the cluster, but would visually intrude into the open countryside.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the development would result in a suburban style build-up of development when viewed with existing buildings and would therefore further erode the rural character of the area.

Case Officer Signature:

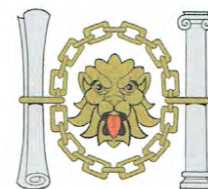
Date:

Appointed Officer Signature:

Date:

KARL J SHERRY

CHARTERED MEMBER OF THE INSTITUTE
OF ARCHITECTURAL TECHNOLOGISTS



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Our Ref: PMcE 01 15

Your Ref: Speaking Rights

Date: 22nd June 2016

Colette McAteer
Democratic Services
Newry Mourne and Down District Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Dear Colette

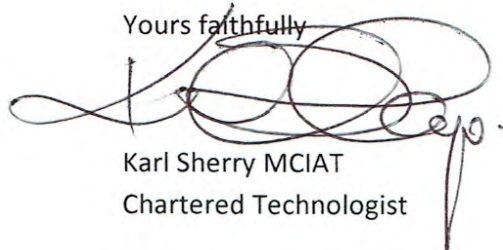
Re:-SPEAKING RIGHTS TO DISCUSS APPLICATION LA07/2015/0551/O ON THE 29TH JUNE
2016

I thank you for your email and wish to avail of the above mentioned

I thank you for all your professional help and enclose, as required, 3 copies of my written
submission, which also includes maps.

I await your earliest receipt of the enclosed documentation

Yours faithfully



Karl Sherry MCIAT
Chartered Technologist

103 Rostrevor Rd,
Hilltown, Co. Down
BT34 5TZ

Tel: 028 4063 8336

Email: karljmsherry@hotmail.com

WRITTEN SUBMISSION

APPLICATION;- MR PETER McEVOY SITE FOR DWELLING IN A CLUSTER AT SHINN NEWRY
PLANNING APPLICATION NUMBER LA07/2015/0551/O

Having read Policy CTY 2a-New Dwellings in Existing Clusters and having visited and surveyed the site, an application was made for a single dwelling and detached garage within an established and existing cluster.

Policy CTY 2a--states 6 points which must be adhered to and I feel that all these points were easily met and so a planning application was lodged.

I have enclosed a copy of the Policy CTY 2a for reference and convenience.

In response to Policy CTY 2a I have referenced each point and provided my account for each.

1. The site lies adjacent to No.147 Rathfriland Road Shinn Newry which also has a large detached outhouse. In front of the site are 4 dwellings and three outhouses situated on the Tutnavall Road, which will also be the service road for the proposed site.

2. The site will appear as a visual entity in the local landscape, as the site frontage would be removed to accommodate entrance and sight lines thus opening the view of 147 and detached outhouse.

3. The site is located on a cross roads, known as Shinn Cross Roads, and has the additional focal point of the Public Sewage Works, located on the Turnavall Road and some 80metres south of No.147.

4.The site is bounded by No.147 Turnvall Road and detached outbuilding and the 4 dwellings on the opposite side of the road. It could also be stated that the dwellings on Shinn Road could also be read to enclose the proposed site.

The topography of the site gives excellent enclosure and it is proposed, that the site, if approved, would have a finished floor level of at least the same as the existing dwellings on the road opposite.

5. I feel that if number 147 and outhouse were included within the existing cluster, then an approval should have been forthcoming.

6. It has been agreed that the site would not have an adverse effect on residential amenity.

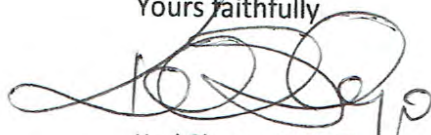
The Case Officer, in his submission, has stated that he is using the river as a boundary for the cluster, but cut it significantly short in front of No.147. In any case the entrance serving 147 is directly opposite the cluster cut off point. His cluster diagram omits the Turnavall Road even though 5 dwellings within the cluster are served off this portion of road.

IN CONCLUSION

The applications site is the only portion of Shinn Cross Roads that is not developed and that a development president has been established for a very long time.

With the inclusion of No.147, The Turnvall Road and the River Boundary extension I submit that all the Planning Criteria, laid down in CTY 2a, has been adhered to and that a Planning Approval should be accommodated.

Yours faithfully



Karl Sherry MCIAT
Chartered Technologist

Policy CTY 2a – New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- **the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;**
- **the cluster appears as a visual entity in the local landscape;**
- **the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,**
- **the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;**
- **development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and**
- **development would not adversely impact on residential amenity.**



KARL J SHERRY

Architectural Design Consultant • Surveyor • Planning Supervisor

103 Rostrevor Rd,
Hilltown,
Co. Down
BT34 5TZ
T/F: 028 4063 3336

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Our ref:

PMcE 01 15

Your ref:

Outline Application

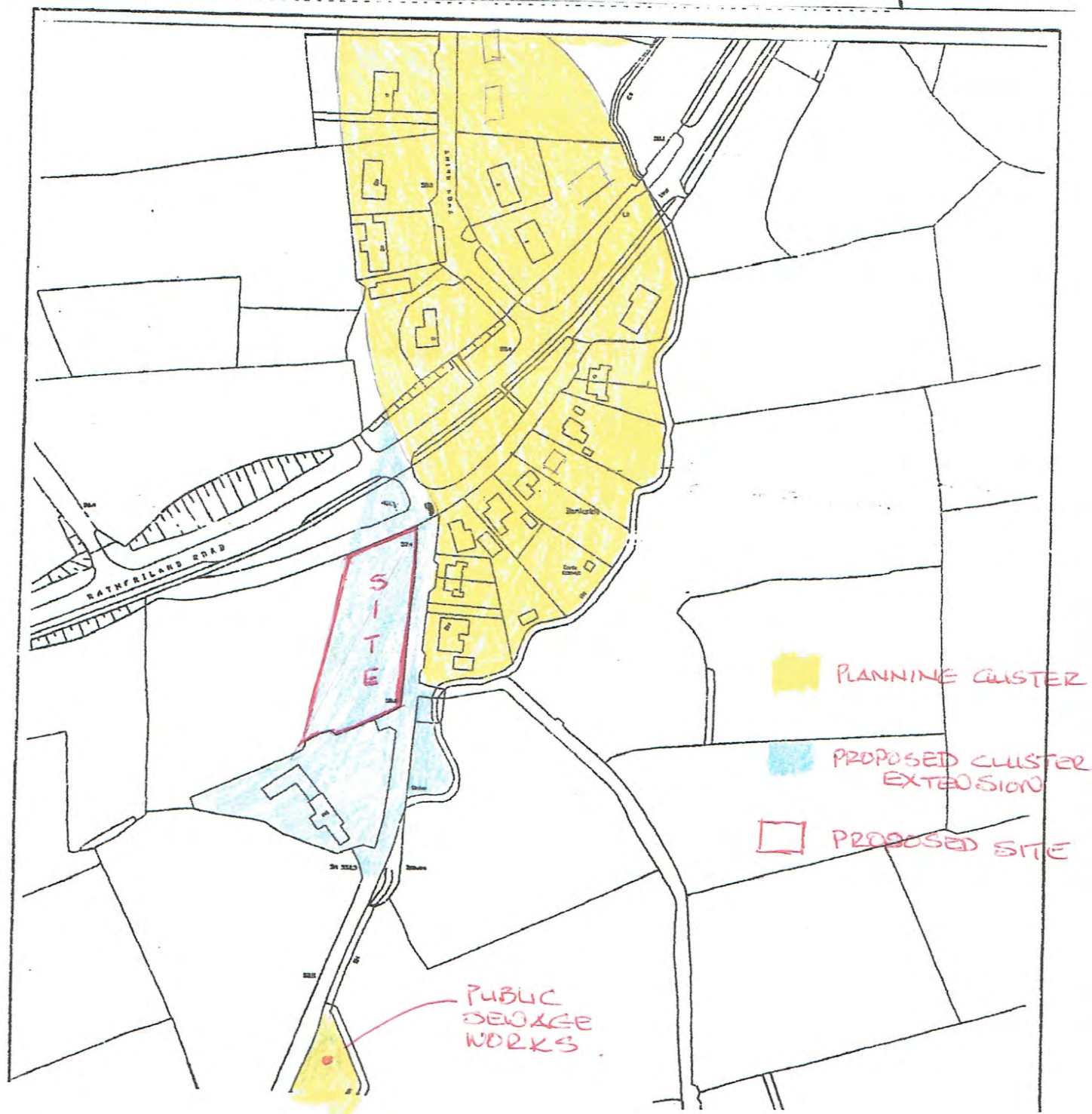
Date:

8th June 2015

PROPOSED **SITE** AT THE NEWRY ROAD SHINN NEWRY CO DOWN FOR MR PETER McEVoy.

Irish Grid Reference Number 253-9NW Scale:-1:2500 Signed:-

NORTH



ITEM NO	4			
APPLIC NO	LA07/2015/0546/F	Full	DATE VALID	6/30/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Jane Magee 4 Ballycotton Kilclief Strangford BT30 7NX		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07767057822

LOCATION Approx 70m South East 71 Ardglass Road
Ballyhornan
Downpatrick

PROPOSAL Retention of building with alterations to be used as farm shed and animal handling facility in substitution for agricultural building granted permission under R/2007/1021/F. (additional information)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	6	0		0	0
					Addresses Signatures
					Addresses Signatures

- 1 The proposal is contrary to CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there is an extant approval under R/2007/1021/F to substitute.
- 2 The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that holding is active and the proposal is:-
 - necessary for the efficient use of the agricultural holding or forestry enterprise;
 - that its character and scale it is appropriate to its location;
 - that it visually integrates into the local landscape and additional landscaping is provided as necessary;
 - that it will not have an adverse impact on the natural or built heritage;
 - that it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.
 - there are no suitable existing buildings on the holding or enterprise that can be used;
 - the proposal is sited beside existing farm or forestry buildings.
 - it is essential for the efficient functioning of the business; or
 - there are demonstrable health and safety reasons.
- 3 The proposal is contrary to policy CTY13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the building will be a prominent feature in the landscape and 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.
- 4 The proposal is contrary to policy CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the development would if permitted result in a detrimental change to the rural character of this area due to its prominent roadside location.



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

Application Reference: LA07/2015/0546/F

Date Received: 30.06.2015

Proposal: The application is for full planning permission for the retention of building with alterations to be used as farm shed and animal handling facility in substitution for agricultural building granted permission under R/2007/1021/F.

Location: The application site is located outside the settlements in the open countryside as designated in the Down and Ards Area Plan 2015, approx. 8 miles to the east of Downpatrick.



Site location plan



Site Characteristics & Area Characteristics:

The application site is located along the Ardglass Road and consists of a rectangular portion of land which is relatively flat in nature bar a mound of soil located in the southern portion of the site. To the west portion of the site is a stone building with four external walls, window and door openings to the front road elevation, and the stone work appears to have been recently renovated. To the northern elevation runs a well maintained laneway which leads to a farm dwelling and a number of outbuildings at No 62. There is a vehicular access which runs along the eastern boundary of the site. This portion of the site has a number of bits of concrete which

have been poured, but do not appear to be full foundations. There is a 2.5m block wall which runs along the southern boundary and separates the agricultural shed which is located at No 74 Ardglass Road. The area is rural in character and is characterised by single dwellings in the area.

Site History:

R/2007/1021/F - Agricultural building for storage of grain and farm machinery
76 Ardglass Road Strangford County Down BT30 7PR
Mr B Deegan
68 Strangford Road
Ardglass

Enforcement History
EN/R/2011/0028CA
Enforcement appeal 2014/E005

Planning Policies & Material Considerations:

The application site is located outside the settlement limits in the rural area as designated within the Ards and Down Area Plan 2015. The application is therefore assessed using the following policies SPPS, PPS 3, PPS 21 -policies CTY 1, CTY 10, and CTY 12 being the relevant policies.

Consultations:

Taking into account the nature of the proposal and any constraints on the site, consultations were issued to :

NI water – No objections

Transport NI – offer no objections to the proposal, on the basis that there is an existing established use on site and that off street parking/turning and servicing requirement will not be imposed for this proposal.

NIEA Water management – No objections

Environmental Health - Environmental Health would recommend a separation distance of at least 75 metres between the farm shed (if it is to be used for animals) and any residential property to prevent odour or noise disturbance. If the shed was only for storage of machinery then this distance could be relaxed.

DARDNI - Business will be in existence 6 years on the 10/05/2016, applicant does not claim SFP or similar

Objections & Representations

In line with statutory requirements two neighbours have been notified on 17.08.2015. The application was advertised in the Mourne Observer and the Down Recorder on 15.07.2015.

A total of 5 letters were received by Mr Heaney 68 Ardglass Road, objecting and seeking clarification on a number of issues. 3 anonymous letters of objection were also received.

A number of issues are raised including:

- Environmental health concerns relating to separation distance between farm shed and any residential property.
- Viability of the farm

- concerns relating to the structure of building that is there and the works that have been done on it.
- ownership of laneway and notice served
- land in question is no longer of ownership of the original applicant
- 5 year time limit for development has already expired on the approved shed.
- the laneway used to access the site is neither owned or controlled by either the original applicant or by the new owner
- lack of visibility splay is unsuitable.

Consideration and Assessment:

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

Policy CTYT12 allows for permission to be granted for agricultural development on an active and established agricultural holding where among other things, the development is demonstrated to be necessary for the efficient use of the holding. For the purpose of that policy paragraph 5.56 of its Justification and Amplification (J&A) text states the determining criteria for an active and established business is that set out under Policy CTY 10 namely at criterion (a) which requires the farm business to be currently active and have been established for at least 6 years.

The SPPS contains a Regional Strategic Policy entitled 'Agriculture and Forestry Development' which is of relevance to this application. The SPPS reiterates that provision should be made for development on an active and established (for min 6 years) agricultural holding or forestry enterprise where the holding is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. The SPPS gives further clarification on 'Dwellings on Farms'. In line with the transitional arrangements set out in the SPPS, any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 requires that the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's (DARD) business ID number along with other evidence to prove active farming over the required period.

The applicant states on the P1C form that they have been issued with a farm business number by the Department of Agricultural and Rural Development (DARD) in August 2010. Department of Agriculture have been consulted regarding the proposal and the applicant has not had a business ID number for more than 6 years (6 years will be 10/05/2016) but has not claimed single farm payment or similar

within the last 6 years. On that basis the while business has not been established for the 6 year period required by CTY 10, however, it is very close to the 6 years.

The applicant has submitted DARD farm maps and a history check of the additional lands would indicate that field 1/B shows no history and 1/A show a history R/1987/0578 - bungalow but on the portal there is no address point for this, so it may not have ever been built. Field 4/D, 4/C and 4/B are on and adjacent to the site, therefore see above history. The land indicated on the third map which has no reference or address, but through a history search this land is located off the Strangford Road, Downpatrick. Part of the fields identified form an application which has outline planning approval for a post primary school, sports pitch and car parking, under file ref R/2009/0476/O. LA07/2015/0697/PAD a pre application discussion has also been received on these lands. The lands identified are outside the settlement limit but within a local landscape policy area (see map 3/002f) of Ards and Down Area Plan 2015.

The building in question which the applicant wants to use in substitution for another larger agricultural shed (of which was significantly greater in size and was approved to the south west of the roadside building under file reference R/2007/1021/F (granted in December 2009)). This building was subject to an enforcement notice which was upheld by the planning appeals Commission under 2014/E005 for the construction of a building without the granting of planning permission on 14 November 2015. The outcome of this enforcement notice was that in the interests of in the interest of visual amenity, the entire structure should be removed and the resultant material removed from the site.

In assessing the proposal as submitted, it is also questionable as to whether development has commenced on this shed granted under R/2007/1021/F of which the applicant wishes to now substitute. The pouring of the pieces of concrete which demarcate the size of the shed, would not be conclusive evidence that development has commenced. The applicant has provided some supporting evidence that this permission is still extant. In any case this shed was approved under a different applicant Mr B Deegan and was therefore subject to the tests of CTY 10 and CTY12 under a different active farm business. It is concluded that the applicant has not sufficiently demonstrated that development has commenced.

The applicant is unable to demonstrate she is an active farmer and that the shed is required as part of the farm business and no real evidence has been submitted. Additionally the proposal fails to meet the policy requirements of CTY 12 in that there is no active business.

Notwithstanding the above, the application is also assessed under CTY 13 and 14 Policy CTY 13 - Integration and Design of buildings in the Countryside Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. There are seven criteria that are required. At present there is structure located at the roadside, the site lacks long established boundaries which would help to aid integration of a proposed building on the site. The fact that there is the presence of a structure on the site does not persuade that a building at this location would be acceptable.

Policy CTY 14 - Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. In this case the building is a roadside location which would be unduly prominent in the landscape. At present there is a structure on the site, this structure would require a roof and alterations to the facade in order to become a building for agricultural use. The proposed building will therefore have a detrimental impact to the rural character of the area.

Refusal is recommended.

Recommendation:

Refusal

Conditions:

The proposal is contrary to CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there is an extant approval under R/2007/1021/F to substitute.

The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that holding is active and the proposal is:-

- necessary for the efficient use of the agricultural holding or forestry enterprise;
- that its character and scale it is appropriate to its location;
- that it visually integrates into the local landscape and additional landscaping is provided as necessary;
- that it will not have an adverse impact on the natural or built heritage;
- that it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.
- there are no suitable existing buildings on the holding or enterprise that can be used;
- the proposal is sited beside existing farm or forestry buildings.
- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

The proposal is contrary to policy CTY13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the building will be a prominent feature in the landscape and 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 proposal is contrary to policy CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the development would if permitted result in a detrimental change to the rural character of this area due to its prominent roadside location.

Case Officer Signature

Date

Appointed Officer Signature

Date

Weekly delegated list of 7th April 2016

Planning reference: **LA07/2015/0546/F**

Proposal: Retention of building with alterations to be used as farm shed and animal handling facility in substitution for agricultural building granted permission under R/2007/1021/F

Submitted 30 June 2015

Applicant: Jane Magee

Location Approx 70m South East of 71 Ardglass Road Ballyhornan

Recommendation: Refusal

Reasons

1 The proposal is contrary to CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there is an extant approval under R/2007/1021/F to substitute.

2. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that holding is active and established and that it is

- necessary for the efficient use of the agricultural holding or forestry enterprise;**
- that its character and scale it is appropriate to its location;**
- that it visually integrates into the local landscape and additional landscaping is provided as necessary;**
- that it will not result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.**
- there are no suitable existing buildings on the holding or enterprise that can be used;**
- the proposal is sited beside existing farm or forestry buildings.**
- it is essential for the efficient functioning of the business; or**

- there are demonstrable health and safety reasons.

3. The proposal is contrary to policy CTY13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the building will be a prominent feature in the landscape and 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.

4. The proposal is contrary to policy CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the development would if permitted result in a detrimental change to the rural character of this area due to its prominent roadside location.

Site Description

The site is located along the eastern side of the Ardglass Road, Ballyhornan. A stone built building exists on the northern corner of the site adjacent to the road side. This building is the subject of the current proposal together with an extant planning approval for an agricultural building granted permission under R/2007/1021/F for which development has commenced prior to the expiry of the granted permission.

An Assessment of reasons for Refusal

1 The proposal is contrary to CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there is an extant approval under R/2007/1021/F to substitute.

It has to be stated that the building granted permission granted under Planning Ref R/2007/1021/F is in fact an extant permission by virtue of the fact that the development has commenced and information has been supplied to the Planning Department in the form of receipts (3No).

Clearly the Officials are unaware of what is required to construct such a building and have decided to ignore these receipts for work carried out to commence the development of the farm building.

The receipts show that digger work was carried out to dig holes for bolt boxes which are metal box cages which are placed in the ground to support the uprights which form the main structure of the building (a receipt has been provided for a total of 16 Bolt boxes).

These boxes are placed in the holes and are filled with concrete and the uprights are then bolted to this fixed development.

This is all standard form of construction for such development however this information has been ignored by officials

I would further state that the building which is to substituted is infect commenced by virtue of the work that has been implemented and should the owner Ms Magee wish to complete the building she could as she has commenced the development within the specified period of time as detailed in the approval and she is the owner of the land to which the approval relates.

The approval is activated by commencing the development and not by completing it so I am at pains as to what the Officials will rely on state that the development has not commenced and if it is commenced it activates the approval and is considered to exist and as such can be substituted.

2. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that holding is active and established and that it is

- necessary for the efficient use of the agricultural holding or forestry enterprise;
- that its character and scale it is appropriate to its location;
- that it visually integrates into the local landscape and additional landscaping is provided as necessary;
- that it will not result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.
- there are no suitable existing buildings on the holding or enterprise that can be used;
- the proposal is sited beside existing farm or forestry buildings.
- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

Ms Magee established her farm business in 2009 and this business is active and has operated in compliance with good animal husbandry and agricultural

practice and it has to be accepted that this is a viable venture which has been established for over 6 years and will be registered with the statutory authorities for 6 years on 10th May 2016 and she has claimed single farm from May of 2015 which is contrary to the information presented in the Planning officers site report or assessment.

I will address the sub comments to this reason for refusal as follows

- The building is required to further develop the business and while the owner owns an extant approval which was granted to land which she purchased and is of a larger form and is proving difficult to justify from a financial perspective while the current proposal is more appropriate.
- The character and scale of the building are appropriate to the location and it is proposed to substitute it for a larger and more prominent structure which can be constructed contrary to this argument as put forward by Planners.
- The structure integrates into the local landscape as it is similar to several such buildings located along this stretch of road and it is finished in sympathetic materials to its location contrary to the building which it will substitutes and the structure has a minimalistic appearance in the landscape.
- The issues of noise, smell and pollution exist in relation all agricultural building located in the countryside and if my client was to exercise her right to complete the substitution building it would have the same impact in relation to these issues so the argument does not stack up as larger farm building could be constructed and this argument cannot be sustained in this circumstance.
- There is an existing building on the holding which as has been demonstrated could be constructed and used but my client wishes to construct a smaller less obtrusive building in substitution for this commenced development.
- The siting is acceptable as is the extant development and as the proposal is for a substitution this argument has no grounding and is merely an add on to reasons for refusal while a larger more obtrusive building could be completed to the rear of the current proposal.

- There is an existing farm building on the site and this proposal is to construct a much reduced size of building as a substation.
- The farm requires a building and an approval exists and is commenced and the current proposal is to substitute it. The retention of this building will allow my client to further develop her thriving business.
- Health and safety reasons are not relevant as a building can be completed to the rear of the proposed site and the only reasons which preventing this are financial and the fact that my client wishes to substitute it for a lesser development.

Clearly the Planning Department is relaying on the argument that the extant approval does not have any bearing as can be seen from the above arguments to refuse which cannot be sustained as development has commenced

3. The proposal is contrary to policy CTY13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the building will be a prominent feature in the landscape and 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 argument put forward in relation to non-compliance with Policy CTY 13 that the proposed building is prominent feature in the landscape and 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 cannot be sustained as the building which it will substitute is considerably larger and more obtrusive and it benefited from the grant of an approval previously and it does not benefit from long established boundaries and it was considered to integrate when it was presented to the then Planning Authority.

So I find that this reason for refusal is also difficult to sustain for obvious reasons in that a larger more prominent building was granted permission and this proposal will lessen the issue of prominence and my client is prepared to plant additional hedging of native species if this is considered necessary to

address the issue of boundaries which will not be achievable in relation to the more prominent building.

4. The proposal is contrary to policy CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the development would if permitted result in a detrimental change to the rural character of this area due to its prominent roadside location.

The argument in relation to the proposal if permitted resulting in a detrimental change to the rural character of this area due to its prominent roadside location must be weighed against the extant development which has been implemented in accordance with the requirements of that approval and which is more prominent than the proposal and my client is volunteering to substitute a smaller development which is more pleasing to the eye by virtue of its finishes, size, and impact and will be less prominent.

Roadside development in its self is not unacceptable in this area and the development as can be seen by a drive-by will only be visible for a very limited period unlike the building it is being substituted for.

Conclusion

We would respectfully ask the Planning Committee to fully assess the merits of this complex case and overturn this recommendation and grant a planning approval for the development as applied for.

Planning Committee 29 June 2016

Planning reference: **LA07/2015/0546/F**

Proposal: Retention of building with alterations to be used as farm shed and animal handling facility in substitution for agricultural building granted permission under R/2007/1021/F

Submitted 30th June 2015

Advertised last in local Press 22nd July 2015

Applicant: Jane Magee

Location Approx 70m South East of 71 Ardglass Road Ballyhornan

Recommendation: Refusal

Reasons

1 The proposal is contrary to CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there is an extant approval under R/2007/1021/F to substitute.

2. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that holding is active and established and that it is

- necessary for the efficient use of the agricultural holding or forestry enterprise;**
- that its character and scale it is appropriate to its location;**
- that it visually integrates into the local landscape and additional landscaping is provided as necessary;**
- that it will not result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.**
- there are no suitable existing buildings on the holding or enterprise that can be used;**
- the proposal is sited beside existing farm or forestry buildings.**

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

3. The proposal is contrary to policy CTY13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the building will be a prominent feature in the landscape and 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.

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Site Description

The site is located along the eastern side of the Ardglass Road, Ballyhornan. A stone built building exists on the northern corner of the site adjacent to the road side. This building is the subject of the current proposal together with an extant planning approval for an agricultural building granted permission under R/2007/1021/F for which development has commenced prior to the expiry of the granted permission.

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The receipts show that digger work was carried out to dig holes for bolt boxes which are metal box cages which are placed in the ground to support the uprights which form the main structure of the building (a receipt has been provided for a total of 16 Bolt boxes).

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I would further state that the building which is to substituted is infect commenced by virtue of the work that has been implemented and should the owner Ms Magee wish to complete the building she could as she has commenced the development within the specified period of time as detailed in the approval and she is the owner of the land to which the approval relates.

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Ms Magee established her farm business in 2009 and this business is active and has operated in compliance with good animal husbandry and agricultural practice and it has to be accepted that this is a viable venture which has been established for over 6 years and will be registered with the statutory authorities for 6 years on 10th May 2016 and she has claimed single farm from May of 2015 which is contrary to the information presented in the Planning officers site report or assessment.

I will address the sub comments to this reason for refusal as follows

- The building is required to further develop the business and while the owner owns an extant approval which was granted to land which she purchased and is of a larger form and is proving difficult to justify from a financial perspective while the current proposal is more appropriate.
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- The issues of noise, smell and pollution exist in relation all agricultural building located in the countryside and if my client was to exercise her right to complete the substitution building it would have the same impact in relation to these issues so the argument does not stack up as larger farm building could be constructed and this argument cannot be sustained in this circumstance.
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-There is an existing farm building on the site and this proposal is to construct a much reduced size of building as a substation.

-The farm requires a building and an approval exists and is commenced and the current proposal is to substitute it. The retention of this building will allow my client to further develop her thriving business.

-Health and safety reasons are not relevant as a building can be completed to the rear of the proposed site and the only reasons which preventing this are financial and the fact that my client wishes to substitute it for a lesser development.

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Conclusion

We would respectfully ask the Planning Committee to fully assess the merits of this complex case and overturn this recommendation and grant a planning approval for the development as applied for.

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

ITEM NO	5			
APPLIC NO	LA07/2015/0579/F	Full	DATE VALID	7/2/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Laurence McGuinness 12 Lower Newtown Road Cloughoge Newry BT64 1AD	AGENT		Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB 028 41 769748
LOCATION	43 Forkhill Road Cloghage Newry BT35 8LZ			
PROPOSAL	Proposed retention of existing buildings for the retail selling of household fuel and vehicle fuel and fuel pump.			
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 Paragraph 6.279 of the Strategic Planning Policy Statement in that the proposal seeks to carry out the retail sale of fuels in a countryside location and it is not one of the types of retailing considered appropriate in a rural area.			
2	The proposal is contrary to the Policy PED 3 of the Department of the Environment's Planning Policy Statement 4, Planning and Economic Development, in that the development does not involve the utilisation of existing, authorised buildings on the site.			



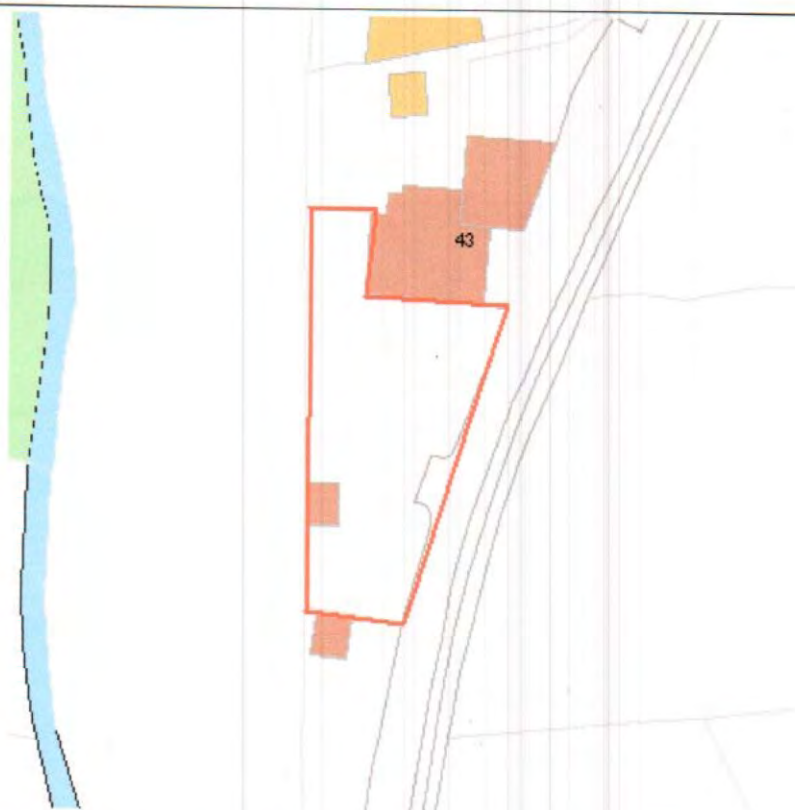
Newry, Mourne and Down District Council
 Planning Office
 O'Hagan House
 Monaghan Row
 Newry
 BT35 8DL

Delegated Application

Development Management Officer Report		
Case Officer: Gareth Murtagh		
Application ID: LA07/2015/0579/F		Target Date:
Proposal: Proposed retention of existing buildings for the retail selling of household fuel and vehicle fuel and fuel pump.		Location: 43 Forkhill Road Cloghage Newry BT35 8LZ
Applicant Name and Address: Mr Laurence McGuinness 12 Lower Newtown Road Cloughoge Newry BT64 1AD		Agent Name and Address: Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB
Date of last Neighbour Notification:		12th August 2015
Date of Press Advertisement:		29th July 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues: Application seeks to retain an existing fuel sales business on the site		

Site Visit Report

Site Location Plan:



Date of Site Visit: November 4th 2015

Characteristics of the Site and Area

1.0 Description of Site

1.1 The site is a commercial yard that has developed on the western side of Forkhill Road just north of the village of Newtowncloghogue. At the northern end of the yard is a large building that houses a windscreen business, after this is a fuel business and at the southern end is a car sales business.



1.2 The site is situated adjacent to a sharp bend in the Forkhill Road, this is a busy route

linking Newry and the A1 dual carriageway with the southern part of South Armagh.



1.3 There have been numerous applications for commercial activity at this site, there is a current application for offices P/2015/0136/F, there have also been numerous enforcement cases, one of which, P/2014/0150/CA relates to this fuel business.

2.0 Characteristics of Area

2.1 The site is located in a rural area; there has been a significant degree of development pressure in recent years with the yard and a nearby recycling business, there are also a number of dwellings a short distance to the north east along Forkhill Road.

2.2 Newtowncloghogue is a large village, there is a village centre on its western side.

3.0 Description of Proposal

3.1 Application seeks Full Permission to retain the fuel business.

Planning Assessment of Policy and Other Material Considerations

4.0 Strategic Planning Policy Statement

4.1 The SPPS provides a framework for the preparation of new Local Development Plans by Councils; it has also replaced PPS 5 as the main policy guidance for retail applications. The SPPS has a "town centres first" policy direction, paragraph 6.271; it defines a sequential test for new developments, paragraph 6.281, in which the primary retail core is the preferred location.

4.2 Paragraph 6.279 provides guidance for retailing outside of town centres and development limits, the general approach is that inappropriate retail developments in rural areas should be resisted, an exception is made for retailing such as farm shops, craft shops and shops serving tourist or recreational facilities, provided further that these are located within existing buildings.

5.0 Banbridge/Newry and Mourne Area Plan 2015 (BNMAP 2015)

5.1 The site is located within the rural area as designated by the plan, the retail strategy contained within the plan refers to the existing urban areas and is silent about retailing in the rural areas.

6.0 Consultations

6.1 Four neighbouring properties have been notified about the development, to date no letters of objection have been received.

6.2 Transport NI has no objections to the amended proposal.

7.0 PPS4 Policy PED 3 Expansion of an Established Economic Development Use in the Countryside

7.1 The household fuel element of the business is a storage and distribution use and falls under Class B4 of the Use Classes Order, the site is adjacent to an existing commercial business, however this is a windscreen business and is a retail sales business which is different from the proposed use of this site.

7.2 The policy allows requires that expansions should be accommodated within existing buildings on the site, although there is what is termed "an existing building" at this location, this is unauthorised and cannot be considered as meeting the requirements of the policy.

8.0 Conclusions and Recommendation

8.1 The proposal is for the retention of an unauthorised fuel sales business that provides the retail sale of fuel to vehicles and for household fuel to homes which is a storage and distribution use. The retail sales business is contrary to the provisions of Paragraph 6.279 of the SPPS in that it is not the type of retail sales business provided for by the policy.

8.2 The storage and distribution element is contrary to Policy PED 3 in that it is a different class of business from that currently operating on the site and it is not accommodated within any existing buildings

8.3 Therefore refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation

Proposal is contrary to the provisions of the SPPS and Policy PED 3 of PPS 4.

Conditions/Reasons for Refusal:

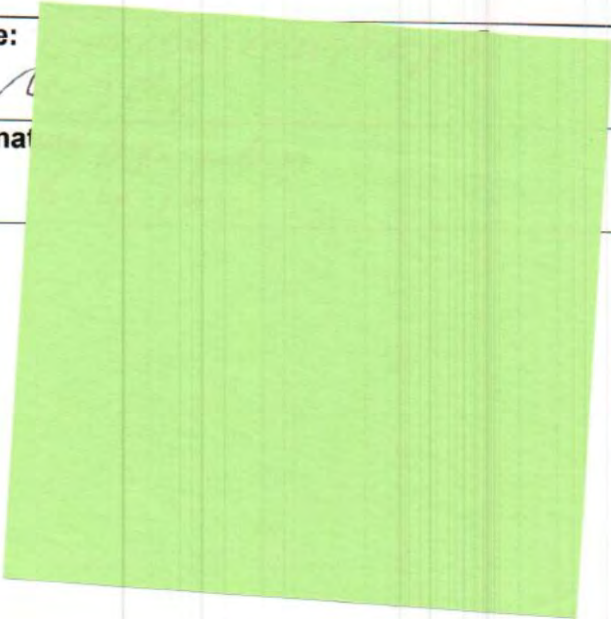
Refusal Reasons

1. The proposal is contrary to Paragraph 6.279 of the Strategic Planning Policy Statement in that the proposal seeks to carry out the retail sale of fuels in a countryside location and it is not one of the types of retailing considered appropriate in a rural area.

2. The proposal is contrary to the Policy PED 3 of the Department of the Environment's Planning Policy Statement 4, Planning and Economic Development, in that the development

Application ID: LA07/2015/0579/F

70

does not involve the utilisation of existing, authorised buildings on the site.	
Case Officer Signature:	
Date:	
Appointed Officer Signature:	
Date:	

ITEM NO	5
APPLIC NO	LA07/2015/0579/F
COUNCIL OPINION	REFUSAL
APPLICANT	Mr Laurence McGuinness
AGENT	Glyn Mitchell Architectural Design
LOCATION	43 Forkhill Road, Newry
PROPOSAL	Proposed retention of existing buildings for the retail selling of household fuel and vehicle fuel and fuel pump.

REFUSAL REASONS:

The proposal is contrary to Paragraph 6.279 of the Strategic Planning Policy Statement in that the proposal seeks to carry out the retail sale of fuels in a countryside location and it is not one of the types of retailing considered appropriate in a rural area.

The proposal is contrary to the Policy PED 3 of the Department of the Environment's Planning Policy Statement 4, Planning and Economic Development, in that the development does not involve the utilisation of existing, authorised buildings on the site.

ISSUES

Tension between refusal reasons:

1. The proposal is to be refused on the basis of retail policy AND policy pertaining to economic development use.
2. If the proposal is to be refused as a retail initiative, it cannot also be refused on the basis of economic development policy – it must be one or the other.
3. The retail sale of fuel is excluded from any class of use, as prescribed in the Planning (Use Classes) Order (NI) 2015. Therefore, the proposal need not be assessed against retail policy of itself.
4. The planning report that forms the basis for the refusal indicates the adjacent windscreen business is a “retail sales business, which is different from the proposed use of this site”. If indeed the windscreen business is a retail sales business, this would imply

retail is an established use at this site. Accordingly, the ancillary sale of fuel from the premises would not be deviating from the established use of the premises.

5. If, on the other hand, the windscreen business was regarded as an economic development use, this would suggest that there may be scope for the expansion of an established economic development use in the countryside, and under these provisions the ancillary (and small scale) retail sale of fuel would not be considered an inappropriate retail use (of itself) in the open countryside.
6. The planning report's conclusion (section 8.0) refers to the retail sale of fuel, which is purported to be a storage and distribution use. Again, this would indicate that the proposal cannot be refused on the basis of retail policy, but yet the planning report states the retail sales business is not "the type of retail sales business provided for by the Policy" (the SPPS).
7. In light of these inconsistencies, and the late stage at which O'Callaghan Planning was instructed in this matter, the Council is respectfully requested to agree to defer consideration of this matter to allow an office meeting to take place with the Council's planning officials.

SPPS

8. While the SPPS superseded PPS 5, it is an overarching, strategic framework document. It does not set out prescriptive tests, unlike other Planning Policy Statements, and its provisions have been simply scripted for application on a case by case basis, pending the adoption of Local Development Plans.
9. Whereas the first reason indicates the proposal is not "one of the types of retailing considered appropriate in a rural area", the SPPS does not in fact prescribe any limitations to the types of development that will be acceptable in the open countryside nor does it set out an exhaustive list of typologies (or indeed policy requirements to be complied with).
10. Until such times as a Plan Strategy for the Newry, Mourne and Down area has been adopted, a transitional period will operate. Within this period, in instances where the SPPS is silent or less prescriptive on a particular planning policy matter than retained

policies this should not be judged to lessen the weight to be afforded to retained policies, such as PPS 21.

11. Permission is not sought for an open-ended Class A1 retail facility but instead for a small-scale, ancillary fuel sales operation. The use of the premises could be controlled by way of condition, to prevent the sale of convenience goods or similar, as necessary.

BROWNFIELD DEVELOPMENT

12. The proposal is contained on “previously developed land”. Although brownfield development is a concept that is applied widely throughout urban areas, there is no designated policy pertaining to same in the open countryside. Notwithstanding, applications can be treated on a standalone basis, and progressed on their own individual merits.
13. Armagh, Banbridge and Craigavon Council has recently recognised this principle in granting planning permission for a storage and distribution building within an established economic development complex in the open countryside, outside Armagh (LA08/2015/0240/F).
14. Planning permission was also granted for the change of use from a commercial unit to a day nursery at Unit 7/8 Cloghogue Business Park, Forkhill Road, Newry (P/2013/0578/F, approved on 16th January 2014). That building’s location within the confines of an established economic development use must have been highly relevant to the decision to approve the application, likewise the established building at this locus ought to be taken into account in this determination.

PLANNING UNIT

15. The planning report sets out the history of planning enforcement cases at this locus. However, it does not address the fact that the site is situated immediately adjacent to an established and approved windscreen repair business.



RTPI
Chartered Town Planner



POLICY CTY 8 of PPS 21

16. If the Council is correct in asserting that the proposal is indeed an economic development use, then it must be recognised that Policy CTY 8 of PPS 21 facilitates development in a small gap in an otherwise substantial and continuously built up frontage.
17. Policy CTY 8 of PPS 21 states that "In certain circumstances it may also be acceptable to consider the infilling of such a small gap site with an appropriate economic development proposal including light industry where this is of a scale in keeping with adjoining development, is of a high standard of design, would not impact adversely on the amenities of neighbouring residents and meets other planning and environmental requirements".
18. The above policy provisions would appear to have provided the justification for the approval of planning application P/2012/0383/F:

Retention of oil storage tanks in established yard with retention of existing retaining walls and ancillary parking area
20 metres south east of no 54 Ayallogue Road, Newry

19. It is appreciated that there have been a number of planning enforcement cases directed at this site in recent years, however deferral of this decision is required in order to allow a proper assessment to be carried out and establish which buildings are lawful / established / immune from planning enforcement action and which are not. The author has had insufficient time to research this matter, given the late stage of instruction in expediting the progress of this matter.

PPS 4

20. PPS 4 advises that "Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development".



RTPI
Chartered Town Planner



21. This policy does not say that it will always be the case that a proposal must involve the re-use or extension of an existing building. While the Policy advises upon the circumstances under which a new building will be permitted, it is silent in relation to the re-use of previously developed land within the curtilage of an established enterprise.

Legal Precedent

22. The Lamont judicial review, ruled that...

"Of course, the Planning Service need not 'slavishly' follow the policy. The policy is one of many under the Planning Policy Statement 21 which focuses on sustainable development in the countryside. Within PPS21 a number of like situations are grouped together, for example, proposals for dwellings on farms. The policy indicates the preferred approach to these like cases in order to achieve the broader social and environmental goals relating to development in the countryside. However, the policy itself, and much case law on this and similar issues, acknowledges that no policy can take into account the myriad considerations that may arise in individual fact scenarios that arise in the broad policy area. No planning policy can anticipate the personal, environmental, logistical etc. circumstances of all the individual planning applications made under the policy that need to be considered.

23. Because no individual planning policy could have anticipated the sequence of events that occurred through the commercial development of this particular site, the proposal should be considered on the basis of its own merits, in accordance with the overriding presumption in favour of development referred to below.

Presumption in Favour of Development

24. Although PPS 1 is no longer a retained Policy, (subsequent to the publication of the SPPS), its presumption in favour of development has been retained within the SPPS. This is confirmed in the SPPS' paragraph 3.8, wherein it is stated that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Consequently, where there is doubt in relation to any issue, or an apparent gap in policy coverage, the balance must be tipped in favour of an applicant.



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Chartered Town Planner



CONDITIONS

25. The fuel dispensed from this site is ancillary to the overall enterprise on-going at this site. The applicant is amenable to the imposition of a condition ensuring the fuel sales remain subservient to the main use of the wider premises thereby preventing the future creation of an "inappropriate retail facility in the open countryside", and avoiding harm to any issue of acknowledged importance.

Yours Faithfully,



Colin O'Callaghan
Chartered Town Planner
BSc Hons Dip TP MRTPI