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

August 2nd, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 3rd August 2016** at **11:00 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. **Planning Committee Members to attend two site visits:-**

- **9.00 am** - 35 Central Promenade, Newcastle - LA07/2015/0161/F - Mr E Lennon - apartment building with 14 units, 3.5 storey with retail spaces and car parking
- **10.15 am approx** - 147 Rathfriland Road, Newry - LA07/2015/0511/0 -Peter McEvoy - dwelling and detached garage
- **11.00 am** approx - Committee Meeting

2. **Apologies.**

3. **Declarations of Interest.**

Minutes for Consideration and Adoption

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4. **Minutes of the Planning Committee Meeting held on Wednesday 6 July 2016. (Attached).**

Minutes Planning Committee Meeting - 6 July 2016.pdf *Page 1*

For Consideration and/or Decision

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5. **Addendum list - planning applications with no representations received or requests for speaking rights. (Copy enclosed).**

Addendum list - 03-08-2016.pdf *Page 9*

Development Management - Planning Applications for determination

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6. **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 (additional information) - approx 70m south east of 71 Ardglass Road, Ballyhornan. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Gerry Tumilty Agent (in support of the application) **Submission attached** (NB: At the request of the Agent/Applicant, supporting information has been emailed to Councillors separately due to confidential nature)

LA07-2015-0546-F Jane Magee.pdf *Page 10*

'Item 6 - submission of support Jane Magee.pdf *Page 14*

7. **LA07/2015/0842/0 - Mr G Reavey - site for replacement dwelling, garage and associated site works and retention of old building as outbuilding - 66 Drin Road, Dromara. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from DEA Councillor Patrick Clarke (in support of the application) (NB: Cllr Clarke will be summarising on the submission which has been provided by Mr Coffey P Agent)
- A request for speaking rights has been received from Mr Nigel Coffey Agent (in support of the application) **submission attached.**

LA07-2015-0842-O G Reavey.pdf *Page 21*

Item 7 - submission of support.pdf *Page 24*

8. **LA07/2015/0079/F - Anne-Marie O'Higgins - change of use of ground floor units from retail to cafe/restaurant - ground floor unit, 8 Central Promenade, Newcastle. (Case Officer report attached).**

Rec: REFUSAL

LA07-2015-0079-F Anne Marie Higgans.pdf *Page 27*

9. **LA07/2015/0161/F - Mr E Lennon - apartment building with 14 units 3.5 storey with retail space and car parking - 35 Central Promenade, Newcastle. (Case Officer report attached).**

Rec: APPROVAL

LA07-2015-0161-F E Lennon.pdf *Page 31*

10. **LA07/2016/0036/F - Bronagh Smith - proposed rear extension to a dwelling - 17 Demesne Crescent, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

- Planners have advised that this application has been **WITHDRAWN** from the Agenda as the Agent has submitted satisfactory amendments to address the reason for refusal. (01/08/16)

LA07-2016-0036-F B Smith.pdf *Page 42*

11. **R/2014/0178/0 - Mr P J McKeown - proposed single storey dwelling for disabled occupant in accordance with PPS21 CTY6 - site approx 120m south of No. 108 Loughinisland Road, Loughinisland, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Urban Dynamics Agent (in support of the application) (NB: Mr Jason Walker Agent and Ms Vera McKeown on behalf of Applicant will speak)

R-2014-0178-O PJ McKeown.pdf *Page 47*

Item 11 - submission of support.pdf *Page 53*

12. **R/2014/0442/0 - John Breen - proposed dwelling on a farm - rear of 25 Killybawn Road, Crossgar. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr James Morgan Agent (in support of the application). **submission attached**
- A request for speaking rights has been received from Mr John Breen Applicant (in support of the application).
- A request for speaking rights has been received from DEA Councillor T Andrews (in support of the application)

R-2014-0442-O J Breen.pdf *Page 55*

Item 12 - submission of support.pdf *Page 60*

13. **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

- Councillor Harvey has advised of his support for this application.

R-2014-0576-F D Orr.pdf *Page 62*

Item 13 - Additional info (1).pdf *Page 68*

Item 13 - Additional info (2).pdf *Page 72*

14. **R/2014/0660/A - Mr M Judge - retrospective shop sign - 43 High Street, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

R-2014-0660-A M Judge.pdf *Page 147*

15. **R/2015/0093/F - Kennedys Direct Catch Ltd - proposed fitness facility and associated parking at 21 Enterprise Avenue, Down Business Park, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking has been received from Barry Hillen Agent (in support of the application) **submission attached.**

R-2015-0093-F Kennedys Direct Catch Ltd.pdf *Page 150*

Item 15 - submission of support.pdf *Page 153*

16. **R/2014/0575/F - Millbrook Lodge Hotel - demolitions, alterations, extension and new buildings. (Case Officer report attached).**

Rec: APPROVAL

R-2014-0575-F Maguire Hotel Ltd.pdf *Page 157*

17. **R/2013/0217/F - Mr Tony Steel - erection of agricultural shed (amended address) - 120m east of No. 18 Moneyland Road, Dundrum. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Gerry Tumilty Agent (in support of the application.**submission attached.**

R-2013-0217-F Tony Steel.pdf *Page 172*

Item 17 - submission of support.pdf *Page 177*

18. **R/2013/0441/0 - Mr C Laverty & Miss R O'Higgins - proposed**

new dwelling on a farm under policy CTY10 of PPS21 - 50M north east of 19 and 60m north of 17 Ballymoney Road, Kilcoo. (Case Officer report attached).

Rec: REFUSAL

R-2013-0441-O C Laverty & R O'Higgans.pdf *Page 182*

19. **LA07/2015/0639/F - Mr & Mrs P McMillan - replacement dwelling and conversion of former mill to ancillary accommodation - site 45 metres east of 55 Rossglass Road, Killough. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Ewart Davis 8A Architects (in support of the application) **submission attached. Supporting information attached.**

LA07-2015-0639-F Mr & Mrs p McMillan.pdf *Page 186*

Item 19 - submission of support.pdf *Page 196*

Item 19 - supporting information.pdf *Page 219*

20. **LA07/2015/0090/F - A J Coaches - retrospective extension of curtilge and change of use of land to facilitate parking of vehicles in relation to coach hire business and proposed improved entrance and new stone wall boundary - 49 Ballyveaghbeg Road, Ballymartin. (Case Officer report attached).**

Rec: REFUSAL

LA07-2015-0090-F AJ Coaches.pdf *Page 225*

21. **LA07/2015/0130/F - Calmor Properties Ltd. - non compliance with condition 2 of P/2011/0340/F - application to remove social housing occupancy clause - LIndsay's Hill, approx 60m south east of 53-55 North Street, Newry. (Case Officer report attached).**

Rec: REFUSAL

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

LA07-2015-0130-F Calmor.pdf *Page 231*

Item 21 - submission of support.pdf *Page 235*

22. **LA07/2015/0402/F - Glyn Mitchell - proposed erection of a dwelling - opp and 25m e of 16 Chancellors Hall, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Glyn Mitchell Applicant (in support of the application) (NB: Mr Mitchell has requested that photograph slides be displayed on the screen in the Boardroom)

LA07-2015-0402-F Glyn Mitchell.pdf *Page 246*

Item 22 - submission of support - Glyn Mitchell.pdf *Page 251*

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

Rec: REFUSAL

- A request for speaking rights has been received from Mr Karl Sherry Architectural Design Consultant (in support of the application). **submission attached.**

LA07-2015-0511-O P McEvoy.pdf *Page 253*

Item 23 - submission of support.pdf *Page 259*

24. **LA07/2015/0800/F- Ponsa Ltd - construction of rock armour revetment sea defence to provide protection to the access road and 8 properties from storm damage - lands 20m se of 51-69 Windmill Road, Cranfield, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

LA07-2015-0800-F Ponsa Ltd.pdf *Page 261*

25. **LA07/2015/1153/0 - Ronan Turley - erection of infill dwelling with detached garage - adjacent to and 20m east of 73 Newry Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

LA07-2015-1153-O Ronan Turley.pdf *Page 268*

26. **LA07/2015/1167/F - Brendan & Sharon O'Gorman & Gregory - replacement dwelling and new garage - 80m ne of 84 Kiltybane Road, Crossmaglen. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Seamus Murphy Agent (in support of the application. **Submission attached** (NB: Mr Murphy has requested that photograph slides be displayed on screens in Boardroom during presentation)
- A request for speaking rights has been received from Mr Eamon Gregory on behalf of applicant (in support of the application. **Submission attached**

LA07-2015-1167-F B & S O'Gorman.pdf *Page 274*

Item 26 - submission of support.pdf *Page 281*

Item 26 - submission of suppport applicant.pdf *Page 283*

27. **P/2012/0712/F - Brendan Carragher - extension to tyre depot - 24 New Road, Silverbridge, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr James Murphy (in support of the application) **submission attached.** (NB: Mr Murphy has requested that photograph slides be displayed on the screen in the Boardroom)

P-2012-0712-F B Carragher.pdf *Page 289*

Item 27 - submission of support.pdf *Page 295*

28. **LA07/2016/0175/F - Dermot White - replacement dwelling and domestic garage - 80m nw of 15 Molly Road, Jonesborogh, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr James Murphy, Agent (in support of the application). **Submission attached**. (NB: Mr Murphy has requested that photograph slides are displayed on the screen in the Boardroom)

LA07-2016-0175-F D White.pdf *Page 297*

Item 28 - submission of support.pdf *Page 306*

29. **LA07/2015/1317/0 - Paul & Dianne Kelly - 1 No. infill 1.5 storey dwelling and garage - 25m south of 162 Tandragee Road, Jerrettspass. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from John Richardson Agent (in support of the application) **submission attached.**
- DEA Councillor B O Muiri has made representations in support of this Application. **Attached.**

LA07-2015-1317-O P & D Kelly.pdf *Page 308*

Item 29 - submission of support.pdf *Page 312*

Item 29 - submission of support Cllr O Muiri.pdf *Page 313*

30. **LA07/2016/0276/F - Frank Hughes Bookmaker - change of use of vacant shop to offices - 14-15 The Mall, Newry. (Case Officer report attached).**

Rec: APPROVAL

LA07-2016-0276-F Frank Hughes.pdf *Page 314*

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

Rec: REFUSAL

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

LA07-2016-0421-O Fiona Doyle.pdf *Page 321*

Item 31 - submission of support LA07-2016-0421-0.pdf *Page 332*

32. **P/2014/1041/0 - Matthew Mallon - site for dwelling and detached garage - 20 m ne of 30a Edentrumly Road, Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Mr Brendan Quinn Agent (in support of the application) **submission attached** (NB: Mr Quinn has requested that his presentation be viewed on the screen in the Boardroom)
- Letter of support from S Bradley MLA **attached**

P-2014-1041-O Matthew Mallon.pdf *Page 337*

Item 32 - submission of support.pdf *Page 345*

Item - 32 - Letter of support (from S Bradley MLA)re P-2014-1041-O Matthew Mallon.pdf *Page 353*

For Noting

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33. Planning Department Performance Indicators. (Copy enclosed).

Item 33 - Planning Performance Indicators.pdf *Page 355*

34. Report - contact from Public Representatives - August 2016. (Copy enclosed).

Item 34 - Contact from Public Reps.pdf *Page 359*

35. Current planning appeals. (Copy enclosed).

Item 35 - Current Planning Appeals.pdf *Page 361*

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 6 July 2016 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

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Chairperson: Councillor W Clarke

In Attendance:

(Committee Members)

Cllr C Casey	Cllr Loughran
Cllr G Craig	Cllr D McAteer
Cllr V Harte	Cllr M Murnin
Cllr M Larkin	Cllr M Ruane

(Officials)

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

P/67/2016: APOLOGIES/CHAIRMAN'S REMARKS

Noted: Apologies were received from Councillor Macauley, Councillor Hanna, Councillor Devlin and Mr A McKay, Chief Planning Officer.

P/68/2016: DECLARATIONS OF INTEREST

Noted: There were no declarations of interest.

P/69/2016: MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY 29 JUNE 2016

Read: Minutes of Planning Committee Meeting held on Wednesday 29 June 2016 (Copy circulated).

AGREED: On the proposal of Councillor Craig, seconded by Councillor Larkin, it was agreed to adopt the Minutes of the Planning Committee

Meeting held on Wednesday 29 June 2016 as a true and accurate record subject to the following amendments:-

- **Item 12 (page 10) to record that Councillor P Byrne presented an objection to the application.**
- **Item 20 (page 15) to read "Councillor Larkin proposed and Councillor Hanna seconded to issue an approval in respect of application R/2012/0081/F, for the reasons recommended as per the Development Management Officer report.**

P/70/2016: ADDENDUM LIST

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

AGREED: On the proposal of Councillor Ruane, seconded by Councillor Murnin, it was agreed to approve the Officer recommendation, as per the Development Management Officer report, in respect of the following planning applications:-

- LA07/2015/0300/F – Sinead McShane – 2 storey extension to rear of dwelling – 13 Hill Street, Newry. **(REFUSAL)**
- LA07/2015/0418/0 – Messrs T & D Doyle – dwelling and garage on a farm – opposite 39a and 41 Upper Knockgaragh Road, Rostrevor. **(REFUSAL)**
- LA07/2015/0676/0 – Sean Finnegan – dwelling and garage on a farm – lands immediately north of 76 Crossan Road, including lands immediately south of 79 Crossan Road, extending for approx. 120m. **(REFUSAL)**
- LA2015/0691/F – Patrick Francis Rooney – proposed wind turbine with hub height of 50m to generate electricity for exporting to grid – 225m south west of Tullyah Road, Belleeks. **(REFUSAL)**

It was also unanimously agreed that the following planning application be added to the addendum list for approval of the Officer's recommendation without the need for a presentation as the request for speaking rights from the applicant had been withdrawn:-

- LA07/2015/1273/F – Parker Green International – variation of condition 3 and removal of condition 4 of planning application P/2012/0757/F – The Quays Shopping and Leisure Centre, Newry. **(APPROVAL)**

It was also unanimously agreed that the following planning applications be taken off the addendum list and added to the schedule for presentation and discussion at the next Planning Committee Meeting:-

- LA07/2015/0639/F – Mr & Mrs P McMillan – replacement dwelling and conversion of former mill to ancillary accommodation – 45m east of 55 Rossglass Road, Killough. **(REFUSAL).**

- R/2014/0178/0 – Mr P J McKeown – proposed single storey dwelling for disabled occupant in accordance with PPS21 CTY6 – site approx 120m south of 108 Loughinisland Road, Loughinisland, Downpatrick. **(REFUSAL).**

It was also unanimously agreed, on the proposal of Councillor Craig, seconded by Councillor Ruane, that a letter be sent to Oaklee Trinity Housing Association in respect of planning application – R/2014/0460/F - 6 new social housing dwellings with associated private amenity space and communal car park to serve the dwellings – site for former community centre, Ballynoe Road, Downpatrick. (REFUSAL) – asking them to submit additional information required by Planner Officers. If this information was not submitted within one month, the decision to refuse the application would issue under delegated authority.

P/71/2016: APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Principal Planning Officer the Committee agreed to the following actions in relation to a number of planning applications listed on the schedule:-

- LA07/2015/0150/0 – Clark McCourt – dwelling and garage on lands 30m north east of 32 Cullentragh Road, Jerrettspass, Newry (REFUSAL) **– this application to be deferred at the request of the applicant and taken back to a future Planning Committee Meeting for determination.**
- LA07/2015/0732 – Mr & Mrs Hourican - replacement dwelling and garage - opposite 7 Brae Road, Lisnaree, Newry (REFUSAL) **– withdraw from the schedule - revised plans submitted for further consideration by Planning Officers.**
- LA07/2015/0764/F – Fergal Rafferty – retention of domestic garage – 16 Ummeracam Road, Silverbridge, Newry (REFUSAL) – **withdraw from the schedule and bring back to a future Planning Committee for determination.**
- LA07/2016/0036/F – Bronagh Smith – proposed rear extension to a dwelling – 17 Demesne Crescent, Downpatrick (REFUSAL) – **withdraw from the schedule to allow for further consideration by Planning Officers.**
- LA07/2016/0042/0 – James Hall – farm dwelling and garage (amended site location plan) – between 18 and 20 Old Belfast Road, Dundrum (REFUSAL) **– the agent advised that this application was being withdrawn.**
- P/2014/0894/F – Hilary McCamley – erection of dwelling – lands fronting Mayvale Court, Newry Road, Mayobridge (REFUSAL) - **this application to be deferred at the request of the applicant and taken back to a future Planning Committee Meeting for determination.**

The following Applications were then determined by the Committee:

(1) LA07/2015/0381/F – Mr B Loughran

Location:
South of 108 Tullyah Road, Whitecross

Proposal:
Dwelling and detached garage

Conclusion and recommendation from Planning Official:
Refusal

Speaking rights/Representations
Mr Tony O'Hare, Agent, and Mr Loughran, applicant, presented in support of the application.

AGREED: On the proposal of Councillor Casey, seconded by Councillor McAteer, it was unanimously agreed to defer this application for a Members' site visit.

(2) R/2013/0544/RM – Glenabby Ltd – erection of 86 dwellings on land to south of Saul Road and adjacent to Ardenlee Gardens , Downpatrick and R/2014/0091/RM – Glenabby Ltd – erection of 42 dwellings on land to south of Saul Road and adjacent to Ardfern Road, Downpatric

At this point in the meeting the Chairman advised that a letter dated 6 July 2016 had been received from the Department of Infrastructure, Strategic Planning Division, in relation to planning applications R/2013/0544/RM and R/2014/0091/RM above for Glenabby Ltd. It stated that these two applications had been referred to the Department for determination. (Copy circulated).

AGREED: It was unanimously agreed that planning applications R/2013/0544/RM and R/2014/0091/RM be withdrawn from the schedule on the basis that they would now be determined by the Department.

(3) LA07/2015/0969/0 – Liam McDonnell

Location:
Approximately 50m south east of 41a Aughnagun Road, Derryleckagh, Newry

Proposal:
Dwelling and garage on an in-fill site

Conclusion and recommendation from Planning Official:
Refusal

Speaking rights:
Mr John Collins, Agent, presented in support of the application.
A submission of support was received from Sinead Bradley, MLA.

Councillor Larkin proposed and Councillor Craig seconded that the application be refused for the reasons recommended in the Development Management Officer report.

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

FOR: 7
AGAINST: 2
ABSTENTIONS: Nil

AGREED: On the proposal of Councillor Larkin seconded by Councillor Craig, it was agreed that planning application LA07/2015/0969/0 – Liam McDonnell, be refused for the reasons recommended in the Development Management Officer report.

(4) LA07/2015/1024/0 – George, Anne & John Hanna

Location:
30m east of 44A The Heights, Downpatrick

Proposal:
Dwelling and garage on a farm

Conclusion and recommendation from Planning Official:
Refusal

Noted:
A written submission had been received from Mr Ewart Davis Agent, in support of the application.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Ruane, it was unanimously agreed that planning application LA07/2015/1024/0 – George, Anne & John Hanna, be refused for the reasons recommended in the Development Management Officer report.

(5) LA070/2016/0240/F – Wayne Morton

Location:
30m north of 28 Tunnel Road, Jerrettspass, Newry

Proposal:
Replacement single storey 3 bed dwelling with single storey 4 bed dwelling

Conclusion and recommendation from Planning Official:
Refusal

Speaking rights:
Brendan McAteer, Agent and Mr D Kennedy MLA presented in support of the application.

Councillor Craig proposed and Councillor McAteer seconded that planning application LA07/2016/0240/F be approved contrary to the Officer recommendation on the basis that it was not accepted that the proposal was contrary to policy CTY3 as the building was not a temporary structure.

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

FOR: 4
AGAINST: 5
ABSENTIONS: Nil

The proposal was lost.

Councillor Larkin proposed and Councillor Ruane seconded that planning application LA07/2016/0240/F be refused for the reasons recommended in the Development Management Officer report.

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

FOR: 5
AGAINST: 4
ABSENTIONS: Nil

The proposal was carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Ruane it was agreed that planning application LA07/2016/0240/F be refused for the reasons recommended in the Development Management Development report.

(6) P/2013/0279/F – Herbert Bailie

Location:
230m north of 31 Cavankill Road, Newtownhamilton

Proposal:
Erection of wind turbine

Conclusion and recommendation from Planning Official:
Approval

Speaking rights:
Patrick Galbraith presented an objection to the application.

AGREED: On the proposal of Councillor Casey, seconded by Councillor McAteer, it was unanimously agreed to defer this application with a direction for additional information/clarification from the Environment Health Department in terms of the noise assessment

results and if the right location had been used to carry out these tests.

It was agreed this application be taken back to the next appropriate Planning Committee Meeting and that representatives from the Environmental Health Department attend the meeting to provide information and answer Members' queries.

It was agreed Mr Galbraith, objector, be notified of arrangements for the Meeting and be granted speaking rights.

(7) P/2015/0231/0 – Laurence McGuinness

Location:
260m south east of 28 Ballymacdermot Road, Newry

Proposal:
Dwelling house and garage on farm

Conclusion and recommendation from Planning Official:
Refusal

Speaking rights:
Mr Seamus Murphy, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin, seconded by Councillor Craig, it was unanimously agreed that planning application P/2015/0231/0 be refused for the reasons recommended in the Development Management Officer report.

FOR NOTING

P/72/2016: PLANNING DEPARTMENT PERFORMANCE INDICATORS

Read: Planning Department Performance Indicators. (Copy circulated).

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

P/73/2016: REPORT – CONTACT FROM PUBLIC REPRESENTATIVES – JUNE 2016

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

AGREED: It was agreed to note the report re: contact from Public Representatives June 2016.

P/74/2016: CURRENT PLANNING APPEALS

Read: Report on current planning appeals. (Copy circulated).

AGREED: It was agreed to note the current planning appeals report.

There being no further business the meeting ended at 1.45 pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 3 August 2016.

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

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

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 03 August 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 8 -** LA07/2015/0079/F – Anne Marie O Higgins – Change of use of ground floor units from retail to café/restaurant – ground floor unit, 8 Central Promenade Newcastle (**REFUSAL).**
- **Item 9 -** LA07/2015/0161/F – Mr E Lennon - apartment building with 14 units 3.5 storey with retail space and car parking – 35 Central Promenade Newcastle. **(APPROVAL).**
- **Item 14 -** R/2014/0660/O – Mr M Judge – restrospective shop sign – 43 High Street Ballynahinch. **(REFUSAL).**
- **Item 16 –** R/2014/0575/F – Millbrook Lodge Hotel – demolitions, alterations, extension and new buildings. **(APPROVAL).**
- **Item 18 -** R/2013/0441/O - Mr C Laverty & Miss R O Higgins – proposed new dwelling on a farm under policy CTY10 of PPS21 – 50m north east of 19 and 60m north of 17 Ballymoney Road Kilcoo. **(REFUSAL).**
- **Item 20 –** LA07/2015/0090/F – AJ Coaches – retrospective extension of curtilage and change of use of land to facilitate parking of vehicles in relation to coach hire business and proposed improved entrance and new stone wall boundary – 49 Ballyveaghbeg Road Ballymartin. **(REFUSAL).**
- **Item 24 –** LA07/2015/0800/F – Ponsa Ltd – construction of rock armour revetment sea defence to provide protection to the access road and 8 properties from storm damage – lands 20m se of 51-69 Windmill Road Cranfield Kilkeel **(REFUSAL)**
- **Item 25 –** LA07/2015/1153/O – Ronan Turley – erection of infill dwelling with detached garage – adjacent to and 20m east of 73 Newry Road Mayobridge. **(REFUSAL)**
- **Item 30** – LA07/2016/0276/F – Frank Hughes Bookmaker – change of use of vacant shop to offices – 14-15 The Mall Newry. **(APPROVAL)**

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ITEM NO	**7**			
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 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
an Iúir, Mhúrn
agus an Dúin
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: Approx 70m South East 71 Ardglass Road Ballyhornan Downpatrick

DEFERRAL CONSIDERATON

The application was previously presented to the Planning Committee on the 29 June 2016 with a recommendation to refuse based on the following 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.

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;
   - 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.

<u>The planning committee deferred the application to allow for the submission of further information regarding the farming activity.</u>

Background

The basis for this proposal is perverse in that it proposes to make use of an unauthorised structure, which it has been ruled should be removed from the site in the interests of visual amenity. This application therefore proposes to benefit from an illegal activity.

The agent for the application has submitted information as requested by the Planning Committee to demonstrate the farming activity of the farm business associated with the proposal. This includes

1. Tax returns 2010-present
2. Letter from DARD confirming Cat 1 DARD business number
3. HMRC letter confirming farm business set up dated 10/02/2010
4. Provisional notification of SFP 9dated 13/11/2015)
5. Notification of impending SFP (28/11/2015)
6. Herd number detailing stock
7. 2016 farm maps.

Consideration of additional information.

Self-assessment Tax returns have been provided detailing period 06/04/2010 to 05/04/2015. However as in PAC appeal decision 2015/A0048 the commissioner stated that while the applicant was completing self-assessment tax returns since 2010, this does not demonstrate that the applicant has been engaged in agriculture on this farm since that time.

DARD business number allocation is not being questioned. It is acknowledged that the farm business number allocated in 2010 is now in existence for 6 years, what has not been demonstrated is that there has been active farming of the farm business during this 6 year period.

Provisional notification from DARD regarding 2015 Basic Payment Scheme entitlements. This is acknowledged but does not demonstrate farming activity for the preceding 5 years.

A herd list of animals have been provided from the DARD APHIS online system generated 29/06/2016, whilst there is reference to a herd number this is not linked to the applicant or the farm business, regardless the herd list refers to a total of 68 animals. However from reviewing the list it is obvious that the list refers to animals which were brought onto the holding from dates ranging from August 2015 to May 2016. This does not demonstrate 6 years farming activity.
The shed proposed measures some 5.5m x 11m, one would have to question the feasibility of such a building to accommodate the needs of the farm business.

Farm maps detail the application site at Ardglass Road (1 field) another field at Kilclief and the majority of the holding, 7 fields off the Strangford road, Downpatrick to the rear of the Old council offices. These lands are the subject of a current outline planning approval for the new Down High School.

On the basis of the requested information by the Committee and the additional information submitted by the agent, it has not been demonstrated that the farm business is has been actively farmed for the preceding 6 years.

On this basis the application remains contrary to policy CTY12 for the above reasons as previously offered and refusal is again recommended.

Signed *Dated*

Signed *Dated*

Tumelty Planning Services

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.

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 infect 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 that 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.

ITEM NO **10**

APPLIC NO LA07/2015/0842/O Outline **DATE VALID** 8/21/15

COUNCIL OPINION **REFUSAL**

APPLICANT Mr G Reavey 91 Castlewellan Road
Dromara
BT25 2JN

AGENT Planning Services
21 Ballynacoy Road
Lisburn
BT28 3XW
07510998821

LOCATION 66 Drin Road
Drin
Dromara
BT25 2LE

PROPOSAL Site for replacement dwelling, garage and associated site works and retention of old building as outbuilding

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	0	0	0	0

Addresses	**Signatures**	**Addresses**	**Signatures**
0	0	0	0

1 The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, as the dwelling which it is proposed to replace makes an important contribution to the heritage, appearance and character of this area and is capable of being made structurally sound and improved.

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and Down
District Council

Application Reference: LA07/2015/0842/O

Date Received: 21.08.2015

Proposal: Site for replacement dwelling, garage and associated site works and retention of old building as outbuilding.

Location: 66 Drin Road Drin Dromara.

DEFERRAL CONSIDERATON

The application was previously presented to the Planning Committee on the 11 May 2016 with a recommendation to refuse based on the following reasons for refusal

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, as the dwelling which it is proposed to replace makes an important contribution to the heritage, appearance and character of this area and is capable of being made structurally sound and improved.

The committee agreed to defer consideration of this application to give Planning Officers an opportunity to see if there are policies which will allow the replacement of the dwelling with a condition that the current old dwelling be retained to preserve its heritage appearance. It was agreed that Planning Officers report back to the next appropriate Planning Committee Meeting.

The applicable policy for consideration of this application remains the same, PPS 21 CTY3 Replacement Dwellings. The SPPS is silent on non-listed vernacular dwellings.

The current dwelling is considered by the planning office to be a non-listed vernacular dwelling. Policy states that the retention and sympathetic

refurbishment will be encouraged in preference to the replacement of such vernacular dwellings. It has been considered that the dwelling makes an important contribution to the appearance and character of the locality. Permission will only be granted for replacement of such dwellings where the dwelling is not reasonably capable of being made structurally sound or otherwise improved.

The agent has stated himself that the dwelling is structurally sound, intact and capable of being occupied with minor works. This is not disputed by the planning office.

The justification and amplification to the policy states that there is growing concern that the tendency to replace, rather than upgrade, older dwellings is depleting our vernacular rural dwellings, which is increasingly viewed as an important element of our built heritage. Accordingly, this policy seeks to help retain vernacular houses and promote their sympathetic renovation and continued use rather than replacement.

As per the Planning Committees request that the current old dwelling be retained, this would only be permitted in policy where the dwelling does not make an important contribution to the heritage, appearance and character of the locality. It has already been considered that this dwelling **does** make a contribution to the locality.

Therefore for the purposes of policy there is no reason to allow for the replacement of such a dwelling.

If the Planning Committee are so minded to allow the replacement of this dwelling contrary to the policy then a condition can be attached for the retention of the vernacular dwelling for use ancillary to the main dwelling. Committee should be mindful that this may result in the proposal falling foul of policy CTY14 in terms of a build-up of development and its associated impact on rural character.

On this basis the application remains contrary to policy CTY3 and refusal is again recommended.

Signed *Dated*

Signed *Dated*

Planning Services

21 Ballynacoy Road

Lisburn

BT28 3XW

07510998821

planning.services@btinternet.com

LA07/2015/0842/O

Site for replacement dwelling & garage at 66 Drin Road Dromara

Please consider the following additional information/comments in support of the above application in terms of the policy context and in relation to the existing site specific circumstances.

Existing dwelling

Whilst the existing house may be structurally sound, intact and capable of being occupied with minor works only, its setting in relation to the Drin Road, other adjacent buildings and uses, presents several problems in terms of present day living requirements.

The building is at roadside and as such there would be associated noise and vibration from passing traffic specifically heavy farm machinery etc. Neither is this roadside setting ideal for family accommodation following its retention and sympathetic renovation, with young children likely to be able to exit the building at the front into the path of passing traffic.

The setting of the property within the original elongated curtilage does not lend itself to the layout associated with present day dwellings and their associated plots etc. There is no garden/amenity space directly accessible from the old house and any existing garden area is behind or to the side of the existing yard and outbuildings and directly adjoining/overlooked by large farm buildings and the dwelling at No 62 Drin Road.

Proposed site for replacement dwelling

The site for the proposed dwelling is on the opposite side of the existing lane and therefore proposes to use the same access on the Drin Road. As the existing dwelling is in theory capable of occupation without works that would require planning approval, there is no intensification of this access and DRD Roads Service comments to date would be applicable.

The proposed dwelling is set back from the Drin Road with an aspect towards it. The site itself is located within the existing cluster of buildings along this stretch of Drin Road comprising and associated with Nos 62,63, 66 & 68. As the notional layout indicates the site is very capable of accommodating a reasonably sized dwelling, garage and associated site works similar to the existing development pattern immediately surrounding it.

A dwelling on the proposed site would have useable amenity space both front and rear, with in-curtilage turning and parking. The garage as sited also serves to further enhance the amenities of the occupants in that it assists separation of the rear garden space from other users of the existing lane.

Policy CTY4

In terms of the policy it is contended that the existing curtilage is restrictive due to its shape, setting and proximity to the Drin Road, other adjoining non-residential buildings uses and the overlooking issue by No 62.

As required by the policy the proposed siting would result in demonstrable landscape, heritage, access or amenity benefits in that;

(i) The old dwelling (deemed to be a non-listed vernacular building) retained as an outbuilding in the existing setting will ensure it continues to make an important contribution to the heritage, character and appearance of the locality

(ii) A dwelling on the proposed site will have clear and demonstrable benefits in terms of access and road safety with regard to the previously mentioned issue of the front door opening onto the Drin Road.

(iii) The amenity benefits include -

- No noise and vibration issues associated with passing vehicles affecting the occupants of the new house
- No direct overlooking of the new house and its curtilage by the occupants of existing dwelling (No 62)
- Useable amenity space both front and rear with much reduced impact in terms of overlooking, noise and nuisance etc from other non-residential uses.
- Whilst the proposed dwelling is not 75m away from farm buildings as advised by the Council's Environmental Health Department – its siting and proximity to such buildings is much reduced in comparison with the site specific circumstances pertaining at the old No 66.

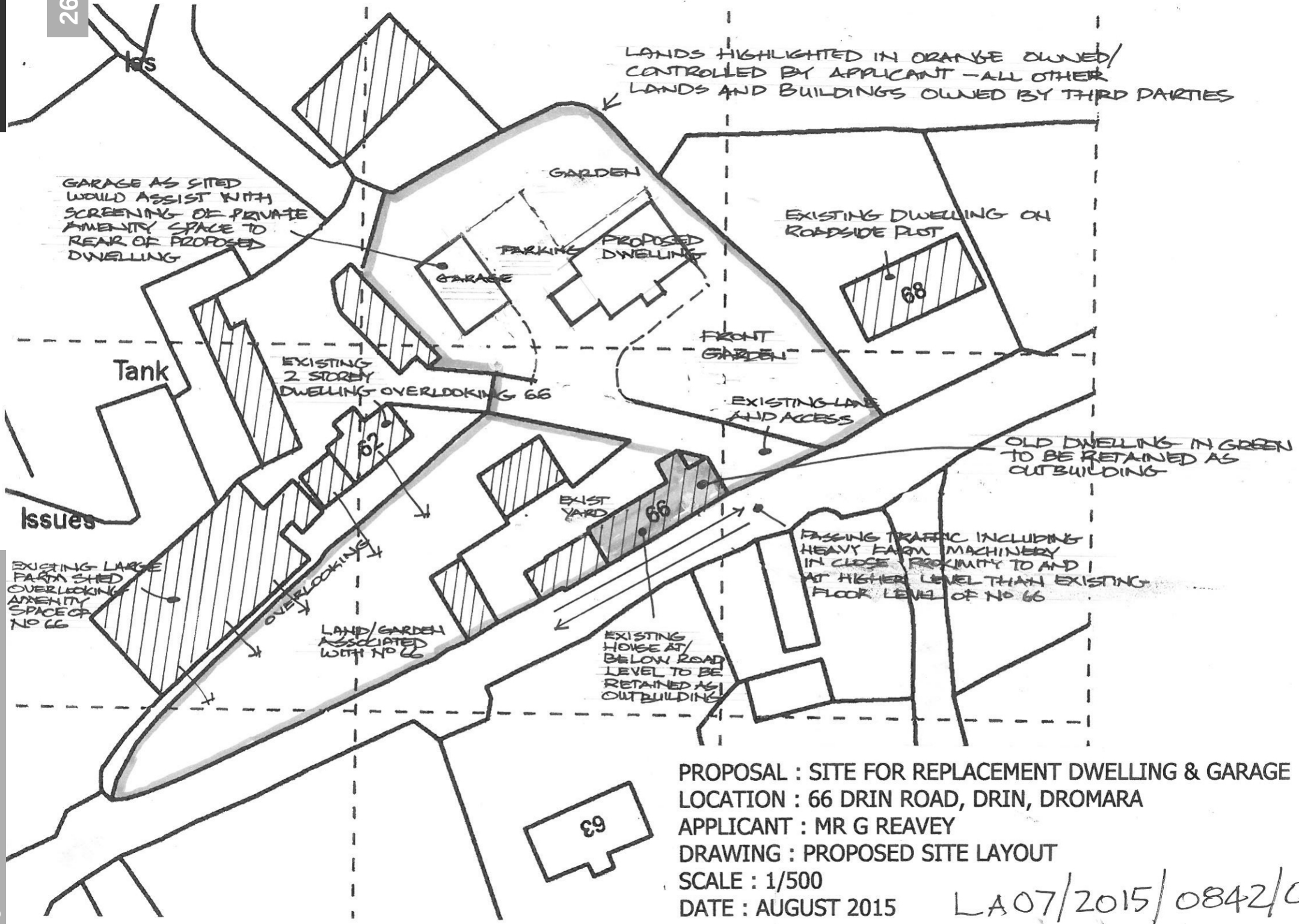
On the basis of the above information I would be grateful if the proposal could be given further consideration by the Council Planning Committee.

If any further information or clarification is required please contact me on 07510998821

Yours Sincerely

Nigel Coffey

(Planning Services)



PROPOSAL : SITE FOR REPLACEMENT DWELLING & GARAGE
LOCATION : 66 DRIN ROAD, DRIN, DROMARA
APPLICANT : MR G REAVEY
DRAWING : PROPOSED SITE LAYOUT
SCALE : 1/500
DATE : AUGUST 2015

LA07/2015/0842/O

ITEM NO	**1**			
APPLIC NO	LA07/2015/0079/F	Full	**DATE VALID**	3/30/15
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Anne-Marie O'Higgins 27 Marguerite Avenue Newcastle BT33 0PF		**AGENT**	NA
LOCATION	Ground Floor Unit 8 Central Promenade Newcastle			
PROPOSAL	Change of use of Ground Floor Units from Retail to Café/Restaurant			

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

1 The application is unacceptable as insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.

Comhairle Ceantair
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District Council

Application Reference: LA07/2015/0079/F

Date Received: 20th March 2015

Proposal: Change of use of ground floor units from retail to café/restaurant.

Location: Ground floor unit, 8 Central Promenade, Newcastle

Site Characteristics & Area Characteristics:

The building in question is located along the central promenade in Newcastle and is a recently constructed building 3 stories in height with commercial at ground floor and residential at 1st floor and 2nd floor. The building is smooth rendered with large ground floor glazed sections with a greater solid to void ratio at 1st floor level and dormers to the 2nd floor.
The area is within Newcastle settlement development limits and is within the town centre of Newcastle and the main thoroughfare of Newcastle. The site is within an Archaeological Site and Monument of a destroyed castle and the Mourne AONB and also an area of Archaeological potential.

Site History:

R/2012/0382/F – Clare Lodge, 3 Castle Place Newcastle, Amendment to previously approved scheme R/2009/1017/F – for new senior citizens hostel (15 twin rooms, 4 family rooms) (42 PPL) with lounge etc and 3 no retail units – granted – 09-05-2013
R/2009/1017/F – Clare Lodge, 3 Castle Place, Newcastle – New Senior citizens hostel (22 twin rooms, 4 family rooms with lounge and dining and ancillary facilities and 4 no retail units – granted – 11-06-2012

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015 and SPPS and PPS 3.

Consultations:

Environmental Health – responded requesting additional information as stipulations had been made as part of the R/2012/0382 application and as the works are now complete Environmental Health was not consulted at building control stage and the suitability of the building as a café/restaurant is of concern.
NIEA – No objections

Objections & Representations
The application was advertised which expired 24/06/2015 and 10 properties received neighbour notification, to date no objections have been received.

Consideration and Assessment:

The site in question is within the town centre but not within the primary retail core of Newcastle as per the Ards and Down Area Plan 2015, it is also adjacent, in close proximity of an area of existing amenity and open space.
The use of this site as a café/restaurant would be in accordance with the SPPS and also the Area Plan. It is noted that there are a considerable amount of eating places and cafes in Newcastle however it is also noted that the characteristics of this seaside location does draw significant amounts of people to the area for entertainment and leisure activities, it is also noted that there have been no refusals of such applications to date in relation to too many in the area or specific location. Consideration however must be given to the surrounding land uses and in this instance the residential accommodation at 1st and 2nd floor. Environmental Health was also consulted on the application and has responded with concerns.
The applicant was sent a copy of the Environmental Heath response on 27th Jan 16 and was given 21 days to submit amended drawings. A phone call attempt was made to the applicant as there is no agent acting on the case but there was no answer. A second letter was sent 0n 4th March giving until 15th March to submit additional information and again no additional information was received. Therefore as the application cannot be fully considered and the applicant has not been forthcoming with additional information the application must be refused due to lack of information.
The applicant was eventually contacted on 23/03/2016 and was given advice on what needs to be addressed and the applicant was also advised that if she cannot meet deadlines she must contact the office to request an extension of time.
A letter was submitted by the applicant on 15/04/2016 and Environmental Health was re consulted and responded stating that confirmation is required of the make and model of air handling equipment installed including noise data before final comment can be made and also information as to how the ceiling was acoustically designed and sealed to prevent odour penetration to residential property. The applicant was again written to on 26th April 2016 and advised requested information must be submitted within 14 days of the date of the letter unless an extension of time has been agreed. No additional information has been submitted by 10/05/2016 and therefore an informed decision cannot be made and subsequently it cannot be confirmed that to allow the change of use of this building albeit retrospective would not result in the harming of residential amenity of adjoining residential units.

Recommendation:
This application cannot be fully determined as all information has not been submitted to allow necessary consultees to respond therefore the application must be refused.

Refusal Reasons/ Conditions:
The application is unacceptable as insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.

ITEM NO **4**

APPLIC NO LA07/2015/0161/F Full **DATE VALID** 3/27/15

COUNCIL OPINION **APPROVAL**

APPLICANT Mr E Lennon C/O Agent **AGENT** Hillen Architects
87 Central Promenade
Newcastle
BT33 0HH
NA

LOCATION 35 Central Promenade
Newcastle

PROPOSAL
Apartment Building with 14 Units, 3.5 storey with retail spaces and car parking.

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	8	0	0	0

Addresses	**Signatures**	**Addresses**	**Signatures**
0	0	0	0

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

Application Reference: LA07/2015/0161/F

Date Received: 27th March 2015

Proposal: Renewal of full planning permission R/2007/0399/F – apartment building with 14 units 3 ½ storey with retail spaces and car parking.

Location:
35 Central Promenade Newcastle

Site Characteristics & Area Characteristics:
The application site is located within the settlement limit of Newcastle. The site is set within the town centre along a protected route and within close proximity to an area of archaeological potential and an archaeological site and monument while also being designated as a Development Opportunity within the Ards & Down Area Plan 2015.

The site fronts onto Central Promenade with access also being gained to the immediate north of the site along Post Office Lane and to west along Park Avenue. The site has been cleared of any buildings and reads as a gap site when viewed from the main thoroughfare. Located to the immediate south is the Methodist Church which is set back from the main building line. To the north of the site there is a 3 storey building which currently consists of ground floor retail units and 1st and 2nd storey apartments. Within the immediate vicinity there are a number of residential properties including a single storey dwelling and a pair of semi-detached dwellings along Post Office Lane which are orientated to face directly into the application site. The rear and west of the site backs onto Park Avenue which is mainly a residential area with detached dwellings within small plots.

Site History: On application site
LA07/2015/1396/PAD
R/2008/0945/F - Car parking for 28 cars – Approval
R/2007/0399/F - Apartment building with 14 units 3 ½ storey with retail spaces and car parking at 35 Central Promenade Newcastle – Approved 14th April 2010
R/2007/0018/F - Car parking for approximately (40 cars).
R/2010/0040/CA – change of use – Closed 30th April 2012
R/2009/0076/CA – operational development – closed 1st March 2010
R/1995/0486 - Alterations and extension to existing post office

Adjacent lands
R/2005/0929/O - Proposal to build 1 detached house.
R/2005/0808 - Demolition of former Post Office building
R/1980/0177 – Extension to dwelling
R/1995/0471 - Alterations and extension to church hall

Planning Policies & Material Considerations:
Regional Development Strategy (RDS)
Ards/Down Area Plan 2015 (ADAP)
Strategic Planning Policy Statement for Northern Ireland (SPPS)
PPS 3: Access Movement and Parking
PPS 7: (Quality Residential Environments)
PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas.
PPS 12: Housing in Settlements

Supplementary Planning Guidance:
Creating Places: Achieving quality in residential environments

Consultations:
Transport NI – no objection subject to conditions – 23rd March 2016
Rivers Agency – no objections – 25th February 2016
NIEA Built Heritage – no objections – 15th February 2016
NIW – no objections subject to consultations – 23rd September 2015
Environmental Health – no objections 30th July 2015

Objections & Representations
As part of this application 20 neighbour notifications were issued and 8 objections were received with the main points outlined below.

- Loss of light and overshadowing due to proximity to adjoining buildings
- Overlooking – design and layout not in line with PPS7
- Smells and vermin associated with 14 flats fronting onto Post Office Lane
- Noise disturbance – location of waste storage facilities
- Additional traffic to the vicinity and lack of parking facilities along narrow roads such as Post Office Lane.
- Scale of the proposed development – sea front location
- Loss of views from neighbouring dwellings
- Impact on adjacent Methodist Church and associated car park. Also raised concerns about the impact this proposal may have on any development the Methodist Church may wish to undertake in the future and how the Church would be protected during the construction stage
- Impact on commercial businesses due to difficulties in delivery goods etc
- What type of businesses will be facilitated in the shop units
- Increase in property prices - pricing out local residents

Consideration and Assessment:
This application is for the renewal of a previous Outline approval (R/2007/0399/F). This previous Outline application was approved on 14th April 2010 while the current Outline application was received on 27 March 2015 which was within 5 years of the date of the previous approval.

As this is a renewal and was submitted within the applicable timeframe, whereby all the submitted information including the proposed layout is the same as per the previous approval the principal of development has already been established and thus meets the legislative requirement, as set out in Article 3(5)(a) of the Planning (General Development Procedure) Order (NI) 2015 for consideration as a renewal of permission.

Consideration must still be given to all objections and any changes in policy. The principle of the scheme was fully considered as part of the previous application however since then additional policy has been issued in the form of the Strategic Planning Policy Statement for Northern (SPPS). With regards to this proposal this policy must be considered with regards to both the housing and retail elements of the scheme.

In terms of the retail element of the SPPS it is arguably less prescriptive however it outlines that one of its key aims it to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions. As per the previous approval the scheme includes 2 retail units on the ground floor which will aid the creation of a mixed use development. Including these units within the scheme will continue the promotion of focusing retail development within the town centre of Newcastle. It should be noted that in the Environmental Health response they have advised that the retail units should not being used as hot food bars/carryouts to ensure the protection of residential amenity.

Residential Amenity
Concerns have been raised by a number of neighbouring properties with regards to the loss of light, over shadowing and over bearing nature of the development and I personally would share these concerns. Through the processing of the previous application amendments were made to the design of the apartment block to alleviate the impact of the proposal. It should be noted that the design of the building was amended and a section set back from Post Office Lane to leave a greater separation distance between the proposal and the single storey dwelling Number 1 Post Office Lane. At this point there is a separation distance of 10m however I still would have concerns that due to the overall scale and massing of the proposal it would still appear over bearing and dominant when viewed from all dwellings located along Post Office Lane (this is clearly evident in the attached photographs which show the impact of a small prefabricated shed has on the semi-detached dwellings in terms of overshadowing) and would erode the amenity of the existing dwellings.

Within the PPS7 Justification and Amplification paragraph 4.8 refers to particular account being taken with regards to relationship between the spacing between buildings, the safeguarding of privacy and the scale and massing of buildings. In this instance there will only be a separation of approximately 8m between the front elevation of the existing dwellings numbers 3 and 5 Post Office Lane and the side elevation of the proposed apartment block which measures 12m in height. It remains my opinion that this is not a good relationship and would create a negative outlook for these properties.

Design
The proposed height of the front elevation is 10m which reflects a number of the buildings in close proximity along Central Promenade and therefore neither dwarfs or appears overbearing especially when read in conjunction with the neighbouring Methodist Church and therefore does not appear dominant within the townscape of Newcastle. The architectural style reflects the historic seaside resort of Newcastle while enhancing the appearance of the immediate vicinity. All of the proposed finishes which are shown on the attached drawings mirror those which were previously approved. It appears that these finishes were deemed the most appropriate at the location as it was felt that the white render and glass finishes would reflect a certain degree of light which would partly aid the illumination of Post Office Lane. It should be noted that I have concerns that the eastern elevation streetscape which has been provided is not a true reflection of the relationship of the proposed apartment development block with Post Office Lane and therefore does not give show an accurate interpretation between these 2 elements. Post Office Lane is currently a narrow one-way street measuring 4m while the eastern elevation indicates a width of 8m.

Private Amenity
It appears that this apartment development does not benefit from any associated amenity space for the units. However given the proximity to the Promenade and its central location it can be argued that the occupants will have opportunity to avail of the beach which is located in close proximity to the proposal. This issue was also not raised through the processing of the previous application albeit the report on the 2007 application indicated that the initial proposal had balconies located to the front and sides of the proposal.

Transportation/Parking
The proposed plans provide a 1:1 ratio for car parking to the rear of the development at ground floor. Given its town centre location and readily available access to public transport and strong transport links this is deemed an appropriate level of parking.

Recommendation
In making a recommendation it is therefore imperative to take into consideration that this is an application for renewal which was received within the 5 year time requirement. Taking into the consideration that the principle of development has been established at this site as per R/2007/0399/F and the scheme remains identical along with the fact that there has been no change in Policy I believe that the proposal must be approved.

Recommendation:
Approval

Case Officer: Maria Fitzpatrick 11th May 2016

11/5/16

Conditions

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

Reason: Time Limit.

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Act 2011. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 03 bearing the date stamp 4th December 2015

REASON: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3.Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Act 2011 no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, in verges / service strips) determined for adoption.

REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services

4. Notwithstanding the provision of the Planning (General Development) (Northern Ireland) Order 1993, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out in verges/service strips determined for adoption.

Reason: In the interest of Road Safety.

5. The development hereby permitted shall not be ..... until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges

Rivers Agency will require to be consulted regarding the discharge of any storm water into an existing water course prior to commencement of building works on site.

6. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Regional Development Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians

7. The Street Lighting scheme, including the provision of all plant and materials and installation of same will be implemented as directed by the Department for Regional Development Street Lighting Section.

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

8. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer/applicant in accordance with the Departments specification (Design Manual for Roads and Bridges) and as directed by Roads Service Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interest of road safety and traffic progression.

9. The gradient of a private access should not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interest of Road Safety

10. The developer/applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to the Department of Regional Development Roads Service for agreement in writing.

Reason: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

11. The development/applicant will contact Roads Service Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

Reason: In the interest of road safety and traffic progression.

12. (a) The development hereby permitted shall not be commenced until the developer/applicant has submitted to and received approval from the DRD Road Service for a scheme for the highway improvements indicated generally on drawing No 06-47-100 dated the 2nd of October.

(b) Pedestrian guard rails, tactile paving to be provided as where is considered necessary by the Department.

Reason: To ensure the safety and convenience of road users and pedestrians.

13. No business shall be carried out on the apartments occupied from the development hereby permitted until the works comprised in the highway scheme

referred to in condition 4 have been fully complemented and so certified by DRD Road Service in writing.

Reason: To ensure the safety and convenience of road users and pedestrians.

14. (a) The development hereby permitted shall not be commenced until the developer/applicant has submitted to and received approval from the DRD Road Service for a scheme for the highway improvements indicated generally on drawing No 06-47-100 dated the 2nd of October.

(b) Pedestrian guard rails, tactile paving to be provided as where is considered necessary by the Department.

Reason: To ensure the safety and convenience of road users and pedestrians.

15. Alteration to existing road markings on the public road will be required to be carried out by the applicant at their own expense. This work must be agreed with DRD Road Service, Traffic Management prior to commencement of work on site.

Reason: To ensure the safety and convenience of road users and pedestrians.

16. The retail units shall not be used as hot food bars/carryouts.

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

17. Telegraph pole to be re-sited to the rear of footway and to a location approved by the Department.

Reason: To ensure the safety and convenience of road users.

18. The floor between the retail units, car park and living accommodation to be acoustically engineered to prevent noise disturbance to the residential apartments.

Reason: To safeguard the living conditions of proposed residents

19. All services within the development should be laid underground.

Reason: In the interests of visual amenity

20. None of the units hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans

Reason: In the interest of public health

ITEM NO **14**

APPLIC NO LA07/2016/0036/F Full **DATE VALID** 1/8/16

COUNCIL OPINION **REFUSAL**

APPLICANT Mrs Bronagh Smith 17
Demesne Crescent
Downpatrick
BT30 6WA

AGENT PTB Architecture
23 Greenwood Hill
Belfast
BT8 7WP
07714702570

LOCATION 17 Demesne Crescent
Downpatrick
BT30 6WA

PROPOSAL Proposed rear extension to a dwelling

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 Policy EXT 1 of Addendum to Planning Policy Statement 7 (Residential Extensions and Alterations) in that the extension would, if permitted, adversely affect the amenity of neighbouring property resulting in an unacceptable level of overlooking and consequent loss of privacy to neighbouring property.

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

Application Reference: LA07/2016/0036/F

Date Received: 08.01.2016

Date of site visit: 12.02.16

Proposal:
The Council has received an application for a new two storey extension and balcony to rear of dwelling to facilitate access and improved quality of home-life for a disabled person.

Location: 17 Demesne Crescent, Downpatrick

Characteristics of site:
The site is comprised of a two storey detached domestic dwelling and associate domestic curtilage. The existing dwelling fronts gable end on to the road and is fairly level with the road (Demesne Crescent). At the front this dwelling is very open and visible from the road with no boundary treatment separating the small front garden from the public footpath. There is a separate semi-detached garage building to the R.H.S of dwelling (between this property and No. 15). This building is single storey to front elevation and two storey to rear with garage on upper level and store to void under.

To the rear the ground floor level is approximately 3.0m higher than ground level and rear access to the dwelling is achieved via an external staircase and landing. There is a 1.8m high vertical timber boarded fence to both sides and rear boundary of rear garden. This boundary treatment affords good privacy to the rear amenity space of this dwelling. The rear garden slopes downwards away from rear elevation of dwelling.

Characteristics of area:
The site is located on the outskirts but within the settlement limit of Downpatrick as stated in the Ards and Down Area Plan 2015 and shown on Map No.3/002a. It is located in a medium density residential development adjacent to the Ardglass Road with neighbouring properties of the same period (circa 2005) and all sharing a similar style.

Site History:
R/2014/0001/O Adjacent to 21 Demesne Crescent Downpatrick.
Dwelling and garage. Permission Granted - 01.04.2014
R/2007/0413/F Site 144 Demesne Link,Demesne,Ardglass Road, Downpatrick.
Proposed sun lounge and extension. Permission Granted - 08.10.2007
R/2006/0760/F 1 Demesne Avenue, Downpatrick.
Sunroom and new garage to rear of dwelling. Permission Granted - 04.10.2006
R/2006/1042/F 3 Demesne Avenue, Downpatrick, Co.Down
Sun lounge to rear of the dwelling. Permission Granted - 06.12.2006
R/2001/0359/F Demesne Housing Development, Ardglass Road, Downpatrick.
Construction of 212 dwellings. Permission Granted - 03.10.2002

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015

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

Addendum to PPS7 Residential Extensions and Alterations
The Addendum to Planning Policy Statement 7; residential Extensions and Alterations
Policy EXT 1 sets out the main considerations that the Council will take into account in assessing proposals for residential extensions and/or alterations. The provisions of this policy will prevail unless there are other overriding policy or material considerations that outweigh it and justify a contrary decision.

Consultations:
NIEA were consulted due to this site being nearby an archaeological site and monument. Historic Monuments Unit considered the impacts of the application and on the basis of the information provided were content with the proposal.

Objections & Representations:
8 No. neighbouring properties within proximity to this site were notified and no objections were received.

Consideration of the proposal:
This submitted application for an extension proposes to provide accommodation for a person with a disability and the need for this has been confirmed in a letter from an occupational therapist. It is proposed to construct a two storey extension to the rear of the existing dwelling and due to the site location, topography and boundary conditions it will only be visible from the rear. At lower ground floor level this proposal will project 6.3m from the rear elevation and be 6.6m wide which is the full width of existing rear elevation.

At this lower ground floor level the extension will provide space for a new double bedroom. A new disabled wc/shower room and a new wardrobe room accessed from proposed bedroom will be created in void under existing dwelling. There will be 1No. high level window to L.H.S elevation and 1.No. long narrow window each side of a set of fully glazed double patio doors to rear elevation of lower ground floor level. The R.H.S elevation of proposed lower ground floor level is to be completely solid with no window or door openings.

This lower bedroom level will be internally accessed from dwelling via a new lift housed in proposed lobby extension to ground floor level. This proposed ground floor lobby extension will project 3.8m from L.H.S of rear elevation and be 3.8m wide and is to have a standard pitch roof. The proposed ridgeline is at a height of 2.9m above finished ground floor level and subordinate to ridge of main roof to existing dwelling by 6.3m.

This ground floor level extension is to have an open gable roof to rear elevation and constructed with red facing brick walls and piers. Within originally submitted proposal this 'lobby' was to have fully glazed double-doors with glazing units to the entire length of L.H.S elevation with large glazing units full width of rear elevation continuing 2.0m around corner to R.H.S elevation facing into rear amenity space of neighbouring property No. 15 Demesne Crescent. The amount, size and location of glazing to this 'lobby' projection to the rear were considered to be excessive and both the agent and applicant were made aware that this arrangement would not be compliant with current planning policy.

Amended plans were subsequently received and these drawings showed a reduction in glazing to both side elevations. The R.H.S elevation facing towards neighbouring property No.15 is to have a high level strip window with high cill level measuring 1.5m wide x 0.5m high. The L.H.S elevation facing towards neighbouring property No. 19 is to have a large 1.5m wide x 1.4m high window with low cill level. The rear elevation is to have a set of fully glazed double doors with 0.7m wide x 1.5m high window to each side.

This lobby extension to ground floor will sit on top of flat roof to lower ground floor extension and initially (as part of originally submitted design) the remaining area of lower ground floor roof was to form a large raised L-shaped balcony/patio area to side and rear. This large area high level balcony was considered to be unacceptable and agent was requested to amend/reduce the extent of this balcony. The latest amended plan shows balcony/refuge area the full 3.8m width of and projecting 3.5m from rear elevation of proposed ground floor level lobby extension and finishing in line with the proposed rear elevation of lower ground floor extension below.

This balcony area will be 3.0m above existing ground level to rear and finish level with the existing ground floor finished floor level. This raised balcony/patio area to rear is to have 1.1m high railings around entire perimeter. The amended plans received also show low pitched roof to side of proposed rear lobby projection to cover lower ground floor level extension

Due to the height, topography and design it is not considered that the lower ground floor element of this proposal will create any unacceptable overshadowing or over looking to adjacent properties to either side or the rear. Due to the natural path of the sun and the separation distances the ground floor lobby extension will not create any over shadowing. Some over-looking of the rear amenity areas to both neighbouring properties already exists, however due to the height and scale of proposed balcony to ground floor level and extent of glazing to proposed L.H.S elevation it is considered that this proposal will be demonstrably worse than the current situation (specifically in relation to the rear of No.19).

If this proposal is constructed there will be a separation distance of 10.0m to the rear boundary and 35m to the rear elevations of the properties to the rear (Demesne Hollow). To the R.H.S there will be a separation distance of 5m to the boundary with neighbouring property No. 15 Demesne Crescent and 10m to the side elevation of this dwelling. There will only be 2.0m separation distance to the L.H.S boundary with neighbouring property No. 19 Demesne Crescent and a total distance of 4.0m between the side elevations of both these properties.

This property and the majority of neighbouring properties are finished entirely in rustic red facing bricks. The existing dwelling has a 'turf brown' coloured concrete interlocking tile covered pitched roof with white uPVC rainwater goods, windows and doors. The finishes of proposed extension are all to match existing.

With regard to policy EXT 1 set out in the PPS 7 addendum for achieving quality in relation to proposals for residential extensions and alterations (March 2008) the Council is satisfied that this proposal will not over develop the site and an acceptable proportion of amenity space will remain to the rear. The proposed extension is in keeping with the style and materials of the existing dwelling and surrounding properties. However it is considered that if approved this extension would increase possible opportunities for over-looking to rear amenity space of neighbouring properties.

This proposal would increase overlooking to rear of No. 15 from proposed balcony/refuge area and over looking to rear of No.19 from proposed balcony/refuge area and from window to L.H.S elevation of proposed rear 'lobby' extension to existing ground floor level. As such it is considered that this proposal would cause unacceptable damage to the residential amenity of this established area.

Although an OT letter has been submitted to accompany this application and works are clearly to facilitate a person whom is disabled, unfortunately the location of existing dwelling and the topography of this site does not allow for an extension of this design. This proposal is considered to conflict with policy EXT 1 of Addendum to PPS 7 through its impact on the amenity of residents of No 19 Demesne Crescent. Due to the height of proposed rear extension to ground floor level , projection distance from rear elevation, size and location of glazing and rear balcony element it is considered that this proposed extension will afford increased overlooking opportunities to the rear amenity space of neighbouring property.

Recommendation:
After consideration of all relevant planning policies and other material factors it is not considered that this proposal satisfies the requirements of the policies and I therefore recommend it is refused.

Refusal Reason:
The proposal is contrary to Policy EXT 1 of Addendum to Planning Policy Statement 7 (Residential Extensions and Alterations) in that it will result in an unacceptable level of overlooking and consequent loss of privacy to adjoining property (No.19).

ITEM NO **21**

APPLIC NO R/2014/0178/O Outline **DATE VALID** 4/3/14

COUNCIL OPINION **REFUSAL**

APPLICANT Mr PJ McKeown c/o 108
Loughinisland Road
Loughinisland
Downpatrick
BT30 8JL

AGENT Jason Walker
Architect 51
Buckshead Road
Downpatrick
BT30 8JR
07738054941

LOCATION Site approx 120m South of No 108 Loughinisland Road
Loughinisland
Downpatrick
BT30 8JL.

PROPOSAL Proposed single storey dwelling for disabled occupant in accordance with PPS21 CTY6.

REPRESENTATIONS

OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
0	0	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

1 The proposal is contrary to the SPPS 2015 and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

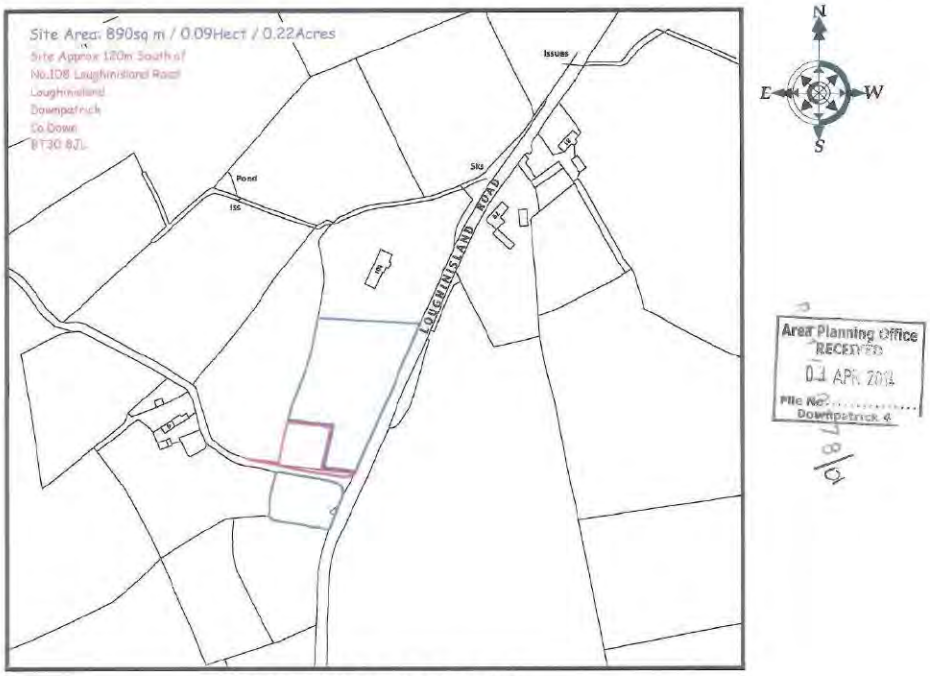
Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference:	**R/2014/0178/O**
Date Received:	**03.04.2014**
Proposal:	**Proposed single storey dwelling for disabled occupant in accordance with PPS21 CTY6.**
Location:	**Site approx 120m South of No 108 Loughinisland Road Loughinisland Downpatrick**

Site Characteristics & Area Characteristics:

The site is located in the countryside between Loughlinishalnd and Annaclocy. This area is rural with large detached dwellings, agricultural land and outbuildings. The area has a drumlin topography and the Loughinisland Road has confined views due to the drumlin and character of the landscape typified by large agricultural fields with mature hedges and trees.



SITE LOCATION PLAN
(Scale: 1:2500)

The site is relatively flat and non-profiled and is accessed from the Tareesh Lane with established mature boundaries defined by trees to the north, west and east and the southern boundary, which abuts the Tareesh lane is defined by a mature ditch and hedge.

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

Site History:

R/2007/1133/F
Mr P J McKeown
108 Loughinisland Road
Farm shed to store machinery and cattle feed
Refused 7.12.2011

R/1991/0780
Opp 79 Loughinisland Road
Farm Dwelling
Granted 22.1.1992

Opposite site
R/2005/0131/O
Mr P McKeown
560m SE of 108 Loughinisland Road
Proposed dwelling
Refused 5.12.2007(Prematurity to Ards and Down Area Plan and Access)

Planning Policies & Material Considerations:
SPPS 2015
Ards and Down Area Plan 2015.
PPS 21 Sustainable Development in the Countryside
PPS 3 Access, Movement and Parking
Building on Tradition

Consultations:
NI Water
Standard response detailing informatives should the application be approved.

DRD Road Service
No objections to the proposal

DDC Environmental Health
No objections subject to the sceptic tank being located 15m from the dwelling and consent to discharge is required from NIEA WMU.

Objections & Representations
No objections received.
Rep made by Margaret Ritchie MP in support of the application.

Consideration and Assessment:
The SPPS states in relation to **A dwelling where there are personal and domestic circumstances:** provision should be made for a dwelling to meet the long terms needs of a

person where there are compelling and site specific reasons related to the person's personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, 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 the retained policy.

There is no policy conflict between the SPPS and CTY 6.

Policy CTY6 refers to Personal Circumstances and is relevant in the case of this applicant and their needs.

Policy CTY6 states that permission for a dwelling will be granted for the long term needs of the applicant where there are compelling, site specific reasons related to the applicants personal or domestic circumstances provided criteria (a) and (b) are met:

(a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if the planning permission were refused;

(b) there are no alternative solutions to meet the particular circumstances of the case, such as an extension or annex attached to the existing dwelling: the conversion or re-use of another building within the curtilage of the property; or the use of a temporary mobile hime for a limited period to deal with immediate short term circumstances.

The application was submitted with medical evidence in form of a letter from their GP and Occupational Therapist. Having considered the detail, I am satisfied that the applicants circumstances are compelling and detail a long term need which will require an increase in care over time, i am not easily persuaded that the circumstances justify a separate dwelling that would remove the on-site care support the applicant and his wife have at present at No 108 Loughinisland Road.

The site specific reasons for this site to accommodate a detached dwelling purpose built for the applicant are not as straightforward. The supporting document details that the applicant and his wife currently reside with his son at 108 Loughinisland Road, which is in close proximity to the site, at 90m to the north. The site location details that the applicant owns/controls the land which immediately abuts his sons dwelling at 108 Loughinisland Road. The applicant's current living circumstances require aid when accessing the 1st floor bedroom accommodation as there are no ground floor bedrooms and the letter from Occupational Therapist detail that the applicant requires ground floor bed and shower facilities with ramped access suitable for wheelchair use.

It has not been adequately demonstrated that this cannot be achieved through a re configuration/extension/conversion to the existing property at 108 Loughinisland Road. It is not unreasonable to consider that an annex/extension to the dwelling at 108 would ensure that the current level of care is maintained and the applicant would have the benefit of having his son present on site when required while achieving a level of independence with the added benefit of on-site support from both his wife and that living at 108 would provide for his sons support, as care giver, would guarantee. This is particularly relevant considering that the nature and level of care, required by the applicant, will increase as time progresses.

It is noted that the property benefits from an integral double garage, the conversion of such to a self-contained granny flat has not been explored.

The supporting information details the consideration of alternative sites however they have been ruled out due to cost and distance from his sons residence and that genuine hardship would be caused should the proposal be refused as the supporting document details the applicant would not be able to maintain a relatively normal life and he would not be able to received his current level of care from family members. The information does not provide any detail as to why the family would no longer care for the applicant if a dwelling was not approved on his lands in relation to his circumstances and why the current situation is no longer tenable.

The applicant has detailed that the cost of extending No 108 Loughinisland Road coupled with the disruption noise and nuisance to his sons home would be more than that required to build a new dwelling and would hinder the re-selling of the dwelling in the future. There are no buildings under the applicants control that could be considered and a mobile home is not a suitable consideration as the accommodation is required for the applicant for the remainder of his life.

Having considered the information provided with the proposal, coupled with Policy CTY6, I am not persuaded that a dwelling on this site is suitable for the applicants circumstances due to the level of care and support he currently receives at No 108 Loughinisland road. I am not of the opinion that the refusal of the proposed dwelling would result in genuine hardship as alternative solutions, relating to current circumstances and levels of care at the existing residence could not be facilitated through a new dwelling but could be both maintained and enhanced through the extension of the existing dwelling to provide suitable accommodation within the large plot.

Considering the site in terms of CTY13 and 14, it provides a high level of integration due to the band of mature trees to the east and north. This would ensure that a single storey dwelling could be integrated into the site. The required visibility splays of 2.4 by60 would require removal of the mature hedge. This could be mitigated through the imposing of a condition to ensure that the existing hedge, or indeed, a new hedge is planted to the rear of the visibility splays prior to work commencing on site. Considering the proposal in relation to Policies CTY8, 13 and 14 i consider the proposal is in keeping with these policies and would not result in the creation of a ribbon or suburban development along the Loughinisland Road.

The application was presented to Down Council in August 2014 as a Refusal and Council agreed with the recommendation. The issuing of the decision notice was held at the request of the MP Margaret Ritchie who had requested a meeting with Minister Durkan.

It is understood that the application was discussed at a meeting with the Minister.

The applicant has requested that the decision notice issue to allow recourse to the Planning Appeals Commission.

Recommendation:
Refusal

Refusal Reason

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory evidence that a new dwelling is a necessary

response to the long term needs of the applicant in response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

Signed **.....**

……..

R/2014/0178/O - Disabled Dwelling

The case officer in her report has accepted that the proposal is in line with CTY8, 13 and 14 – in that the proposal will cause no harm to the surrounding area and is well designed, in order to integrate into the surrounding area with strong boundaries etc, so this is taken as read.

However with regard to CTY 6 (Personal and Domestic Circumstances) we are of the view that the case officer has been somewhat dismissive of the case in terms of the merits of the proposal (based on the vast amount of information presented by medical professionals and a detailed Planning Statement). The applicant is being reduced to continued requests to either extend the applicants son's home (with whom the applicant currently lives) or consider the use of a mobile home/submit a fresh application for a new home within the existing boundary of his son's home. The reasons why this would not be possible have been provided to Planning Service, i.e. disturbance to Mr McKeown's son's young family, the associated construction costs for an extension which would have a direct impact on future sale of the property, the difficulty of potentially selling the existing home should a new home be constructed immediately beside same (from a shared driveway) and the basic appearance of same in terms of current Planning Policy adjacent to the family home.
We feel this is very insensitive to the case in hand and the overall thrust of the policy, which states in its 'justification and amplification' that, *there may be cases where special personal or domestic circumstances require a new house in the countryside. Such cases will include instances where a young adult who requires a continuing and high level of care, but who could also benefit from a greater degree of independent living.* While this state's young adult it would be hoped that Mr McKeown was not being discriminated against because of his age and the case officer's fixation on his need for progressively more care in the coming years. Nowhere in the policy does it state that a worsening condition should result in a refusal and to this degree it is felt the Planning Department have been very harsh.

The case officer also seems to be fixated on the lack of access (on foot) between the dwellings, another point which is not highlighted under the policy. The proposed dwelling is close enough to the applicant's son in order to provide *independent living* without father and son living in each other's pockets. As the land between the existing dwelling and the proposed site is owned by the applicant it would be a minor issue to provide a footpath access between both plots. At this stage in his life all that Mr McKeown is asking for is to live his remaining years with his wife, having his son close enough to provide assistance for daily routines i.e. general care and if required intervention for emergencies if necessary.

In line with the guidance under this policy the applicant has provided
• a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional
• details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation
• an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused
• details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling, alternative sites and why such alternatives are not considered practical to meet the site specific need
• any other information considered relevant to the particular case

We would ask councillors to reconsider this application for a site meeting, meeting with Mr McKeown and his family to establish exactly what is being proposed on the ground and we hope that the Council will be compassionate in their decision. Thank you and we would welcome questions.

ITEM NO	**22**			
APPLIC NO	R/2014/0442/O	Outline	**DATE VALID**	8/18/14
COUNCIL OPINION	**REFUSAL**			
APPLICANT	John Breen 1 Laurel Close Darragh Cross Saintfield BT24 7PN		**AGENT**	
				NA
LOCATION	Rear of 25 Killybawn Road Crossgar			
PROPOSAL	Proposed dwelling on a farm			

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

1 The proposal is contrary to the SPPS 2015 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 equestrian business is currently active and has been established for at least six years and is visually linked or sited to cluster with an established group of buildings on the holding.

2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on a farm.

3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.0metres x 60 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

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

Application Reference:	**R/2014/0442/O**
Date Received:	**18.08.2014**
Proposal:	**Proposed dwelling on a farm**
Location:	**Rear of 25 Killybawn Road Crossgar**

Site Characteristics & Area Characteristics:
The site is occupied by 5 wooden stable buildings which are flat roofed and single storey. The site is accessed from the Killybawn Road through an established stone lane which serves an agricultural building and lands. The site has an undulating topography rising from the access from the lane, lowering at the field boundary to the south and east. The boundaries are well defined with a mature hedge. The fields to the south also have a similar undulating topography with well defined boundaries.

The site is located in the countryside to the north of Crossgar Village in the Area Plan 2015. This area has an undulating topography associated with a low-lying drumlin landscape. The area has a dispersed rural settlement pattern dotted with agricultural buildings, lands and detached dwellings which range from single to 2 storey.

Site History:
No relevant planning history for the site

Planning Policies & Material Considerations:
SPPS 2015
Ards and Down Area Plan 2015.
PPS 21 Sustainable Development in the Countryside
PPS 3 Access, Movement and Parking

Consultations
DARD - the applicant has no farm number and makes no returns to DARD.
NI Water – no objection
EHO- no response received
Transport NI) – Refusal recommended

Objections & Representations
4 neighbours notified and advertised on the 03.09.2014.

2no reps from No.25 Killybawn Road received raising issues of the nature of the equine business, integration of the proposal in the landscape, existing buildings on the lands and their lawfulness and inability to achieve sight lines.

Representation in support made by Margaret Ritchie MP

Consideration and Assessment:
There is no policy conflict between the SPPS and CTY 10. The SPPS makes no reference to Equine operations.

Based on the information provided this application seeks outline permission for a dwelling for an equestrian business, and therefore Policy CTY10 of PPS21 applies.

From the information provided, the applicant resides at 1 Laurel Close, Darragh Cross, the business was established in 2007 and has 6 Mares, 4 Yearlings', 6 Racehorses (Standard Bred) and 4 Foals (at time of application). The applicant also attached a statement of the business. This includes advising that the applicant keeps and breeds horses for commercial purposes for the sole purpose of selling on to the commercial world of racing which has been built up since 2007 and has now become untenable as the applicant cannot be present on site for safety, security and the well-being of livestock. The applicant notes that due to his distance from the site, on 2 occasions this has resulted in the death of 2 horses. Foaling also presents further difficulties as the applicant must sleep on site to ensure he is present for foaling.

The applicant advises that the land was purchased in 2007 when 5 stables were erected on site to facilitate 7 Mares and 5 foals. No land has been sold-off from the farm since 2007.

The supporting information includes:
- 4 horse passports
- Note from Robert Steele ·& Associates, Veterinary Practice at 26 Hillsborough Road, Comber advising that the applicant has had horses treated at their practice for a number of years.
- Note from Ned Carlisle (Equestrian Feeds and Foaling Service) at 106 Crossgar road, Ballynahinch advising he supplies the applicant with horse feed and foaling mares for the last 10 years.
-Letter from Solicitor McAteer ·& Co at 97 Bloomfield Road, Belfast regarding the purchase of the Lands at Killybawn Road (Folio No: DN 37340) dated 31.8.2007 with a Bill of Costs and Cash Statement enclosed.
- Letter from STAGBI Breeding Database (The Standardbred and Trotting Horse Association of Great Britain and Ireland) stating that Mr Breen has been keeping and breeding horses at the stables at Killybawn over the past 7 years. Letter not dated.

No rateable records are available for the proposed equine business. No formal accounts submitted. No copies of horse insurances have been submitted. The additional information includes a statement from the applicants Veterinary Practice, no specific dates, incidents, activities, attendances noted, a statement from Equestrian Feeds and Foaling Services with no specific dates, activities mentioned. The purchase of the lands has a clear date and was over 6 years ago in 2007. There is no information or evidence submitted relating to the business operating on the site, the erection of the stables which do not have the benefit of planning permission.

As the buildings on site are unauthorised the proposal fails to satisfy CTY10 criterion (c) and therefore CTY13.

To conclude the applicant has failed to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years.

Transport NI have advised the proposal is contrary to policy in that

Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.0 metres x 60metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Recommendation:

Refusal

1. The proposal is contrary to the SPPS 2015 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 equestrian business is currently active and has been established for at least six years and is visually linked or sited to cluster with an established group of buildings on the holding.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on a farm.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since visibility splays of 2.0metres x 60 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (width) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Signed .....

……..

R/2014/0442/O
James Morgan
to:
democratic.services@nmandd.org
26/07/2016 20:59
Hide Details
From: James Morgan <jimmyjoeinver@hotmail.co.uk>
To: "democratic.services@nmandd.org" <democratic.services@nmandd.org>,

26th July 2016

To: Newry Mourne and Down Planning Committee

Reference: R/2014/0442/0

Proposal: Dwelling on a farm at the rear of 25 Killybawn Road, Crossgar.

The above application has been recommended for refusal by the Council Planning Department. Below I have listed my response to the refusal reasons.

I wish to highlight a preliminary matter regarding the unacceptable delay in the processing of this planning application. Mr Breen submitted this outline application in August 2014 to facilitate a dwelling on his farm land in order to care for his horses. Unfortunately this inordinate delay has resulted in the loss of foals and the theft of expensive equine tack, from his isolated stables and farmland.

The applicants involvement in the horse breeding business and racing is well known. He is a related member of the Murdock family who have been famous horse breeders for generations. This fact has been confirmed to the planners by his local Councillor Mr. Terry Andrews and his MP Margaret Ritchie. In the processing of his application he has submitted an array of supporting and convincing information to support his case. The following documentation was forwarded:

- Confirmation from the Equine Breeding Database that Mr Breen has registered numerous horses over 20 years
- Confirmation from Stud Farms from England of Mr Breen's business transactions over 20 years.
- Confirmation from Horse Racing Clubs of Mr Breen's business status within the racing business.
- Confirmation from his Vet and his farm feed suppliers of his business dealings

Further information was forwarded to the senior planner at an office meeting in December 2014 that included additional horse passports and a comprehensive list of fifteen persons who have all purchased horses from Mr Breen at his farm land in Killybawn Road. However the case officers report has not even made reference to this additional information in their submitted case report. The planners have failed to give adequate weight to the supporting information and even disregard the verification from the local MP of Mr. Breen's long time involvement in horse breeding.

In respect of the stables. These constitute agricultural buildings and have been established on the site for the past nine years. The senior planning officer was also provided with an ordinance survey aerial photograph dated to support this claim. This is also omitted from the case officers site report.

Rather, the case officer states that the stables are unauthorised. They in fact would have the same

planning status as thousands of other agricultural buildings throughout the countryside that didn't have the benefit of formal planning permission, but because of the passage of time and existence they would in fact benefit from lawfulness because they satisfy the criteria as set out in Section 169 (2) of the Planning Act N.I. 2011.

Planning law states that planning policy is for guidance and it is not a set of immutable rules. The requirement for clustering a new dwelling with existing established farm buildings is so that it would blend sympathetically with its surroundings. In this application the proposed siting is actually invisible from any public vantage points and benefits from extensive natural screening. Further this is only an outline planning application and the applicant has indicated that the proposed siting will be clustered with the existing stables, which he intends to replace in later years.

In respect of the roads reasons for refusal, the planning case officer has also failed to acknowledge a submission forwarded to them that is based on planning case law that the required visibility splays can be dealt through negative conditions as led out in Planning Policy Statement 3, AMP 2. The necessary splays are achievable.

In relation to the width of the laneway, there is no persuasive evidence to date that the current lawful use of the lane by the applicant has prejudiced road safety. The drivers using the lane exercise due caution as a response to its width. Again this approach is supported by case law as in recent planning appeals decisions, which were forwarded to the planning case officer.

Finally in respect of an objection from a neighbour to this proposal. The objection appeared to be totally vexatious. The objector claimed ownership of lands that would be necessary for the required visibility splays. The objector does **not** own the relevant lands. Land Registry checks indicated that the relevant lands belonged to other parties, who in fact are willing to provide the necessary splays when required.

In conclusion this proposal totally satisfies the relevant planning policies and I would respectively request that the Planning Committee would support its approval.

James Morgan MRTPI

Sent from my iPad