



April 27th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 11th May 2016** at **10:00 am** in the **Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor J Tinnelly

Vice Chair: Councillor W Clarke

Members: Councillor M Larkin

Councillor M Ruane

Councillor V Harte

Councillor D McAteer

Councillor K Loughran

Councillor L Devlin

Councillor M Murnin

Councillor G Craig

Councillor H McKee

Councillor P Brown

Agenda

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

Minutes for Consideration and Adoption

3. **Minutes of the Planning Committee Meeting held on Wednesday 27 April 2016. (To follow).**

Development Management - Planning Applications for determination

4. **LA07/2015/0343/0 - Brian Garvey - site for 2 infill dwellings and detached garages between 64 and 72 New Road, Silverbridge, Newry. (Representations from Councillor O'Muiri attached. Case Officer report attached).**

Rec: REFUSAL

[LA07 2015 0343 O Brian Garvey.pdf](#)

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5. **LA07/2015/0589/F - John McCaffrey - erection of dwelling and garage on infill site - immediately south and east of 28 Derryleckagh Road, Newry. (Representations from Councillor Kimmins attached. Case Officer report attached).**

Rec: REFUSAL

[LA07 2015 0589 F John McCaffrey.pdf](#)

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6. **LA07/2015/0696/F - Newry, Mourne and Down District Council - retrospective application for retention of 2.4m high metal palisade fence to site boundary adjacent to mobile containers (amended plans) - Shandon Park Playing Fields, Cloghanramer Road, Newry. (Case Officer report attached).**

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

LA07 2015 0842 O G Reavey.pdf

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8. **LA07/2015/0958/F - Mr Roche McGreevy Jr - proposed storey and a half dwelling - site 50m north east of 101a Manse Road Raffrey. (Case Officer report attached).**

Rec: REFUSAL

LA07 2015 0958 F Roche McGreevy Jr.pdf

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9. **LA07/2015/0961/F - Mr and Mrs Savage - replacement dwelling - 6 New Line, Crossgar. (Representations from Councillor Harvey attached. Case Officer report attached).**

Rec: REFUSAL

LA07 2015 0961 F Mr & Mrs Savage.pdf

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10. **LA07/2015/0995/F - Marie Hearty -two storey farm dwelling with detached garage and associated site works - lands 91m nw of 3 Glenmore Road, Mullaghbane, Newry. (Representations from Councillor Hearty attached. Case Officer report attached).**

Rec: REFUSAL

LA07 2015 0995 F Marie Hearty.pdf

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11. **LA07/2015/1408/F - Paul Burke - retention of existing domestic store as built to rear of dwelling (retrospective) - 12 Marshallstown, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

LA07 2015 1408 F Paul Burke.pdf

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12. **LA07/2016/0061/F - John Higgins - extension to front, side and rear of dwelling - 18 Vianstown Park, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

[LA07_2016_0061_F John Higgins.pdf](#)

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13. **LA07/2016/0363/LDE - Newry, Mourne and Down District Council - temporary access to the existing leisure centre site for a period of 24 months - Dunleath Playing Fields - 40m south of 114 Market Street, Downpatrick. (Case Officer report attached).**

Rec: APPROVAL

[LA07_2016_0363_LDE NMDDC.pdf](#)

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14. **P/2013/0546/F - Fitzpatrick Brothers - 11 detached houses, 11 detached garages, road determination, alterations to existing public road, sewer installation and associated site works - Yellow Road, Hilltown (lands enclosed by 4 Yellow Road Nos 3-9 Oakridge Villas and Nos 7-13a Slievenagarragh. (Case Officer report attached).**

Rec: APPROVAL

[P_2013_0546_F Fitzpatrick Brothers.pdf](#)

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15. **P/2014/0320/F - Paul Grant - erection of dwelling (change of house type and site position from previously approved application ref. no. P/2007/0720/RM) and new detached garage - 70m south of 9 Longfield Road, Lislea. (Case Officer report attached).**

Rec: REFUSAL

[P_2014_0320_F Paul Grant.pdf](#)

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16. **P/2014/0997/F - Michael Hearty - dwelling house and garage on a farm - 100m east of 98a Newry Road, Crossmaglen. (Representations from Councillor Hearty attached. Case Officer report attached).**

Rec: REFUSAL

[P 2014 0997 F Michael Hearty.pdf](#)

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17. **Q/2014/0087/F - Rev Peter McNeill - extension to graveyard - approx 30m north east of 149 Rathfriland Road, Finnis, Dromara. (Case Officer report attached).**

Rec: REFUSAL

[Q 2014 0087 F Rev Peter O'Neill.pdf](#)

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18. **LA07/2015/1248/F - NI Water - refurbishment of existing dam and associated ancillary works - Camlough Dam. (Case officer report to follow).**

Rec: APPROVAL

[LA07 2015 1248 F Camlough Dam.pdf](#)

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For Noting

19. **Planning Department Performance Indicators. (To follow).**
20. **Report - contact from Public Representatives - April 2016. (To follow).**
21. **DOE Planning Policy Division - 3 new statutory rules setting out the new consultation arrangements. (Attached).**

[Changes in responsibility.pdf](#)

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

Council Newry, Mourne and Down

Date 5/11/16

ITEM NO	1			
APPLIC NO	LA07/2015/0343/O	Outline	DATE VALID	5/20/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Brian Garvey 2 Slieve View Tullydonnell Silverbridge Newry		AGENT	Quinn Design and Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY NA
LOCATION	Between 64 and 72 New Road Silverbridge Newry			
PROPOSAL	Site for 2 infill dwellings and detached garages			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along New Road
- 2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Application Number: LA07/2015/0343/0
Applicant: Brian Garvey
Proposal and Location: Site for 2 infill dwellings and detached garages
Councillor's Name: Councillor O'Muirí

Reason(s) for requesting application appear before the Planning Committee:

I have received strong support for this application which has been recommended for refusal, from the applicant as well as the agent. They have sought legal advice and have asked me to have any recommendation deferred.

I can forward their logic as to why they believe the decision to be wrong.

They have asked for me to arrange an office meeting to clarify the planning position.

From reading the Case Officer's Report, it would appear that the report has heavily influenced the planning department in recommending this application for refusal.

I have reviewed the Case Officer's Report and discussed the report with the applicant.

The applicant and I strongly contend that the Case Officer has not applied Policy CTY 8 in the correct manner.

Furthermore, the Case Officer has in-correctly quoted Policy CTY 8 before testing the application against an incorrect version of the policy.

In summary, the Council's approach is at odds with the policy as it imposes a test which has no policy basis.

Against this background, the applicant is requesting a meeting which would be attended by yourself to discuss the application with the planning department.

Best regards
Brendan Quinn
BSc Hons
ICIOB

Quinn Design & Engineering Services

36 Carrogs Road, Burren, Warrenpoint, Co. Down, BT34 3PY

mobile: 00447768854084

office: 00442841772377

email: brendanfrancisquinn@yahoo.co.uk



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

Delegated Application

Development Management Officer Report		
Case Officer: Gareth Murtagh		
Application ID: LA07/2015/0343/O	Target Date:	
Proposal: Site for 2 infill dwellings and detached garages	Location: Between 64 and 72 New Road Silverbridge Newry	
Applicant Name and Address: Brian Garvey 2 Slieve View Tullydonnell Silverbridge Newry	Agent Name and Address: Quinn Design and Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY	
Date of last Neighbour Notification:	22nd June 2015	
Date of Press Advertisement:	10th June 2015	
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues: Application seeks approval for 2 infill dwellings on a gap site October 7 th 2015		

Site Visit Report

Site Location Plan:



Date of Site Visit: October 7th 2015

Characteristics of the Site and Area

1.0 Characteristics of Site

1.1 The site consists of a cut out of a triangular shaped grazing field located on the northern side of New Road. The site rises gently up away from the road towards its northern boundary. The roadside boundary is marked by a low mature hedge and some intermittent mature trees, these screen the site from view especially when seen from traffic approaching from the eastern side.



1.2 The field is bounded on its western side by a laneway, the boundary with this laneway is also marked with a hedge and mature trees.



1.3 There is no recent planning history on the site.

2.0 Characteristics of Area

2.1 The site is located in the countryside approximately a mile south east of Silverbridge. It is located immediately adjacent to a cluster of development centred around Oliver Plunkett Park, a small housing estate. Between the site and this estate there is a detached dwelling house, No. 72 New Road, there is another detached dwelling, No 64, on the opposite side of the laneway from the site.



2.2 Immediately opposite the site is a short stretch of road that leads on to Ballsmill Road which lies behind a ridgeline from New Road, there is a dwelling immediately beside the junction of this road with New Road.

3.0 Description of Proposal

3.1 The application seeks Outline Permission for 2 infill dwellings, a concept plan has been submitted which shows the proposed dwellings being built on plots of a similar size to that on No. 72.

Planning Assessment of Policy and Other Material Considerations

4.0 Strategic Planning Policy Statement

4.1 The SPPS is intended to provide a framework for the new Local Development Plans that are under preparation by the Councils. In relation to developments of this kind it states that provision should be made for the infilling of a small gap in an otherwise significant and substantially built up frontage.

5.0 Banbridge/Newry and Mourne Area Plan 2015

5.1 The site lies in the rural area, New Road forms the boundary of the Ring of Gullion Area of Outstanding Natural Beauty and therefore the site lies within the AONB.

5.2 No other designations in the plan are relevant to this application.

6.0 Consultations

6.1 Transport NI has no objections subject to an access being provided with the submitted RS1 form.

6.2 The Council's Environmental Health Department has no objections.

6.3 A letter of objection has been received from the owner of No. 68 New Road which is located to the north of the site. The issues of concern are that he was not notified of the proposal and that the laneway also serves his dwelling. The applicant has been informed of these objections and has advised that he is the sole owner of the laneway.

7.0 PPS21 Policy CTY 1 Development in the Countryside

7.1 The policy allows for residential developments in the countryside that meet one of the listed criteria. The most relevant in this case is Infill Development

8.0 Policy CTY 8

8.1 The policy contains a general prohibition against ribbon development with an exception made for the infilling of a small gap subject to several criteria being satisfied. The site in this case is 55 metres wide at its longest point along the roadside boundary.

8.2 The policy requires that in order to be eligible for in fill there must be *"a line of 3 or more dwellings along a common road frontage without accompanying development to the rear."* The submitted concept plan shows two dwellings on the site with plot sizes of 1402 and 1636 square metres respectively, the neighbouring dwellings of Nos 72 (1610 square metres) and No 64 (1683 square metres) are defined as being the typical development pattern in the area.

8.3 However Oliver Plunkett Park is a development at a significantly higher density, some of its dwellings back on to New Road with the others behind them on the opposite side of the entrance road. Number 64 is separated from New Road by a narrow portion of an agricultural field that lies between the road and the residential curtilage, the dwelling does face on to the road but it is debateable as to whether it shares the same frontage as No. 72.

8.4 The policy also stipulates that the site be able to accommodate a maximum of two dwellings, it is likely that this site could accommodate three dwellings with smaller plots than those shown.

9.0 Conclusions and Recommendation

9.1 The site is located on a gap site between No. 72 and the cluster of development around Oliver Plunkett Park; it is significant in size and can arguably accommodate 3 dwellings with sufficient amenity space. The next dwelling up, No. 64, does not face directly on to the road because of the way the adjacent agricultural field comes between them, the dwelling is also orientated at an angle to New Road and therefore it is arguable that it does not share a common frontage with No. 72

9.2 Therefore refusal is recommended.

Neighbour Notification Checked	Yes/No
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Summary of Recommendation	The site is large enough to accommodate three dwellings and there isn't a line of at least three dwellings sharing a common road frontage.
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Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along New Road
2. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Case Officer Signature	
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Date: 3/1/16	
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Appointed Officer Sign	
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Date: 6/1/16	
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**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	2			
APPLIC NO	LA07/2015/0589/F	Full	DATE VALID	7/9/15
COUNCIL OPINION	REFUSAL			
APPLICANT	John McCaffrey 94 Millvale Road Bessbrook Newry BT35 6JZ		AGENT	Martin Bailie 44 Bavan Road Mayobridge BT34 2HS
				30851910

LOCATION Immediately south and east of 28 Derryleckagh Road
Newry

PROPOSAL Erection of dwelling and garage on infill site

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

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Application Number: LA07/2015/0589/F

Applicant: John McCaffrey

Proposal and Location: Immediately south and east of 28 Derryleckagh Road, Newry
Erection of dwelling and garage on infill site

Councillor's Name: Councillor Kimmins

Reason(s) for requesting application appear before the Planning Committee:

See attached from agent.

JOB REF 2248

18/04/2016

To Newry, Mourne and Down Planning Committee

PROPOSED DWELLING & GARAGE ON INFILL SITE IMMEDIATELY SOUTH AND EAST OF 28 DERRYLECKAGH ROAD, NEWRY FOR MR JOHN McCAFFREY YOUR REF LA07/2015/0589/F

The above application has been recommended for Refusal by the applicants Councils Planning Department. Below I have listed these reasons and my response to same.

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

The application applied for is on a rural infill site. Once the site is acknowledged as an infill opportunity then this reason for refusal is not applicable.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage.

Within Policy CTY8 a small gap site is acceptable provided it **respects** the existing development pattern along the frontage. The site does not have to be the same or even similar to the development pattern but has to **respect** the development pattern.

The word respect assume in this context means “to have due regard” or “to consider” and this in turn means that the development does not have to be exactly as adjacent development.

Under Policy **CTY8** the site must **respect** the development pattern along the frontage in terms of the following:

(i) Size. The application site extends to circa 0.3Ha and this is similar to all adjacent sites in the built up frontage except for the recently approved dwelling and garage directly to the north which extends to circa 0.6Ha. This proves the application site respects the development pattern in terms of size. This point is slightly unclear as point (iv) refers specifically to plot size so this point may also refer to size of plot in terms of width, here again the width of the plots vary between 24m and 48m and our site is 16m initially widening to 28m. This proves that the application site respects the development pattern in terms of width although this point is somewhat ambiguous.

(ii) Scale. The proposed dwelling is similar in size to all those in the existing built up frontage. This proves that the application dwelling respects the development pattern in terms of scale.

(iii) Siting. There is no defined set back of the existing dwellings along the built up frontage. The dwellings are set back between 12m and 70m within the frontage and specifically the dwelling immediately to the south of the proposal herewith is set back approximately 30m and the dwelling immediately to the north is set back approximately 70m. The application dwelling is set back 60m and so respects the development pattern in terms of siting.

(iv) Plot Size. As confirmed in point (i) the plot size respects the development pattern.

For purposes of policy CTY8 the definition of a substantial and built up road frontage includes a line of 3 or more buildings and in this instance we have 12 buildings.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore erode the rural character of the countryside.

Along this 375m long stretch of the Derryleckagh Road there is already a suburban style build up of development consisting of 12 buildings, 9 of which are dwellings. On average this means one dwelling approximately every 42m. The plot size average is one dwelling per 0.2Ha and this comparable to edge of village development which respects the existing pattern of build up within the defined development limits.

Having also viewed the Case Officers Report I would comment as follows.

The characteristics of the site and area in the report **and** the map included to and referred to are totally incorrect. The report which refers to the map states that there is 1 dwelling to the north of the site whereas there are actually 4, 3 of which are dwellings so therefore the Case Officers report is fundamentally flawed from the outset. **The dwelling recently constructed immediately north of the application which is a major consideration when assessing the relevant Policies is not even acknowledged as being in existence.**

The proposal refers to back land development. As the proposal is basically in line with the dwelling recently constructed to the north of the site which is not even on the map provided in the report this reason cannot be sustained. Back land development is a Planning consideration but used mostly in urban situations. In this instance in my opinion the development is not in back land as the site has a large road frontage, has no amenity issues in relation to adjacent properties and will be viewed from critical viewpoints as an infill opportunity. The proposed dwelling will be set back but will be seen as part of the pattern of development.

The gap site applied for herewith is within the existing ribbon of development which can be defined as “buildings sited back from a road, staggered or at right angles to the road and with gaps between them can represent ribbon development if they have a common frontage to the road and are visually linked when viewed from the road.”

The report also refers to the proposal not respecting the existing development pattern and causing a detrimental change to and further erode the character of the countryside. I would contend that in this area there is no predominant pattern and our proposal does respect the semi rural pattern of development.

As for “**rural character**” this term cannot be given a concise definition and is site specific. In this area the rural character has been totally eroded so this as a reason for refusal cannot be sustained.

Finally I again refer to the word **respect** which is used within the planning policy and would argue that this proposal does respect the existing and proposed development in the immediate area as well as other built up areas of the Derryleckagh Road.



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

Delegated Application

Development Management Officer Report		
Case Officer: Paul Smyth		
Application ID: LA07/2015/0589/F	Target Date:	
Proposal: Erection of dwelling and garage on infill site	Location: Immediately south and east of 28 Derryleckagh Road Newry	
Applicant Name and Address: John McCaffrey 94 Millvale Road Bessbrook Newry BT35 6JZ	Agent Name and Address: Martin Bailie 44 Bavan Road Mayobridge BT34 2HS	
Date of last Neighbour Notification:	24 th August 2015	
Date of Press Advertisement:	29 th July 2015	
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	Transport NI	No Objections
Statutory	NI Water	Standard Response
Statutory	NIEA – Water Management Unit	Content
Advice and Guidance	Env. Health	Within 75m of farm buildings
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues:

Full planning permission is sought for a proposed 'dwelling and garage on an infill site'.

The design of the proposed dwelling appears to be story and a half from the front elevation however there is a lower ground level that is visible on the side and rear elevations. When viewing from the front the main bulk of the dwelling measures 12.7m long; 8.8m wide and has a pitched roof with a ridge height of 7.4m from finished floor level (FFL). There is a small single storey porch to the front of the dwelling. There is also a sun lounge annex to the right-hand side of the dwelling that appears as single storey when viewed from the front. It measures 4.4m long; 4.4m wide and has a pitched roof with a ridge height of 4.5m from FFL. There is a set of double doors to the rear of the sun lounge that lead out onto a terrace area above the lower ground level.

The ground floor layout of the main bulk of the dwelling consists of a sitting room; open plan kitchen/living/dining area; shower room; hot-press and playroom. The first floor layout consists of three bedrooms (one with a walk in wardrobe and en-suite facilities) and a bathroom. The lower ground floor area consists of a utility room; shower room; rear lobby area; studio and void. The height of the dwelling when viewed from the rear is 10m from the lower ground floor level up to ridge level. The walls of the main dwelling are smooth render with painted finish; the porch will be clad in random grey granite; the windows black uPVC; the doors hardwood timber; and the roof is covered in black concrete tiles.

The proposal also involves the construction of a single storey garage. The garage is 9.6m long; 6.5m wide and has a pitched roof with a ridge height of 6.3m to FFL. The garage is finished to match the dwelling house.

Site Visit Report

Site Location Plan:



Date of Site Visit: 23rd March 2016

Characteristics of the Site and Area

The site is located approximately 1.6 mile south-east of Newry City. It is outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. As this is an 'infill' application, it is necessary to assess the characteristics of the site and surrounding development.

The proposed site is an existing field immediately south and east of number 28 Derryleckagh Road, Newry. The boundary of the site is defined by mature hedgerow and dispersed mature trees. There is an access point leading from the Derryleckagh Road into the front portion of the field immediately east of number 28. The front portion of the field is 7m wide. The field then slopes steeply downwards along the rear boundary of number 28 and then further downwards towards number 26 Derryleckagh Road. The proposed dwelling is to be sited in the lower portion of the field near its boundary with number 26. The difference in levels between the proposed access from the Derryleckagh Road and the finished floor level of the proposed dwelling is almost 8.5m.

There is a line of 6 detached dwellings to the southern side of the proposed application site along the Derryleckagh Road; and 1 detached dwelling to the north – number 28 Derryleckagh Road.

Planning Assessment of Policy and Other Material Considerations

The application will be assessed under:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS) - This policy provides overall context under which the Council will determine planning applications.
- The Banbridge, Newry and Mourne Area Plan 2015;
- Planning Policy Statement 21 – Sustainable Development in the Countryside; &
- Planning Policy Statement 3 – Access, Movement and Parking.

ZONING: The site is in the countryside, approximately 1.6 miles south east of Newry City. The site is outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015.

HISTORY: There is no relevant history on this site.

The Banbridge, Newry and Mourne Area Plan 2015.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS21, and PPS3.

Principle of Development

As there is no significant change to the policy requirements for an infill dwelling following the publication of the SPPS, the retained policies of PPS 21 and PPS 3 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

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

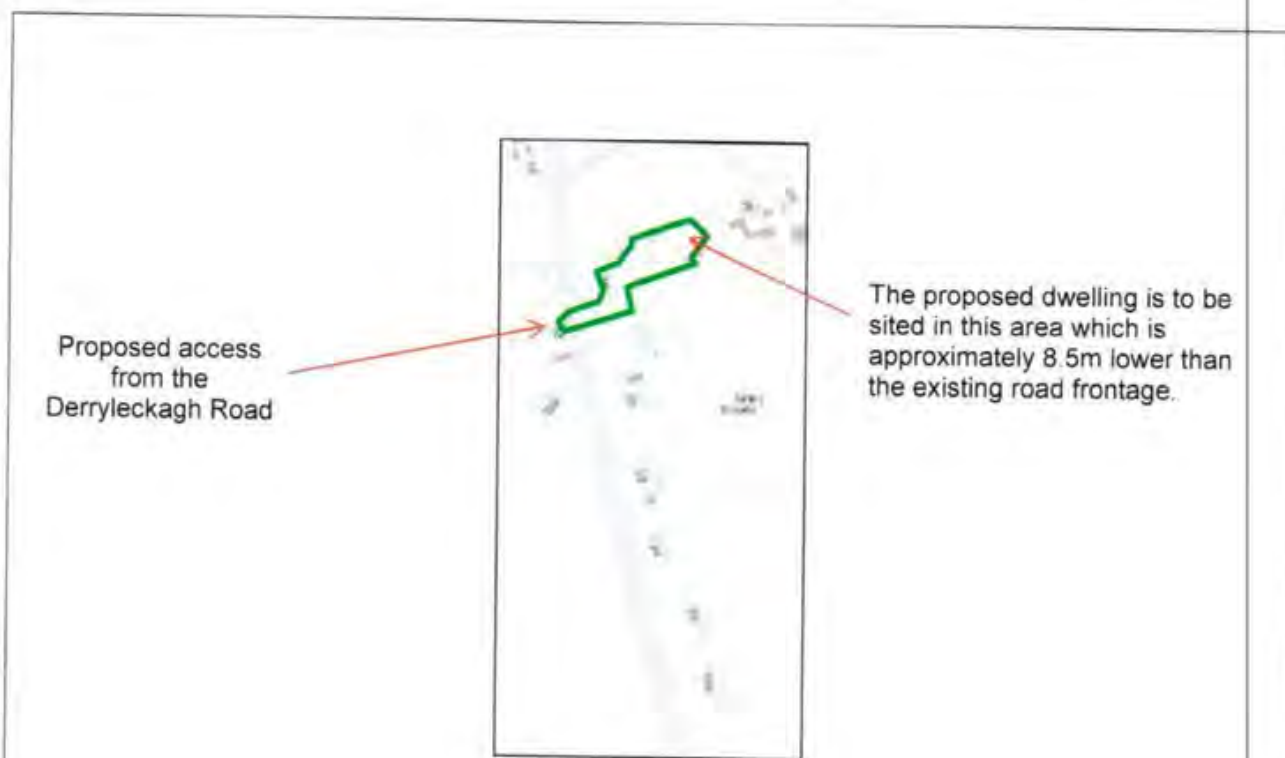
TransportNI have no objections to the proposed access arrangements. The proposal complies with the policy requirements of Planning Policy Statement 3.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that "an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements".

A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. As you can see from the image below, there is a substantial and continuously built up frontage of three or more dwellings along the road frontage:



The proposed dwelling is to be sited approximately 37m to the rear/east of number 28 Derryleckagh Road, on land that is approximately 8.5m lower than the existing road level. I consider this to be back-land development that does not read with the existing line of development along the Derryleckagh Road frontage. The proposed development does not respect the existing development pattern along the road frontage in terms of siting and is not considered to represent a valid infill opportunity.


The rear elevation of the dwelling is 10m high; however public views of it are limited. The design of the proposed dwelling is not considered to be contrary to the requirements of Policy CTY 13. Approval of the proposed dwelling and garage would however be contrary to the policy provisions of CTY 14 in that it would result in a suburban style build-up of development when viewed with number 26 Derryleckagh Road; its associated farm buildings; and the recently constructed dwelling and garage approved under reference P/2012/0763/F. It would cause in a detrimental change to and further erode the rural character of the countryside.

Consultation Responses

Environmental Health noted the proposed dwelling was within 75m of working farm buildings not associated with the applicant of this planning application. The farm buildings are currently used for storage of feedstuff/machinery/vehicles/animals/slurry tank. In their response Environmental Health stated:

"The applicant should be requested to consider relocation of the proposed dwelling to achieve a minimum separation distance of 75m from the farm buildings, where possible".

NI Water provided a generic consultation response and NIEA – Water Management Unit are content with the proposals subject to conditions.

<p>No third party objections or representations were received.</p> <p>Case Officer Recommendation: Refusal</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p> <p>The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 21 as the site does not respect the existing development pattern along the road frontage and would result in a suburban style build-up of development when viewed with existing buildings to the north and east. Refusal recommended.</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage. 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to and further erode the rural character of the countryside. 	
<p>Case Officer Signature:</p>	
<p>Date:</p>	
<p>Appointed Officer Signa</p>	
<p>Date: 14/4/16</p>	

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

ITEM NO	3			
APPLIC NO	LA07/2015/0696/F	Full	DATE VALID	7/27/15
COUNCIL OPINION	APPROVAL			
APPLICANT	Newry, Mourne & Down District Council O'Hagan House Monaghan Row Newry BT35 8DJ		AGENT	Estates Section (NMDDC) Newry, Mourne And Down District Council Offices Greenbank Industrial Estate Newry BT34 2QU
				NA
LOCATION	Shandon Park Playing Fields Cloghanramer Road Newry BT34 1TR			
PROPOSAL	Retrospective application for retention of 2.4m high metal palisade fence to site boundary adjacent to mobile containers. (Amended Plans)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	2	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0696/F

Date Received: 27th July 2015

Proposal: Retrospective application for the retention of a 2.4m high metal palisade fence to site boundary adjacent to mobile containers.

Location: Shandon Park Playing Fields, Cloghanramer Road, Newry, BT34 1TR

Site Characteristics & Area Characteristics:

The land subject of this application is located on the western side of the Shandon Park playing fields, directly opposite number 16 Cloghanramer Road, Newry. The boundary treatment on the Cloghanramer Road side of the playing field consists of a mature hedge. A section of the hedge measuring 19.8m long has been removed and replaced with a 2.4m high metal palisade fence.

The site is located within the settlement development limits of Newry as defined in Banbridge Newry & Mourne Area Plan 2015. The Mourne Country Hotel abuts the eastern boundary while a large residential area lies to the west.

Site History:

P/2013/0847/F - Retention of 2no. mobile/containers used as 1- hanging/shower block and 2 - toilet block and proposed third mobile/container to be used as a changing/shower block.

Temporary planning permission was granted on 20th February 2014 until 1st March 2019.

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 7 – Quality Residential Environments.
- Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation; &
- A Planning Strategy for Rural Northern Ireland

Consultations:

Transport NI – No Objections

Objections & Representations

The application was advertised in the local press on 12th August 2015 and 30 neighbour notification letters were issued.

Two letters of objection have been received from Mr C Stinson of 16 Cloughanramer Road, Newry. The issues raised have been summarised below:

10/09/2015:

- Condition 2 of the original planning approval required the existing hedgerow to be retained at a height of 1.5m to ensure the maintenance of screening to the site;
- The application only addresses the fact that a 2.4m high fence has been erected instead of a 1.8m high fence as approved;
- It fails to address the fact that the hedgerow along the western boundary has been removed;
- Permission was granted for a limited period but it is more than likely the development will have a much longer lifespan; &
- There is an issue with site screening and visual impact.

19/02/2016

- The amended plans do not represent an acceptable solution to the blatant breach of planning control;
- The hedge was an important and material factor in the granting of the previous permission;
- What is being proposed is nothing more than a 2.4m high metal screen;
- The proposal is becoming even less acceptable in terms of appearance and the effect it will have on opposite properties; &
- It is important to achieve a solution that meets the security needs of the council and that is visually acceptable to the residents living opposite.

Consideration and Assessment:

Temporary planning permission was granted for the retention of 2 mobile containers to be used as a hanging/shower block and toilet block, and the addition of a third mobile container to be used as a changing/shower block under reference P/2013/0847/F. Condition number 2 of the planning approval states:

“The existing hedgerow as indicated in green on the approved plan date stamped 18 November 2013 shall be retained at a minimum height of 1.5metres.

REASON: To ensure the maintenance of screening to the site.”

According to correspondence received from the applicant on 2nd November 2015, a 20m section of the existing hedge was burnt down in an act of vandalism causing substantial and irreparable damage to the boundary hedge. In order to reduce the spread of damage the NI Fire Brigade had to cut down a section of the surrounding hedge at the time of the fire to reduce the spread of damage. Newry, Mourne and Down Council removed the remaining stumps and dead root systems and secured the site with a new 2.4m high green painted palisade fence to the affected area. This application seeks to retain the fence as built and to provide a closed panel green painted sheet metal screen to the inside of the fence line.

One of the material considerations in granting the original approval was the presence of a large hedgerow that provided screening to the site and obscured the development from view. Condition number 2 of planning approval P/2013/0847/F was imposed to ensure the maintenance of adequate screening to the site. The planning condition required the hedgerow to be retained at a minimum height of 1.5m high; however the mobile containers are almost 2.5m high. If the hedgerow was retained at 1.5m, a large portion of the development would be visible from the surrounding residential area. In my opinion this would harm the character and amenity of the area in terms of visual impact.



Figure 1 - Existing View of Palisade Fence and Mobile Containers

The retention of the 2.4m high green palisade fence and the introduction of green painted screening on the inside of the fence will mitigate the visual impact of the mobile containers by totally obscuring them from public view on the Cloughanramer Road. The fence will provide adequate screening to the site and will not impact on the open space provision of Shandon Park under PPS 8 as it is replacing a section of fire damaged hedgerow. The design and scale of the fence are considered acceptable and will not detract from the appearance of the surrounding area.



Figure 2 - View of Existing Fence when Approaching from Ardmore Road

Recommendation:

Approval

Conditions:

1. Planning permission is hereby granted in retrospect under Section 55 of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this permission.

Reason: Retrospective application.

2. The green sheet metal screening indicated on the approved plan date stamped 26th January 2016 shall be erected within 6 months of the date of this permission.

Reason: To ensure adequate screening to the site.

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

ITEM NO	4			
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
			0	0
			Addresses	Signatures
			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.



Newry, Mourne and Down District
Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11th May 2016	Item Number:
Application ID: LA07/2015/0842/O	Target Date:
Proposal: Site for replacement dwelling, garage and associated site works and retention of old building as outbuilding	Location: 66 Drin Road Drin Dromara BT25 2LE
Referral Route: Refusal recommended.	
Recommendation:	
Applicant Name and Address: Mr G Reavey 91 Castlewellan Road Dromara BT25 2JN	Agent Name and Address: Planning Services 21 Ballynacoy Road Lisburn BT28 3XW
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	NI Transport - Downpatrick Office	Content
Statutory	NI Water - Single Units East - Planning Consultations	Advice
Statutory	NIEA	Content
Advice and Guidance	Env Health Newry Mourne And Down District Council	Substantive Response Received
Statutory	NI Transport - Downpatrick Office	Content
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Characteristics of the Site and Area		
<p>The building to be replaced is sited within a triangular roadside plot close to Drin Road. It is an elongated building of linear form with 3 chimneys on the roof. The roof consists of both bangor blue slate and black corrugated metal in the middle section of the building. Windows are along the front roadside elevation and are vertical in emphasis, and all windows and window panes are in tact, with curtains evident inside the building. There are window sills and remains of guttering on the roof. The walls are of whitewashed stone construction. There is a high solid to void ratio. There is a grass verge which runs along the front adjacent to the road. To the rear of the building there is a flat roofed return which has a door and access to the building. Internal access was not gained at the time of the site visit. There is a small yard to the rear of the building with another farm outbuilding to to the rear of this. There is a farm dwelling at No 62 beyond this which is accessed via an existing concrete laneway which lies to the north east of the site.</p>		

This roadside building is therefore the subject of a replacement dwelling which is then to be sited off site in a site which lies approx 40 metres to the north of the building to be replaced. This portion of the site is accessed via an existing concrete laneway. The south western boundary which runs along the laneway is defined by a fence which has concrete posts and wire mesh and runs along the laneway towards the road. The roadside boundary has partly a post and wire fence with a metal field gate which allows access onto the Drin Road. The side boundary consists of fence with a stone outbuilding which belongs to the neighbouring property. As does the rear boundary which consists both of a concrete wall and a post and wire fence which has a green agricultural shed to the rear of it, which is also outside the red line. The eastern boundary consists of a post and wire fence, with native species trees and a row of conifers which lie just in the neighbouring property at No 68.

Planning Assessment of Policy and Other Material Considerations

The application site lies outside the settlement within the rural area as defined in the Banbridge, Newry & Mounre Area Plan 2015. The application is therefore assessed using the following policies, Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS 3: Access Movement & Parking

PPS 21: Sustainable Development in the Countryside. Supplementary Planning Guidance: Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside, DCAN15 Vehicular Access Standards.

Transport NI - if the proposed dwelling to be replaced could be reasonably occupied at present or following minor modifications Transport Ni has no objection.

NI Water – No objections

NIEA – Water Management – No objections

Environmental Health - This department recommends that the proposed dwelling is located a minimum of 75metres from the nearest farm building to minimise odour and noise disturbance.

Letters of representation

No letters of objection or support have been received in relation to the application

PPS 21 - Sustainable Development in the Countryside

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a replacement dwelling in accordance with Policy CTY 3 is one such case.

CTY 3 - Relacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. CTY 3 favours the retention of non-listed vernacular dwellings in the countryside, if the dwelling makes an important contribution to the heritage appearance or character of the locality.

The building is currently unoccupied. The building on the site does appear to exhibit the essential characteristics of a dwelling house. There are a number of different rooms, door and window openings, chimneys on the ridge, and a slate roof. All external structural walls are substantially intact and the building looks to be structurally in tact. It is an elongated building of linear form with 3 chimneys on the roof. The roof consists of both bangor blue slate and black

corrugated metal in the middle section of the building. Windows are along the front roadside elevation and are vertical in emphasis, and all windows and window panes are in tact. The walls are of whitewashed stone construction. There is a high solid to void ratio. The building could be described as vernacular.

Non listed Vernacular Dwellings

The existing dwelling which is subject to replacement is an example of a non-listed vernacular dwelling. Retention of such a dwelling is encouraged under Policy CTY3 'Replacement Dwellings'. The existing dwelling is a roadside site and therefore makes an important contribution to the heritage, character and appearance of the locality. The retention and sympathetic refurbishment, with adaptation (if necessary) is encouraged in preference to their replacement. The building appears to be structurally sound and could be capable of improvement.

Notwithstanding the above the site outlined in red includes the dwelling to be replaced (No.66), coloured green, although also extends to include the associated curtilage, outbuildings and a new site which is located across a private concrete laneway in what is currently an agricultural field.

It is proposed to retain the existing building at No 66 for storage purposes and replace this building off site.

The principle of a replacement dwelling is therefore not acceptable. Notwithstanding this, it is permissible to replace the existing dwelling consideration must be given to the details submitted.

This is an outline application, a dwelling on the site identified would be read within the existing cluster of outbuildings which are located to the rear and side of the site. Access is to be taken off the existing laneway, however, Transport NI have made no further comments as they would need to be reconsulted if the dwelling to be replaced is not capable of occupation following minor modifications. Environmental Health have been consulted regarding the proximity to farm outbuildings.

The P1 form submitted states that the water supply will be sourced from the mains, surface water will be disposed off to storm soak-aways and foul sewage will be disposed off to the existing septic tank.

If accepted in principle it is considered the proposed dwelling will not result in any unacceptable impact on any existing/approved dwelling in terms of overlooking or overshadowing.

In my opinion the application fails in the first point and is therefore contrary to CTY 3.

I am recommending refusal.

Refusal reason

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.

Neighbour Notification Checked

Yes

<p>Summary of Recommendation:</p>
<p>Conditions/Reasons for Refusal:</p> <p>Refusal Reasons</p> <p>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.</p>
<p>Signature(s) <i>C. Moore</i></p> <p>Date: <i>27/4/2016</i></p>

ANNEX	
Date Valid	21st August 2015
Date First Advertised	23rd September 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 59 Drin Road, Drin, Dromara, Down, BT25 2LE, The Owner/Occupier, 62 Drin Road, Drin, Dromara, Down, BT25 2LE, The Owner/Occupier, 63 Drin Road, Drin, Dromara, Down, BT25 2LE, The Owner/Occupier, 66 Drin Road, Drin, Dromara, Down,, The Owner/Occupier, 68 Drin Road, Drin, Dromara, Down, BT25 2LE,	
Date of Last Neighbour Notification	11th February 2016
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: Q/2000/0040/O Proposal: Site for dwelling Address: Adjacent to 57 Drin Road Dromara Decision: Decision Date: 26.04.2000 Ref ID: Q/2000/0402/RO Proposal: Erection of dwelling Address: Adjacent to 57 Drin Road, Dromara, BT25 2LE Decision: Decision Date: 27.07.2000 Ref ID: Q/2001/0173/RM Proposal: Erection of farm retirement dwelling. Address: Approx. 80 metres South-East of 67 Drin Road, Dromara, County Down. Decision: Decision Date: 27.04.2001	

Ref ID: Q/1976/0502
 Proposal: PROPOSED ERECTION OF A BUNGALOW
 Address: DRIN ROAD, DROMARA, DROMORE
 Decision:
 Decision Date:

Ref ID: LA07/2015/0841/O
 Proposal: Site for detached dwelling and garage
 Address: Between 59 and 63 Drin Road, Drin, Dromara,
 Decision:
 Decision Date:

Ref ID: LA07/2015/0842/O
 Proposal: Site for replacement dwelling, garage and associated site works and retention of old building as outbuilding
 Address: 66 Drin Road, Drin, Dromara, BT25 2LE,
 Decision:
 Decision Date:

Summary of Consultee Responses

Transport NI - if the proposed dwelling to be replaced could be reasonably occupied at present or following minor modifications Transport Ni has no objection.
 NI Water – No objections
 NIEA – Water Management – No objections
 Environmental Health - This department recommends that the proposed dwelling is located a minimum of 75metres from the nearest farm building to minimise odour and noise disturbance.

Drawing Numbers and Title

Drawing No. LA07/2015/0842/01-02
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:

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

ITEM NO	5			
APPLIC NO	LA07/2015/0958/F	Full	DATE VALID	9/23/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Roche McGreevy Jr. 7 Lislea Drive Crossgar BT30 9DB		AGENT	8a Architects Ltd 8a Catherine Street Killyleagh Downpatrick BT30 9QQ 028 44821323

LOCATION Site 50 metres North East of 101a Manse Road
Raffrey
Co Down
BT30 9LZ

PROPOSAL Proposed storey and a half dwelling

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

- 1 The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the cluster does not appear as a visual entity in the local landscape);
 - the cluster is not associated with a focal point and is not located at a cross-roads.
- 3 The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
- 4 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no appropriate gap site to develop within an otherwise substantially and continuously built up frontage, along a road frontage and without accompanying development to the rear.



Newry, Mourne and Down District
Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11th May 2016	Item Number:
Application ID: LA07/2015/0958/F	Target Date:
Proposal: Proposed storey and a half dwelling	Location: Site 50 metres North East of 101a Manse Road Raffrey Co Down BT30 9LZ
Referral Route: Application was recommended for Refusal on 12 th April 2016, and in line with interim procedures, prior to final agreement/adoption of new scheme of delegation, requires to be presented to Planning Committee.	
Recommendation: Refusal	
Applicant Name and Address: Mr Roche McGreevy Jr. 7 Lislea Drive Crossgar BT30 9DB	Agent Name and Address: 8a Architects Ltd 8a Catherine Street Killyleagh Downpatrick BT30 9QQ
Executive Summary: Case is contrary to SPPS and PPS21.	
Signature(s):	

Case Officer Report		
Site Location Plan		
Consultations:		
Consultation Type	Consultee	Response
Statutory	NI Water - Single Units East - Planning Consultations	Advice
Statutory	NI Transport - Downpatrick Office	Content
Statutory	NI Water - Single Units West - Planning Consultations	Error
Statutory	NIEA	Content
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		

Application Reference: LA07/2015/0958/F

Date Received: Sept 2015

Characteristics of the Site and Area

The site outlined in red comprises a sizeable plot of land beyond the rear of no.103 and 105 Manse Road. The site is accessed via the driveway of no.105 and opens onto the Manse Road via a shared access point with no.105, 103 and 101a. There is an existing entry to the application site from the driveway of no.105 which comprises what appears to be a storage area, with overgrown grassed surface (not a yard area) including pallets, doors, glazing, timber, skip and scrap, whereby the lands fall away from the dwelling at no.105. It is also noted there are 2 garage buildings to the rear of no.105, although which are outside the red line.

No.103 and 105 comprise detached single storey dwellings, whereby no.105 includes a wide driveway to the side. The boundary with no.103 includes a wall to the front and side and close boarded fencing to the rear. It is noted there is a large single story outbuilding to the rear of no.103.

See photos attached to file.

The site is located in the countryside between Darragh Cross and Derryboye as identified in the Ards and Down Area Plan 2015. While it is noted the site is located in the countryside there are a number of dwellings along this stretch of road, the majority of which front and open onto the Manse Road. It is also noted there is an un-scheduled site or monument beyond the rear of the site.

Planning Assessment of Policy and Other Material Considerations

Site History

A history search has been carried out for the site and surrounds whereby it was observed there have been a number of applications along this stretch of road and also relating to the application site, the most relevant of which includes:

R/2007/0680- Lands at 103 Manse Road, Redevelopment of existing PVC window manufacturing business to purpose built showroom with staff facilities, Full, Approval, 07-05-08, Applicant: Mr P McGreevy

R/1999/0215- Lands to rear of 101a Manse Road, Dwelling, outline, Refusal, 11-05-99, Reasons:

- The proposal is contrary to Policy GB/CPA 1 & 3 of the Department's Planning Strategy for Rural Northern Ireland in that the site lies within the Greater Belfast Green Belt and does not merit being considered as an exceptional case as the stated need for this dwelling does not justify a relaxation of the stricter planning controls in this area.
- The proposed development is unacceptable in that it would, by addition to those dwellings existing within the area, create a group of houses in the countryside which is contrary to Policy HOU 8 of the Department's Planning Strategy for Rural Northern Ireland.
- The proposed development would give rise to conditions which would prejudice the safety and convenience of road users since it would lead to the intensification of use of an existing sub-

standard access.

R/2015/0056- Lands to the rear of 105 Manse Road, Dwelling and garage, Outline, refusal, 16-10-15, Applicant: Mr J McGreevy

Reason:

- The proposal is contrary to Policy CTY1 and 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, while it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

Consultees

Having account the nature of this proposal, and location and constraints of the site consultations have been carried out with Transport NI, NI Water, and NIEA WMU, as part of this application, who offer no objections in principle.

Representations and Objections

None received to date (26-04-16).

A total of 18 properties were notified as part of this application in Oct 2015, while the case was also advertised in the local press in Oct 2015.

Policy considerations- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS6, PPS21.

PPS 21

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

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

Policy CTY 1

Development in the Countryside. There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

There are a range of developments that may be permitted in the countryside in certain cases.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;
- a replacement dwelling in accordance with Policy CTY 3;

- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10;

As stated above the site is located in the countryside whereby policy PPS21 (Sustainable Development in the Countryside) is key.

This is a Full application for a dwelling whereby a P1 form, Design and Access Statement, site location plan and detailed plans have been submitted.

The information submitted indicates the applicant (Mr Roche McGreevy JR) lives at no.7 Lislea Drive, Crossgar, whereby Certificate A has been completed on the P1 form.

It is noted Lislea Drive is located within the development limits of Crossgar, and is approx 5mile from the application site.

While the content of the Design and Access Statement is noted, no information has been submitted in support of this application, while no reference has been made to PPS21 or the associated policy exceptions for granting planning permission for a dwelling in this countryside location.

Having account the content of the PPS21 document, associated policies, and lack of any further supporting information, it is considered this proposal does not meet any of the exceptions listed for allowing a dwelling in this countryside location.

It is acknowledged this stretch of road includes a number of dwellings and buildings at present, however having account the above, it is considered the proposal is contrary to policy CTY1 of PPS21.

(A letter was issued to the applicant on 22-03-16 advising of the above policy test and requesting any other supporting information they wish to be considered.

The lands comprising the application site slope fall away and slope down towards no.101, whereby it is considered the plot is relatively small and restricted.

The dwelling proposed will be single storey in form although will include an upper floor level of accommodation, whereby the limited spacing and separation distances to the boundaries are a concern.

The site layout plan indicates that the site will be accessed via the existing private laneway which currently serves no.103 and associated business, whereby provision has been made for parking and amenity space within the site.

(It appears the site plan submitted is to the wrong scale, and this has also been raised with the applicant).

This site is not readily visible from the Manse Road as this road is currently lined by a number of dwellings, whereby the lands comprising the application site are also enclosed by dwellings and the associated curtilages of several properties to a certain degree. Having account the existing topography of the site and surrounds and also existing built form in the area, no concerns are expressed regarding prominence or integration

However as no need has been put forward for this proposal I must conclude the proposal is contrary to PPS21.

Accordingly Refusal is recommended.

Additional Information

Following initial consideration of the case a letter issued to the agent on 22nd March advising that having account the countryside location of the site and associated policy test, the proposal is considered unacceptable as no information has been provided as to how the principle of a dwelling is acceptable or why there are overriding reasons why development is essential in this countryside location.

An opportunity was afforded to submit further information in support of the application.

Further information was received from the agent on 4th April, whereby it is stated this proposal complies with policies CTY2a (A dwelling in an existing cluster), CTY6 (Personal and Domestic Circumstances) and CTY8 (Infill dwelling).

It is noted correspondence was received from Cllr Andrews in support of the application, who also outlined the applicants personal circumstances and reasons for seeking permission at this location.

The proposal has been considered against each of these policy tests, however having account the information submitted, siting proposed, and existing built form in this locality it is considered the proposal does not meet these policy tests/requirements.

It is also noted the agent also welcomed a meeting to discuss the proposal however this is not considered necessary, whereby the agent was also advised the case is due for further discussion in the coming weeks.

Accordingly Refusal is again recommended as the principle of a dwelling is not accepted.

Recommendation: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:**Conditions/Reasons for Refusal:****Refusal Reasons**

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

- the cluster does not appear as a visual entity in the local landscape;
- the cluster is not (associated with a focal point) and / or (is not located at a cross-roads);

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

<p>this case.</p> <p>4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no gap site to develop within an otherwise substantially and continuously built up frontage, along a road frontage and without accompanying development to the rear.</p>
<p>Signature(s)</p> <p>Date:</p>



ANNEX	
Date Valid	23rd September 2015
Date First Advertised	14th October 2015
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 101 Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 101A Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 103 Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 105 Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 107 Manse Road, Raffrey, Crossgar, Down, BT30 9LZ,</p> <p>The Owner/Occupier, 109 Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 111 Manse Road, Raffrey, Crossgar, Down, BT30 9LZ,</p> <p>The Owner/Occupier, 80 Manse Road, Raffrey, Crossgar, Down, BT30 9LZ,</p> <p>The Owner/Occupier, 87 Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 87A Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 87B Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 89 Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 90 Manse Road Barnamaghery Newtownabbey</p> <p>The Owner/Occupier, 91 Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 93 Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 97 Manse Road Raffrey Crossgar</p> <p>The Owner/Occupier, 98 Manse Road Barnamaghery Crossgar</p> <p>The Owner/Occupier, 99 Manse Road Raffrey Crossgar</p>	

Date of Last Neighbour Notification	12th October 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
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Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

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

ITEM NO	6			
APPLIC NO	LA07/2015/0961/F	Full	DATE VALID	9/30/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Savage 6 New Line Crossgar Downpatrick BT30 9EP		AGENT	2R Design 40 Inishmore Killyleagh Downpatrick BT30 9TP
				NA
LOCATION	6 New Line Crossgar Downpatrick BT30 9EP			
PROPOSAL	Replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:-
 - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
- 2 The proposal is contrary to CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Application Number: LA07/2015/0961/F

Applicant: Mr and Mrs Savage

Proposal and Location: 6 New Line, Crossgar
Replacement dwelling

Councillor's Name: Councillor Harvey

Reason(s) for requesting application appear before the Planning Committee:

I think this application deserves a second look. And the refusal needs to be better explained and advice given on what would need to be done to make it an approval.



Newry, Mourne and Down District
Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA07/2015/0961/F	Target Date:
Proposal: Replacement dwelling	Location: 6 New Line Crossgar Downpatrick BT30 9EP
Referral Route: Refusal recommended.	
Recommendation:	
Applicant Name and Address: Mr and Mrs Savage 6 New Line Crossgar Downpatrick BT30 9EP	Agent Name and Address: 2R Design 40 Inishmore Killyleagh Downpatrick BT30 9TP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Downpatrick Office	Content
Statutory	NI Water - Single Units East - Planning Consultations	Advice
Statutory	NIEA	Content
Statutory	Rivers Agency	Content

Representations:

Letters of Support	1
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues The application is contrary to policy

Characteristics of the Site and Area

The application site accommodates a dwelling which is the subject of replacement. The building to be replaced lies gable on to the New Line Road. It is an elongated building linear in form with 4 chimneys on the roof of the main dwelling, with what appears to be an extension to the side, attached but with a corrugated roof. there are flat roof extension to the rear of the dwelling which have been added at a later date. The roof consists of both bangor blue slate and corrugated metal. The windows of the main dwelling to the front elevation are vertical in emphasis, at the time of the site visit, these windows were all PVC. There are window sills and guttering on the roof. the windows to the flat roof rear extension are more horizontal in shape. The walls are rendered and painted white. There is a grass verge which runs along the front adjacent to the road. There is a pedestrian access from the New Line Road with a stone wall which runs along the original boundary to the south of the front elevation. There is a vehicular access which runs to the north of the existing dwelling which leads into a yard area. The southern boundary is defined by a hedge. A stone wall defines the eastern boundary. The northern boundary which

runs along the vehicular access is defined by some trees and vegetation. An outbuilding lies adjacent to this boundary and partly a stone wall. The dwelling to be replaced is to be sited directly to the rear of the existing dwelling.

Planning Assessment of Policy and Other Material Considerations

The application site lies outside the development limits of Crossgar, in the rural area as designated within the Down & Ards Area Plan 2015 and as such policies SPPS, PPS 3 and PPS 21 are applicable. Supplementary Planning Guidance, Building on Tradition is also applicable.

HISTORY

R/1976/0281 - Extension to dwelling

Consultations:

Transport NI - no objections

NI Water - no objections

NIEA Water Management Unit and HBU - no objections

Rivers Agency - No objections

SPPS

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

Under the SPPS replacement dwellings, there is a tightening of policy whereby the emphasis has moved from 'should' within CTY 3 to 'must'. Replacement dwellings must be located within the curtilage of the original dwelling where practicable....Replacement dwellings must not have a visual impact significantly greater than the existing building.

PPS3 - Access, Movement & Parking

DCAN15 -Vehicular Access Standards

Transport NI was consulted and has no objections to the proposal.

PPS 21 - Sustainable Development in the Countryside

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a replacement dwelling in accordance with Policy CTY 3 is one such case. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14 will also be considered.

CTY 3

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls

are substantially intact. CTY 3 favours the retention of non-listed vernacular dwellings in the countryside, if the dwelling makes an important contribution to the heritage appearance or character of the locality.

The building to be replaced is currently occupied. The building on the site does appear to exhibit the essential characteristics of a dwelling house. There are a number of different rooms, door and window openings, chimneys on the ridge, and a slate roof. All external structural walls are substantially intact and the building looks to be structurally intact. It is an elongated building of linear form with 4 chimneys on the roof. The building is orientated gable on towards the road. The roof consists of both bangor blue slate and grey corrugated metal at the end section of the building. Windows are along the front elevation and are vertical in emphasis. These windows have been replaced with PVC windows. There is a high solid to void ratio. The building is described as vernacular.

Non listed Vernacular Dwellings

The existing dwelling which is subject to replacement is an example of a non-listed vernacular dwelling. Retention of such a dwelling is encouraged under Policy CTY3 'Replacement Dwellings'. The test within PPS 3 is whether the existing dwelling makes an important contribution to the heritage, character and appearance of the locality. The retention and sympathetic refurbishment, with adaptation (if necessary) is encouraged in preference to their replacement. The building appears to be structurally sound and could be capable of improvement. While the building is an attractive vernacular building, it is located off the New Line Road, a minor road which is accessed from the Village of Crossgar and continues onto the Downpatrick Road. It lies in close proximity to Tober Mhuire site. Given its location down a minor road that would not be heavily trafficked, although it would be popular with walkers and although it would provide a contribution to the character of the area, it would be difficult to argue that it makes an important contribution to the heritage, appearance or character of the locality.

The principle of a replacement dwelling would therefore be acceptable.

Proposals for a replacement dwelling will only be permitted where all the following criteria are met.

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Since this is a full application consideration has to be given to the principle of a replacement dwelling.

The proposal itself involves replacing the existing dwelling to the rear. At present, there would

be a post and wire fence located to the rear of the existing dwelling of which could be described as the existing curtilage. The proposed dwelling would therefore be sited in what is currently an agricultural field and would be outside the natural curtilage which is there at present. The red line also includes a porton to the front of the site (to the south of the existing dwelling) which is currently a small field surrounded by a stone wall. No argument was put forward as to why this curtilage needs to be extended.

The proposal has a larger footprint than the dwelling to be replaced. The agent has put forward a case that the current dwelling does not meet the required needs of modern day living, and this necessitates that a replacement dwelling will be larger than the existing dwelling and therefore will have a slightly (his emphasis) increased visual impact. He puts forward a case that the three current structures on site have a combined footprint of approximately 285 m² (this includes the main dwelling 170m², and two outbuildings which measure approx 60m² and 28m² respectively). The proposed new dwelling has a footprint of 297.5m² and following the demolition of the existing 3 buildings this equates to a 15% increase in the building footprint at the site.

The proposed dwelling is two storey with elements that drop down to single storey. The proposed dwelling has a ridge height of 8.2m. The main front elevation has a frontage of 11.5m with parts of the building are then stepped back with a double garage attached and set back. There is a two storey rear return which then drops to single storey. There is front projection which projects 0.9m over two storeys which is to be finished with natural stone cladding. There is a chimney on the ridge with a chimney on the single storey element to the rear of the dwelling. The windows to the front have a vertical emphasis, the dormers are in the wall. The building is has a substantial footprint over accommodation over two floors.

The agent has put forward an argument that the existing outbuildings on the site together with the existing dwelling will be demolished in order to justify a larger replacement dwelling. The policy is clear in that it applies to replacement dwellings only. I do not see any benefit of condensing the built form on the site into one property located outside the curtilage. The existing outbuildings are already in situ and the removal of them cannot be used as justification to relax the policy. The existing buildings which are already on site offer screening of the site as rear boundaries lack established boundaries which would help aid integration of the proposed building.

Views of the site would be from New Line Road coming in both directions. There are a number of outbuildings to the north of the site. Further to the south of the site No 10 is a two storey dwelling with associated outbuilding. When travelling in a southerly direction there would be views of the proposed dwelling. The eastern boundary is quite open with limited planting to aid integration. There would be views of the side elevation which is a fairly substantial mass of building. Similarly, there would be views of the south elevation. There would be glimpsing views of the site from the main Crossgar - Killyleagh Road.

Given the bulk of the proposed dwelling and the absence of sufficient vegetation fronting it and to the rear, the proposal would appear, from public viewpoints namely New Line Road, as a prominent feature in the landscape. Proposed planting would take a considerable time to make any meaningful contribution to integration and the existing vegetation would not provide suitable enclosure to enable the proposal to be adequately integrated into the landscape. Furthermore, the proposed dwelling, because of its bulk and massing, would have a visual impact significantly greater than that of the existing building which is much smaller, and of lower ridge. The proposed access which sweeps in towards the dwelling would also have a suburban presence where there is none at present.

There are no issues of residential amenity as the closest dwelling to the proposed siting of the replacement dwellings is more than the recommended distance.

Policy CTY 13 – Integration and Design of buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Due to its bulk and massing a dwelling on the site the existing boundaries would be unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

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, in that:-

-the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits

-the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.

The proposal is contrary to CTY 13 in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Neighbour Notification Checked

Yes

Summary of Recommendation:**Reasons for Refusal:****Refusal Reasons**

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, in that:-
 - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
2. The proposal is contrary to CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Signature(s)	<i>C. Moore</i>
Date:	<i>27/4/2016</i>

ANNEX	
Date Valid	30th September 2015
Date First Advertised	14th October 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 New Line,Crossgar,Down,BT30 9EP, The Owner/Occupier, 19 New Line,Crossgar,Down,BT30 9EP, The Owner/Occupier, 4 New Line,Crossgar,Down,BT30 9EP, The Owner/Occupier, Ulster Wildlife Centre,3 New Line,Crossgar,Down,BT30 9EP, William Walker	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History	
<p>Ref ID: R/1977/0166 Proposal: EXTENSION TO DWELLING Address: 20 BALLYDUGAN ROAD, DOWNPATRICK Decision: Decision Date:</p>	
<p>Ref ID: LA07/2015/0961/F Proposal: Replacement dwelling Address: 6 New Line, Crossgar, Downpatrick, BT30 9EP, Decision: Decision Date:</p>	
<p>Ref ID: R/1994/0777 Proposal: New Science Block for existing school Address: 1 KILLYLEAGH ROAD CROSSGAR Decision: Decision Date:</p>	

Ref ID: R/1982/0059
Proposal: ALTERATIONS AND EXTENSION TO MONASTERY
Address: PASSIONIST MONASTERY, CROSSGAR
Decision:
Decision Date:

Ref ID: R/1975/0176
Proposal: HV AND MV OVERHEAD LINES
Address: CROSSGAR AND MAGHERACRANMONEY
Decision:
Decision Date:

Ref ID: R/1976/0322
Proposal: GARAGE
Address: 3 WHYTEFIELD, KILLYLEAGH ROAD, CROSSGAR
Decision:
Decision Date:

Ref ID: R/1976/0122
Proposal: GARAGE
Address: 1 WHYTE FIELD, KILLYLEAGH ROAD, CROSSGAR
Decision:
Decision Date:

Ref ID: R/1992/4051
Proposal: Extension to dwelling
Address: 1 WHYTEFIELD CROSSGAR
Decision:
Decision Date:

Ref ID: R/2007/0867/F
Proposal: Additional accommodation for Special Needs (minor works).
Address: St Colmcille's High School, 1 Killyleagh Road, Crossgar.
Decision:
Decision Date: 08.11.2007

Ref ID: R/1981/0718
Proposal: GARAGE
Address: 6 WHYTEFIELD, CROSSGAR
Decision:
Decision Date:

Ref ID: R/1982/0626

Proposal: ERECTION OF BUNGALOW
Address: NEW LINE LANE, KILLYLEAGH ROAD, CROSSGAR
Decision:
Decision Date:

Ref ID: R/1980/0763
Proposal: ONE BUNGALOW (REPLACEMENT)
Address: NEW LINE, CROSSGAR
Decision:
Decision Date:

Ref ID: R/2004/0272/LDE
Proposal: The premises at 2/4 New Line, Crossgr have been used as a storage/office unit by Savage Lock and Safe, in order to carry out their Business in the Security Sector. The building has been used for this purpose for more than 10 years.
Address: 2/4 New Line, Crossgar.
Decision:
Decision Date:

Ref ID: R/2004/1229/F
Proposal: Storage shed
Address: 4 New Line, Crossgar, Northern Ireland, BT30 9EP
Decision:
Decision Date: 01.09.2006

Ref ID: R/1989/0359
Proposal: 11KV Overhead line
Address: TOWNLAND OF CROSSGAR
Decision:
Decision Date:

Ref ID: R/1975/0281
Proposal: EXTENSION TO DWELLING
Address: 6 NEW LINE, CROSSGAR
Decision:
Decision Date:

Ref ID: R/2004/0232/F
Proposal: Extension of planning permission for existing sectional building currently serving as office accommodation (ref.R/98/0691).
Address: 3 New line, Killyleagh Street, Crossgar, Downpatrick.
Decision:
Decision Date: 04.11.2004

Ref ID: R/1986/0023/LB

Proposal: ALTERATION EXTENSION AND CHANGE OF USE OF CONSERVATORY AND FARM BUILDING TO FORM EDUCATIONAL RESOURCE CENTRE.

Address: TOBAR MUIRE CROSSGAR.

Decision:

Decision Date:

Ref ID: R/1998/0691

Proposal: Erection of a sectional building to serve as office accommodation

Address: ULSTER WILDLIFE TRUST 3 NEW LINE CROSSGAR

Decision:

Decision Date:

Ref ID: R/1986/0576

Proposal:

Address: EDUCATIONAL RESOURCE CENTRE CROSSGAR.

Decision:

Decision Date:

Ref ID: R/1986/0803

Proposal: ALTERATION, EXTENSION AND CHANGE OF USE OF CONSERVATORY AND FARM BUILDING TO FORM EDUCATIONAL RESOURCE CENTRE.

Address: TOBAR MUIRE, CROSSGAR

Decision:

Decision Date:

Ref ID: R/2000/0034/O

Proposal: Site for dwelling

Address: Adjacent to (south of) 11, New Line, Crossgar

Decision:

Decision Date: 29.01.2001

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. LA07/2015/0961/01
Type: site location plan
Status: Submitted

Drawing No. LA07/2015/0961/02
Type: Proposed site layout
Status: Submitted

Drawing No. LA07/2015/0961/03
Type: proposed floorplans and elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

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

ITEM NO	7		
APPLIC NO	LA07/2015/0995/F	Full	DATE VALID 10/5/15
COUNCIL OPINION	REFUSAL		
APPLICANT	Marie Hearty 24 Drumalt Road Silverbridge Newry BT35 9LQ	AGENT	Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP 02887747900

LOCATION Lands 91M NW of No.3 Glenmore Road Mullaghbane Newry

PROPOSAL Two storey farm dwelling with detached garage and associated site works

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the dwelling would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Application Number: LA07/2015/0995/F

Applicant: Marie Hearty

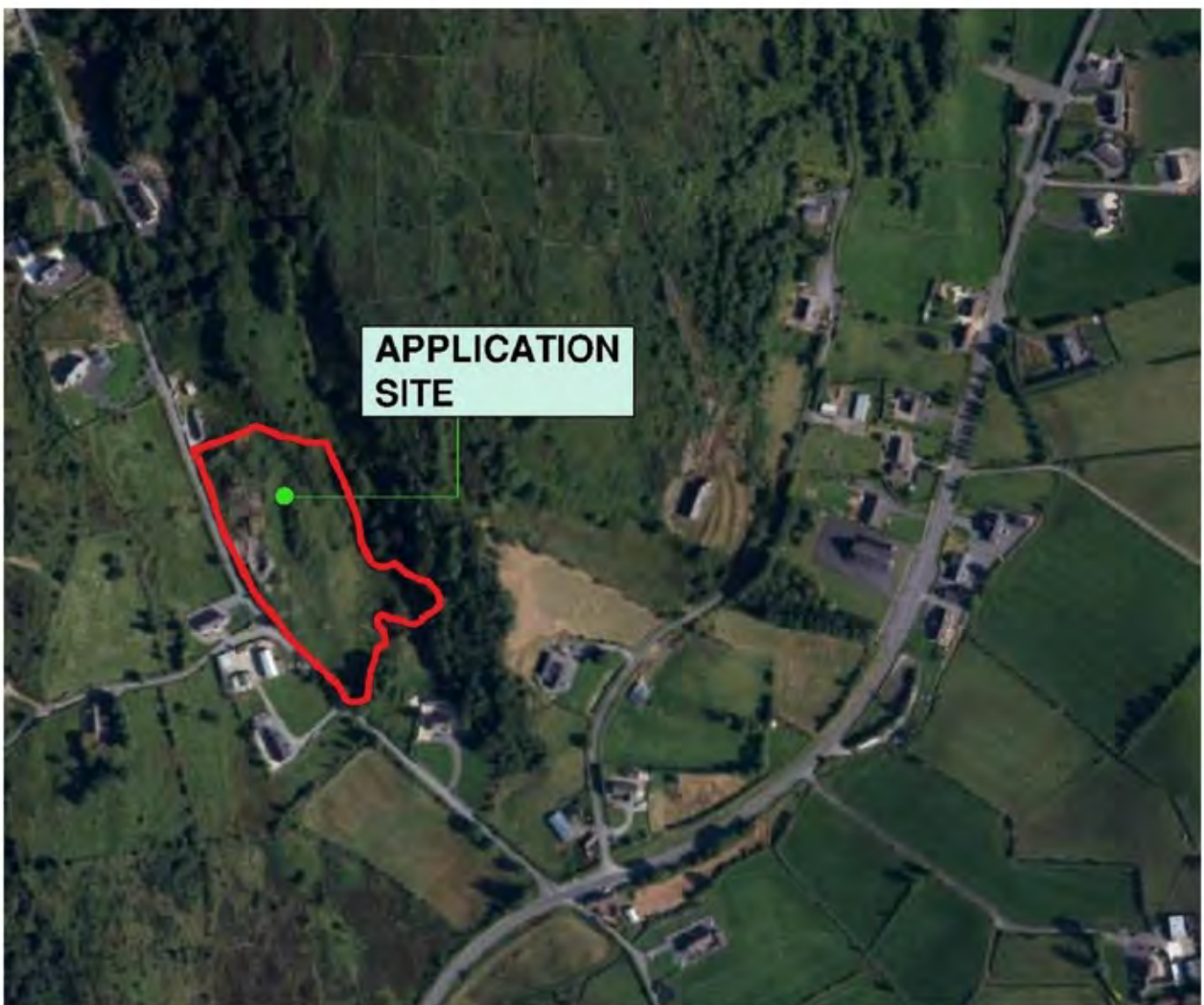
Proposal and Location: Two storey farm dwelling with detached garage and associated site works Glenmore Road Mullaghbane Newry

Councillor's Name: Councillor Hearty

Reason(s) for requesting application appear before the Planning Committee:

To consider additional information submitted by the agent (attached).

**PROPOSED FARM DWELLING
AT LANDS
AT GLENMORE ROAD,
MULLAGHBANE,
NEWRY**



PLANNING REFERENCE NO. LA07/2015/0995/F

Proposed Farm Dwelling

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Dear Councillor

We have been notified today that the above application is to be recommended as a refusal. Five reasons for refusal have been listed as follows;

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the dwelling would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Refusal Reason 1

Mr Hearty's family has an established Farming Business going back several generations & many years. The total farmlands comprise 12.51 Hectares of lands which are divided into 2 distinct parcels of lands between the townlands of Aughtanduff & Dorsy. Mr Hearty's farm business number is 602929.

The application site is located on Glenmore Road. Although Glenmore Road is a minor road approximately thirty five residential and commercial properties are accessed of it.

The site currently comprises of agricultural land. The farm business is currently active and has been established for in excess of ten years. No dwellings or development opportunities have been sold off from the farm in the past ten years.

The main farmlands surrounding the Drumalt Road are of high agricultural value. Apart from the existing buildings there is no available natural screening of any merit to assist a building to further integrate into the surrounding landscape.



Figure 1 Aerial view of farm holding

There is an adjoining residential property, with an attached business to the rear, which is situated immediately south of the existing farm complex.

Proposed Farm Dwelling

64



Figure 2 Existing farm holding

We consider that to locate a further dwelling at this location would significantly alter the existing character of the area. It would also remove high quality agricultural lands from the available food production lands within the farm.

The existing roadside residential developments along the Drumalt Road have created a ribboning impact on the local streetscape. To add a further dwelling would add to the already over developed minor road. As the lands to either side of the Drumalt Road at road level the street view on this country road takes on a suburban feel.

This application is lodged as a dwelling on farm lands as considered under CTY10 of Planning Policy 21. In considering the availability of suitable lands surrounding their immediate farm buildings and discounting them on the basis of increasing ribboning, visual impact on the surrounding countryside, impact on adjoining residential properties and on the ability of the lands to take further underground irrigation from a further sewerage treatment plant that the Applicant has fully demonstrated overriding reasons for the consideration of an alternative site on the existing farm holding. We consider the following policies to have been complied with.

- Policy CTY 1 – Development in the Countryside
- Policy CTY 10 – Dwellings on Farm.
- Policy CTY 13 – Integration and Design of Buildings in the Countryside
- Policy CTY 14 – Rural Character

Proposed Farm Dwelling

65

- Policy CTY 16 – Development Relying on Non-Mains Sewerage

Refusal Reason 2

This reason for refusal is immediately at odds with the first reason noted. The first reason did not acknowledge the right to farm dwelling. Reason 2 now suggests that the application is not visually linked (or sited to cluster) with an established group of buildings on the farm.

The alternative site was chosen for its minimal visual impact on the surrounding landscape. It was also chosen due to the built character of the surrounding lands. The approved and constructed character of the Glenmore Road is primarily elevated roadside fronting residential properties.

There is a mixture of two storey and single storey properties displaying a wide range of architectural themes. The narrow nature of the road and the elevated roadside lands afford its own unique screening and integration of the built form.



Figure 3 Residential properties opposite the application site.

The majority of the many residential properties constructed along the Glenmore Road are of recent construction with a number having been approved in the past few years. The lands on the Glenmore Road are sloping in nature with rock underlying the top sod. These lands are classified as poor agricultural value capable only of supporting sheep/ goats.

Proposed Farm Dwelling



Figure 4 Existing roadside residential property north of the application site.

The application site in the above photograph is located immediately to the rear of the single storey dwelling.



Figure 5 More roadside residential properties on Glenmore Road

The rising topography of the lands will ensure that the skyline is not broken by development. The intermittent roadside vegetation and trees will assist in screening the proposed dwelling.

Proposed Farm Dwelling

67



Figure 6 View of proposed site.



Figure 7 Aerial view of application site.

The application site will not add to ribboning of development on the Glenmore Road. As can be viewed from the above there is substantial development on the Glenmore Road including residential properties, commercial properties and the local parish church. This suggests an identity within the immediate vicinity of the site, including a clustering of development around the parish church.

Refusal Reason 3

As stated above the site will integrate into the local natural landscape and existing built form of the Glenmore Road. The historical and more recent planning permissions on Glenmore Road have totally shaped the character of this area. A large number of these planning approvals were granted within the lifetime of the current Area Plan.

Refusal Reason 4

Contrary to the Case Officers opinion this application, if approved, would not further harm the existing countryside nor lead to an increase in the suburban style build-up of development when viewed with existing and approved buildings. Therefore there would not be any further detrimental change and/or erosion of the rural character of the countryside. A walk over this area will confirm this opinion. Please refer to figures 2, 3, 4 and 6.



Figure 8 Road side farm

Proposed Farm Dwelling



Figure 9 New bungalow with dominant driveway

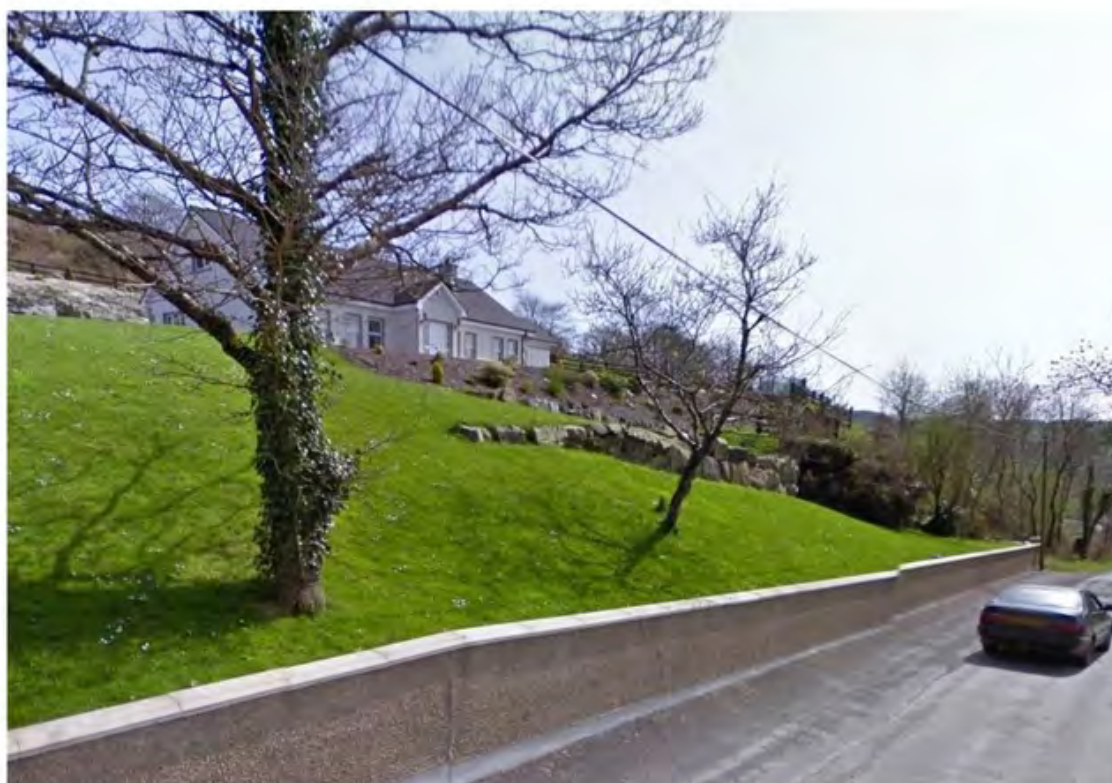


Figure 10 Roadside dwelling elevated above roadway

Proposed Farm Dwelling



Figure 11 Suburban style dwelling on roadside plot



Figure 12 Roadside industrial development

Proposed Farm Dwelling



Figure 13 Single storey roadside development with visually dominant driveway



Figure 14 Highly visible roadside residential development

Refusal Reason 5

We would suggest that contrary to the case officers opinion on Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the dwelling would, if permitted, be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.



Figure 15 Existing Area Character

We would respectfully request that the Council consider this application to be in keeping with the policy, the numerous approvals within the locality and the local built form. This application will not add further harm to this area.

We would respectfully request that this application be deferred to an office meeting or site meeting so as the application can be discussed in further detail.



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

Delegated Application

Development Management Officer Report		
Case Officer: Ashley Donaldson		
Application ID: LA07/2015/0995/F		Target Date:
Proposal: Two storey farm dwelling with detached garage and associated site works		Location: Lands 91M NW of No.3 Glenmore Road Mullaghbane Newry
Applicant Name and Address: Marie Hearty 24 Drumalt Road Silverbridge Newry BT35 9LQ		Agent Name and Address: Clarman & Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
Date of last Neighbour Notification:		19th January 2016
Date of Press Advertisement:		21st October 2015
ES Requested: Yes/No		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues: The proposal does not cluster with existing farm buildings, is prominent, will contribute to build up and is unsympathetic to the character of the AONB.		

Site Visit Report

Site Location Plan:



Date of Site Visit: 8th March 2016

Characteristics of the Site and Area

The site is located at lands 91m North West of No. 3 Glenmore road, Mullaghbane, Newry. The site as defined in red on the site location plan takes in a particularly steep and uneven piece of land which rises sharply towards the North East and is characterised by rocky outcrops, whin hedging and mature shrubbery/trees. The area is predominately rural in character and is located within the AONB however a number of residential properties can be identified within the vicinity of the site.

Planning Assessment of Policy and Other Material Considerations

The proposal seeks full planning permission for a farm dwelling.

Site History

N/A

Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015
The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for farm dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015. The site lies within the Rural Area and ring of Gullion AONB. Whilst permission in this area is restrictive the plan does make provision for a single farm dwelling in accordance with PPS21 CTY10.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards
Transport NI has no objections with regard to these policy criteria.

PPS21 – Sustainable Development in the Countryside
Policy CTY1 restricts new development in the countryside, but makes an exception for farm dwellings which are acceptable if in accordance with policy CTY10.

DARD NI has confirmed the Business ID submitted with the application has been in existence for more than 6 years and has claimed subsidies during this period. This satisfies the requirements of CTY 10 (a). The farmland as shown on the map has been checked for planning history which has returned a negative result, satisfying criteria (b). Criteria (c) of CTY 10 states that the new building must be visually linked or sited to cluster with an established group of buildings on the farm. Exceptionally consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. Demonstrable evidence is defined in the justification and amplification as being from an independent authority and evidence of verifiable plans include planning permissions and contractual obligations etc. The proposed dwelling has not been sited to cluster with the established group of farm buildings at Drumalt Road and the design and access statement submitted with the application states the reason being that the land surrounding Drumalt Road is of high agricultural value. This justification does not meet the criteria of exceptions listed and as such fails to meet the policy criteria (c) and as a consequence does is contrary to CTY10 of PPS21.

As the proposal fails to meet policy CTY10 and as there are no over-riding reasons this application is essential in this rural location and could not be located within a settlement the proposal is also contrary to CTY 1 of PPS21.

In terms of CTY13/14, the design of the proposed dwelling is generally acceptable. However given the elevated nature of the site the dwelling will appear prominent from the Polkone Road and the Glenmore Road and as such is contrary to CTY13. When viewed with other existing dwellings in the area the proposal would also lead to build up and as a result is contrary to CTY14.

PPS 2 Natural Heritage

Policy NH6 of PPS 2 Natural Heritage is applicable as the site lies within the AONB. The siting of the proposed dwelling, given its lack of integration is unsympathetic to the special character of the AONB of the particular locality and as such is contrary to (a) of Policy NH6. There are no adverse impacts on existing heritage in the area and the design of the dwelling is in keeping with local architectural styles.

No objections or representations were received.
 Neighbouring Properties within 90 metres have been consulted
 Application has been advertised.

Refusal is recommended.

Neighbour Notification Checked	Yes
Summary of Recommendation	Refusal as above.
Conditions/Reasons for Refusal:	Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to further erode the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the dwelling would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer Signature:	
Date:	
Appointed Officer Signature:	
Date: 7-4-16	

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

ITEM NO	8			
APPLIC NO	LA07/2015/1408/F	Full	DATE VALID	12/24/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Paul Burke 12 Marshallstown Downpatrick BT30 8AL		AGENT	
				NA
LOCATION	12 Marshallstown Downpatrick			
PROPOSAL	Retention of existing domestic store as built to rear of dwelling (Retrospective)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

1. This proposal is considered contrary to policy EXT 1 of the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that the proposal has an adverse impact upon the amenity of the occupants of No 93 Ballynoe Road by reason of overbearing and dominance.
2. This proposal is considered contrary to policy EXT 1 of the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that the proposal does not respect the character of the existing dwelling by reason of incompatible materials and through the breaking of the established building line along the Ballynoe Road.
3. This proposal is considered contrary to policy EXT 1 of the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that the proposal if permitted would result in a substandard level of amenity space remaining for the property at No 12 Marshallstown.

Newry, Mourne and Down District Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11/05/2015	Item Number:
Application ID: LA07/2015/1408/F	Target Date:
Proposal: Retention of existing domestic store as built to rear of dwelling (Retrospective)	Location: 12 Marshallstown, Downpatrick
Referral Route: Recommended Refusal	
Recommendation: Refusal	
Applicant Name and Address: Paul Burke 12 Marshallstown Downpatrick BT30 8AL	Agent Name and Address:
Executive Summary:	
Signature(s): <i>See N 27/04/16</i> <i>[Signature]</i> 27-04-16	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues

- Application for retention of existing domestic store to rear of No 12 Marshallstown, Downpatrick.
- Objection received
- Current Enforcement Case on site in relation to unauthorised shed under reference LA07/2015/0156CA

Characteristics of the Site and Area

Site is located within a cluster of semi-detached bungalow dwellings. This dwelling has its gable facing towards the Ballynoe Road and the rear boundary of the property is adjacent to No 93 Ballynoe Road which is orientated facing towards the Ballynoe Road. No 12 is also situated at a higher level than No 93.

Planning Assessment of Policy and Other Material Considerations

Principal Planning Policies:
 Regional Development Strategy (RDS)
 Ards/Down Area Plan 2015 (ADAP)

Strategic Planning Policy Statement for Northern Ireland (SPPS)
PPS 7: (Quality Residential Environments)
PPS 7 Addendum: (Residential Extensions & Alterations)

Supplementary Planning Guidance:

Creating Places: Achieving quality in residential environments

Principal of Development:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

This proposal is for a domestic store within the curtilage of an established dwelling in the countryside area in the ADAP 2015 and is therefore considered acceptable in principal. The proposal must still however satisfy the criteria of policy EXT 1 of the PPS 7 addendum (Residential Extensions & Alterations).

Notice of this application has been carried out in accordance with Part 8 (1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Design:

The PPS 7 Addendum states proposals for garages or outbuildings should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views.

The building for which retrospective permission is being sought measures 10 metres wide, 5.1 metres deep and is 3.4 metres wide. The eaves height is 2.8 metres high. The main finishing materials are green metal cladding. Whilst the cladding material is not considered ideal, the structure is not of a size that detracts significantly from the character of the area.

In terms of materials, the use of green metal cladding on a building ancillary to this dwelling is not considered sympathetic with the built form and character of the existing dwelling and detracts from the appearance of the surrounding area. The materials used are considered more industrial or agricultural nature than what would be considered appropriate in a residential environment and differ significantly from the host dwelling. This proposal also projects beyond the established building line of the gable wall of No 12 and frontage of other dwellings facing onto the Ballynoe Road.

Impact on residential Amenity:

The PPS 7 Addendum guidance notes mentions how neighbouring occupiers can be adversely affected by a sense of being 'hemmed in' by an extension. This can often result from the construction of a large blank wall. Dominance can be increased when the neighbouring property is at a lower ground level to the development site. It is believed that this proposal has an adverse impact upon the amenity of neighbouring residents of 93 Ballynoe Road through an overbearing and dominant impact. The site (no 12) is currently in an elevated position over No 93 and the construction of a structure 3.4 metres in height immediately adjacent to the side boundary of No 93 significantly changes

the setting for that dwelling. The eaves height of the proposal is also higher than what would be allowed under permitted development. The choice of materials area also considered to exacerbate the overbearing impact on No 93 due to its dark colour and industrial nature.

This proposal is not considered to cause any overlooking or overshadowing due to its nature and position in relation to path of sun.

Policy EXT 1 also requires sufficient space remains within the curtilage of the property for recreational and domestic purposes. All residential properties require some in-curtilage private open space, usually to the rear, compatible with the overall size of the plot, for normal domestic activities, such as, bin storage, clothes drying, sitting out and playspace. This space should enjoy a high degree of privacy from the public street and from any other public places.

The structure for which retrospective permission is sought covers the vast majority of the rear yard area of this dwelling leaving a minimal area to the side of the dwelling which also serves as a parking area. The location of a building of this size in this location virtually leaves no private amenity space within the curtilage of the dwelling as remaining space is open to public views from the front of the property and the adjacent Balolynoe Road. The proposal is also considered contrary to policy on this ground.

Consideration of Third Party Representations:

Objection received from occupier of 14 Marshallstown Road.

Main points concern:

- Accuracy of notification letter
- Lack of scrutiny of impact on local amenities and disruption building may cause and impacts of development as work proceeds on site
- Reference made to dumping from adjacent development (photos enclosed with objection)
- Reference made to extension on adjacent property (No 11) and queried if these works occurred without benefit of planning permission.
- Reference made to dumping of material from works previous works at site onto objectors land and damage to boundary fence.
- Reference made to previous complaint to DOE regarding illegal dumping.

Firstly in relation to the accuracy of notification letter, this address is registered on the Royal Mail website and also is on LPS mapping so this is considered to be sufficiently accurate to allow identification of the site.

Concerning the manner in which this proposal would be assessed as a retrospective application as opposed to if the works had not yet occurred, this proposal has been assessed against all the same planning policy/legislation as if the works had not yet occurred.

In relation to the point concerning dumping of material and the attached photo's, from inspection of these photo's it does not appear that the dumping appears to be at a level that would constitute development or a change of use and therefore require planning permission. Any damage to the objectors' fence is potentially a civil issue.

Also, concerning the alleged unauthorised extension of the neighbouring property (no 11), aerial photography indicates this extension was in place in September 2015 which would suggest it is immune from enforcement action as has been in place over 5 years, it must be noted however, given the small scale of this extension, it may qualify as permitted development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

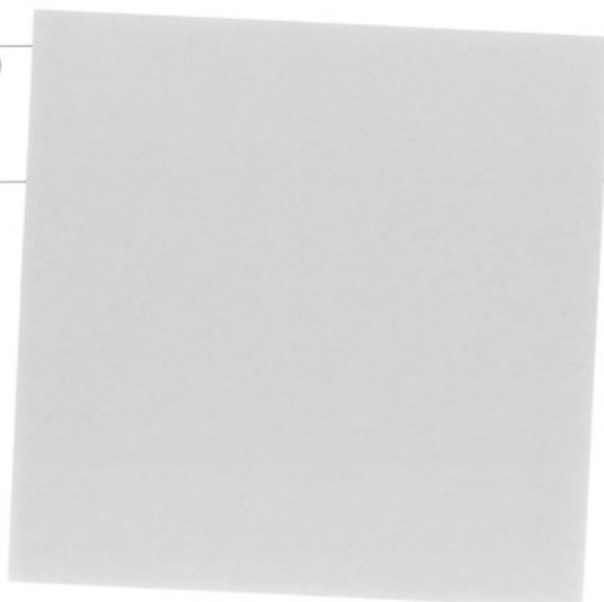
Refusal recommended. Proposal contrary to Policy EXT1 of the PPS 7 Addendum by reason of dominance impact on No 93, is not in keeping with existing building and area in terms of materials used, does not respect the character of area through its projection and beyond an established building line and also loss of amenity space to No 12.

Reasons for Refusal:

1. This proposal is considered contrary to policy EXT 1 of the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that the proposal has an adverse impact upon the amenity of the occupants of No 93 Ballynoe Road by reason of overbearing and dominance.
2. This proposal is considered contrary to policy EXT 1 of the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that the proposal does not respect the character of the existing dwelling by reason of incompatible materials and through the breaking of the established building line along the Ballynoe Road.
3. This proposal is considered contrary to policy EXT 1 of the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that the proposal if permitted would result in a substandard level of amenity space remaining for the property at No 12 Marshallstown.

Signature(s)

Date:



ANNEX	
Date Valid	24th December 2015
Date First Advertised	20th January 2016
Date Last Advertised	20 th January 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Marshallstown, Ballynoe, Downpatrick. Co. Down. BT30 8AJ The Owner/Occupier, 11 Marshallstown Marshallstown (Main Portion) Downpatrick C Stewart 14, Marshallstown Road, Downpatrick, Down, Northern Ireland, BT30 8AH The Owner/Occupier, 7 Marshallstown Marshallstown (Main Portion) Downpatrick The Owner/Occupier, 8 Marshallstown Marshallstown (Main Portion) Downpatrick The Owner/Occupier, 9 Marshallstown Marshallstown (Main Portion) Downpatrick The Owner/Occupier, 93 Ballynoe Road Grangicam Downpatrick The Owner/Occupier, 99 Ballynoe Road Grangicam Downpatrick	
Date of Last Neighbour Notification	13th January 2016
Date of EIA Determination	
ES Requested	No
Planning History R/1975/0552 - 1-12 Marshallstown Downpatrick – Conversion and Extension to Dwellings – Permission Granted	
Summary of Consultee Responses No consultations considered necessary	
Drawing Numbers and Title	

Drawing No. 01
Type: Site location plan and existing site
Status: Submitted

Drawing No. 02
Type: Existing plans and Elevations
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: No notification to Department for this application
Response of Department: NA

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

ITEM NO	9			
APPLIC NO	LA07/2016/0061/F	Full	DATE VALID	1/13/16
COUNCIL OPINION	REFUSAL			
APPLICANT	John Higgins 18 Vianstown Park Downpatrick BT30 6DH		AGENT	Landlord Services Design Group 10-16 Hill Street Belfast BT1 2LA 02890828045
LOCATION	18 Vianstown Park Downpatrick BT30 6DH			
PROPOSAL	Extension to front, side and rear of dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



- 1 This proposal is contrary to the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that it will have an adverse impact upon the amenity of the residents of 19 Vianstown Park through dominance and overbearing and is also not in keeping with the character of Vianstown Park through it projection beyond an established building line.



Newry, Mourne and Down District Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 11/05/2015	Item Number:
Application ID: LA07/2016/0061/F	Target Date:
Proposal: Extension to front, side and rear of dwelling	Location: 18 Vianstown Park Downpatrick BT30 6DH
Referral Route: Refusal Recommended	
Recommendation: Refusal	
Applicant Name and Address: John Higgins 18 Vianstown Park Downpatrick BT30 6DH	Agent Name and Address: Landlord Services Design Group 10-16 Hill Street Belfast BT1 2LA
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations: No consultations necessary		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Refusal recommended. Application is for domestic extension to front and rear of existing dwelling and new side porch/entrance. Application has been accompanied by an Occupational Therapist Letter and no representations have been received.</p>		
Characteristics of the Site and Area		
<p>Area is mainly residential in character. The dwelling on this site is an end of terrace dwelling with a 'lean-to' roof. Vehicular access and parking is located at a communal parking area to the side of this dwelling.</p>		
Planning Assessment of Policy and Other Material Considerations		
<p><i>Principal Planning Policies:</i> Regional Development Strategy (RDS) Ards/Down Area Plan 2015 (ADAP) Strategic Planning Policy Statement for Northern Ireland (SPPS) PPS 7: (Quality Residential Environments) PPS 7 Addendum: (Residential Extensions & Alterations)</p>		
<p><i>Supplementary Planning Guidance:</i> Creating Places: Achieving quality in residential environments</p> <p>Notice of this application has been carried out in accordance with Part 8 (1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015. This application was advertised on 25th January 2016, and neighbour notification carried out in accordance with legislative requirements, to date no representations have been received.</p>		

Site History:

Separate application recently approved on site for extension and alterations under reference LA07/2015/0614/F

Principal of Development:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

This proposal is for alterations to an existing dwelling within the settlement limit of Downpatrick in the ADAP 2015 and is therefore considered acceptable in principal however it must be weighed up against other material considerations including the PPS 7 Addendum: (Residential Extensions & Alterations).

Design:

This proposal is considered unacceptable in terms of design when assessed against the criteria of Policy EXT 1 of the PPS 7 Addendum (residential extensions and alterations). The front extension projects significantly (4 metres) beyond the existing building line of Vianstown Park forming a break in the character of this terrace. Some neighbouring dwelling feature front alterations but these are all within the 'recess' sections and do not project beyond the existing building line. The other application currently under consideration on this site respects the established building line approval is recommended in that instance. The rear and side extensions do not cause any concern in terms of design due to the small scale and single storey nature.

Impact on residential Amenity:

There is significant concern on the potential loss of amenity to the residents of No 19 Vianstown Park by the proposed front extension. The proposed extension projects 4 metres beyond the established building line and this is immediately adjacent to the front elevation and window of this property and is likely to cause a significant 'overbearing' effect on this property and therefore conflict with Policy EXT 1. Whilst elevations of the closest neighbouring property (No 19) have not been provided, it is estimated the proposed extension is within 60 degrees of the centre point of the ground floor front window of No 19.

There are no concerns in relation to overlooking as no new window openings look directly into neighbouring properties. The rear and side extensions do not cause any concern in terms of amenity due to their small scale and partial screening by the most rear part of the neighbouring property (No 19).

In terms of amenity space remaining at the applicant dwelling, whilst ideally there should be a larger space within the cartilage of a dwelling, this site did have a restricted area before the application. Although the front extension covers the majority of the space at the front of the property, this is not considered 'private' unlike the rear which is well screened to it is not believed to conflict with policy in this instance.

Access and Parking:

This proposal does not create any access or road safety issues.

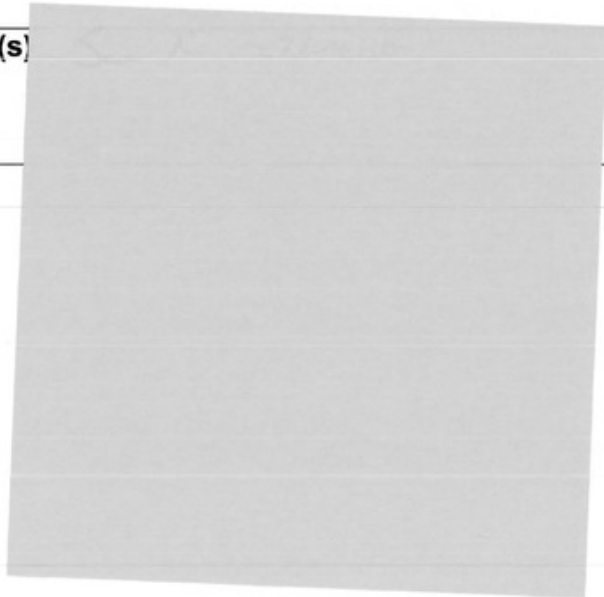
Neighbour Notification Checked**Yes****Summary of Recommendation:**

Refusal recommended. Proposal considered to conflict with policy EXT 1 of PPS 7 Addendum

through its impact on amenity of residents of No 19 Vianstown Park and is considered out of character with other properties in Vianstown Park in that it projects significantly beyond the established building line. Although an OT letter has been submitted to accompany this application and works are clearly to facilitate a person whom is disabled, unfortunately the restricted curtilage of this site does not allow for an extension of this scale that will not have an impact on neighbouring amenity. A separate smaller proposal on this site was recently approved under reference LA07/2015/0614/F. An opportunity was presented to agent for the submission of a revised scheme or further information however no such information was received.

Reasons for Refusal:
This proposal is contrary to the Planning Policy Statement 7 Addendum (Residential Extensions and Alterations) in that it will have an adverse impact upon the amenity of the residents of 19 Vianstown Park through dominance and overbearing and is also not in keeping with the character of Vianstown Park through it projection beyond an established building line.

Signature(s)
Date:



ANNEX	
Date Valid	13th January 2016
Date First Advertised	3rd February 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Vianstown Park Demesne Of Down Acre Downpatrick The Owner/Occupier, 19 Vianstown Park Demesne Of Down Acre Downpatrick	
Date of Last Neighbour Notification	3rd February 2016
Date of EIA Determination	
ES Requested	No
Planning History LA07/2015/0614/F – Single storey bedroom extension to rear with adjoining shower room, new single storey bedroom to the front and new front entrance porch formed on gable – Permission Granted – 25/03/2016	
Summary of Consultee Responses No Consultations necessary	
Drawing Numbers and Title	

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout

Status: Submitted

Drawing No. 03

Type: Proposed Site Layout

Status: Submitted

Drawing No. 04

Type: Existing Site Layout

Status: Submitted

Drawing No. 05

Type: Existing Site Layout

Status: Submitted

Drawing No. 06

Type: Existing Ground Floor Plan

Status: Submitted

Drawing No. 07

Type: Existing First Floor Plan

Status: Submitted

Drawing No. 08

Type: Existing Front and Rear Elevations

Status: Submitted

Drawing No. 09

Type: Existing Gable Elevation

Status: Submitted

Drawing No. 10

Type: Proposed Site Layout

Status: Submitted

Drawing No. 11

Type: Proposed Ground Floor Plan

Status: Submitted

Drawing No. 12

Type: Proposed Front and Rear Elevations

Status: Submitted

Drawing No. 13

Type: Proposed Gable Elevation

Status: Submitted

Drawing No.

Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department: Not necessary
Response of Department: NA

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

ITEM NO	11				
APPLIC NO	LA07/2016/0363/LDE	LD Certificat	DATE VALID	3/4/16	
COUNCIL OPINION	APPROVAL				
APPLICANT	Newry Mourne and Down District Council Downshire Civic Centre Downshire Estate Ardglass Road Downpatrick BT30 6GQ		AGENT		
LOCATION	Dunleath Playing Fields - 40m south of 114 Market Street Downpatrick			NA	
PROPOSAL	Temporary access to the existing leisure centre site, for a period of 24 months.				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	0
			Addresses	Signatures	Addresses Signatures
			0	0	0



Newry, Mourne and Down District
Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA07/2016/0363/LDE	Target Date:
Proposal: Temporary access to the existing leisure centre site, for a period of 24 months.	Location: Dunleath Playing Fields - 40m south of 114 Market Street Downpatrick
Referral Route: Applicant is the Council	
Recommendation:	
Applicant Name and Address: Newry Mourne and Down District Council Downshire Civic Centre Downshire Estate Ardglass Road Downpatrick BT30 6GQ	Agent Name and Address:
Executive Summary: The works are considered to be lawful.	
Signature(s):	

Case Officer Report		
Site Location Plan		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Characteristics of the Site and Area		
Application Reference: LA07/2016/0363/LDE		
Date Received: March 2016		
<p>Proposal:</p> <p>A Lawful Development Certificate (Existing) is sought for a temporary access to the existing leisure centre site, for a period of 24 months, on lands at Down Leisure Centre and Dunleath Playing Fields, Downpatrick.</p>		
<p>Site Characteristics & Area Characteristics:</p> <p>The site outlined in red comprises the grounds of the existing Down Leisure Centre, associated car park and a portion of the adjoining playing fields (known as Dunleath Playing Fields), whereby preparatory work has commenced for the construction of a new leisure centre. The existing building is set back from the road, with parking to the front and side, and also includes separate entry/exit points, while a new access point and road have also been constructed to the southern end of the site, although which is not presently in use. As stated above preparatory work has commenced on site in advance of the construction of a new leisure centre with fencing, temporary access, and mobile reception station.</p>		
<p>The site is located within the development limits of Downpatrick, outside the town centre boundary, on land regarded as white-land as identified in the Ards and Down Area Plan 2015. It is noted the adjoining playing fields to the south side of the site are zoned areas of existing amenity open space and recreation. The site also adjoins a petrol filling station and the grounds of the regional college to the north side, fronts towards the grounds of Asda and backs onto residential properties. This area includes a mix of uses.</p>		
Planning Assessment of Policy and Other Material Considerations		
<p>Policy for consideration of proposal:</p> <p>SPPS (Strategic Planning Policy Statement for Northern Ireland).</p> <p>This policy provides overall context under which the Council will determine planning applications.</p>		

The Planning (General Permitted Development) Order (Northern Ireland) 2015:
Part 13 (Development by Councils)

Consultations:

Having account the nature of this application (Certificate of Lawfulness) no consultations have been carried out.

Objections & Representations

None received to date (22-04-16)

Having account the nature of this application (Certificate of Lawfulness) no neighbour notifications or advertising have been carried out.

Assessment

Article 169 of The Planning Act (Northern Ireland) 2011 states that a Certificate of lawfulness of existing use or development [shall be submitted] if a person wishes to ascertain whether -

- (a) any existing use of buildings or other land is lawful;
- (b) any operations which have been carried out in, on, over or under land are lawful; or
- (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

that person may make an application for the purpose to the appropriate council specifying the land and describing the use, operations or other matter.

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

R/2012/0421/F- Down Leisure Centre site, Market Street, Downpatrick, New Leisure Centre, Full, Approval, 01-05-14, Applicant: DDC.

It is noted this approved application included some 13 conditions, whereby consultation was carried out with Transport NI, NIW, WMU, Rivers Agency, Environmental Health, and LRM.

The site outlined in red which is the subject of this application comprises the grounds of Down Leisure Centre and a portion of the adjoining Dunleath Playing Fields.

As part of this application a LDC1 (Existing) form, site location plan, and site plan have been submitted.

In this case Criteria B is applicable, in which the applicant (Newry, Mourne and Down District Council) is seeking to demonstrate that the operations which have been carried out in, on, over

<p>or under land are lawful.</p> <p>Having account the wording and regulations of Part 13 (Development by Councils) of the Planning (General Permitted Development) Order (NI), it is considered the works proposed, namely that outlined above (construction of a new temporary access), are in line with the operations pemrissible by a Council.</p> <p>It is noted this site accessed onto Market Street, whereby a separate licence/consent may be required from Transport NI, however for the purposes of this application, it is considered the works undertaken by the Council are lawful.</p> <p>Recommendation: Approval</p>	
<p>Neighbour Notification Checked</p>	<p>N/A</p>
<p>Summary of Recommendation: Lawful</p>	
<p>Conditions/Reasons for Refusal:</p> <p>Conditions Informatives</p>	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	4th March 2016
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
Summary of Consultee Responses	
Drawing Numbers and Title	

<p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>

ITEM NO	12			
APPLIC NO	P/2013/0546/F	Full	DATE VALID	7/17/13
COUNCIL OPINION	APPROVAL			
APPLICANT	Fitzpatrick Brothers Leod Quarries Leod Rd Newry Hilltown BT345TJ		AGENT	
				NA
LOCATION	Yellow Road Hilltown (lands enclosed by no 4 Yellow Road nos 3-9 Oakridge Villas and nos 7-13a Slievenagarragh.			
PROPOSAL	11 Detached houses, 11 Detached Garages, Road Determination, Alterations to existing public road, sewer installation and associated siteworks.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2013/0546/F

Date Received: 17th July 2013

Proposal: 11 Detached houses, 11 Detached Garages, Road Determination, Alterations to existing public road, sewer installation and associated site works.

Location: Yellow Road, Hilltown (lands enclosed by No. 4 Yellow Road, Nos. 3-9 Oakridge Villas and Nos. 7-13a Slievenagarragh)

Site Characteristics & Area Characteristics:

The site comprises 2 agricultural fields on the edge of Hilltown, and two existing single dwellings. The site has frontage onto Yellow Road to the west and Newry Road to the north. The new housing is proposed in the larger southern field with access from Yellow Road. This part of the site slopes gently away from the road from west to east. It has scenic views over the Mournes to the SE. The roadside boundary is a 1.0m high roughcast rendered wall. To the south (adjoining Slievenagarragh) is 2m high close board fencing and some sparse hedging up to 4m high. To the east (facing Oakridge Villas) is a 1m high post and wire fence and some conifer and laurel hedging. To the north is a post and wire fence with three mature trees up to 10m high and ranch style fencing with 4m high conifers around the curtilage of No. 4 Yellow Road.



The site is located towards the western edge of Hilltown, a designated village on the Banbridge, Newry and Mourne Area Plan 2015. It is within the settlement development limit and the southern field where the housing is proposed is zoned for housing (HN09). It is also within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. The dominant land uses in the area are agriculture and residential. There are a range of house types and sizes.

Site History:

Outline planning permission was granted on 24th July 2008 for a residential development on the site under application P/2006/1558/O. Conditions included widening of a portion of Yellow Road from the junction with Newry Road to provide a footpath, and the retention of existing natural boundaries. A conceptual layout submitted with the application showed a total of 11 detached dwellings, of 2 or 1½ storeys. While the three year period for submission of reserved matters had passed, the five year lifespan of the permission was extant when the current application was made on 17th July 2013. Therefore weight can be given to the previous approval in this determination. Together with the development plan zoning, it establishes the principle of housing on the site.

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- PPS15 – Planning and Flood Risk
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

Consultations:

TransportNI – The road improvements on Yellow Road and the internal layout of the development have been amended and are now considered acceptable. A Private Streets Determination has been carried out so that the completed roadway can be adopted by DRD.

NI Water – Public water supply and foul sewers available with capacity to serve the development. The nearest storm sewer is over 400m away. Agreement has been reached with NI Water to requisition a new storm sewer along Main Street.

NIEA Water Management – Standard advice on sewerage & drainage.

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

Rivers Agency – A Drainage Assessment was initially requested. Following extensive discussions with statutory bodies, it was agreed that a new storm sewer would be built through the site and then along Main Street to discharge into a watercourse east of Carquillan.

DCAL Inland Fisheries Group – No objections

Objections & Representations

Neighbour notification letters were issued to 65 adjoining properties on 31st July 2013 and the application was advertised in five local newspapers on 9th August 2013. No third party objections or representations were received. Although some minor changes to the scheme were requested during processing, these were not significant enough to warrant re-advertisement.

Consideration and Assessment:

STRATEGIC POLICY

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. Therefore the principle of developing the site is in line with the regional housing policy of the RDS.

The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are the aim of supporting good design and positive place making while preserving and improving the built and natural environment. The design of the scheme has been amended during the course of the application in response to concerns raised by the Department of the Environment. The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. The proposal complies with these as follows:

- *increased housing density without town cramming* – the proposal will increase the housing density in this area without erosion of local character, environmental quality or amenity. The design draws on some of the characteristics of adjacent development. For further consideration of these issues, see urban design below.
- *sustainable forms of development* – the use of sites like this within the urban footprint is more sustainable than one-off housing developments outside development limits and is therefore to be encouraged. There are local facilities and services available at the centre of the village which is at walking distance from the site.
- *good design* – The design of the amended scheme successfully respects the context of this edge of settlement site. The scale of detached dwellings proposed is in keeping with the site's location.

- *balanced communities* – the development provides a variety of house types and sizes. As there is zoned land for social housing elsewhere in Hilltown, the developer will not be required by condition to provide any social housing.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. As the site is within the development limit of Hilltown on the adopted area plan and is zoned for housing, the principle of housing development on the site is acceptable subject to detailed design. This housing zoning (HN09) is listed as a committed site by virtue of the outline permission and contributes to the Housing Growth Indicator for the settlement. There are no key site requirements.

URBAN DESIGN

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The main part of the development is arranged around a T-shaped access road so that there are a number of generous-sized corner plots. However, three of the dwellings will have frontage directly onto Yellow Road forming an appropriate edge to the settlement, providing informal surveillance and ensuring that there are no front-on-back or tandem style relationships between the units. There are six different house types. Those along the Yellow Road frontage are full two storey and have three different designs to provide variety and a focal point at the entrance to the development. There is also a 2 storey unit opposite the main access road. Others to the rear of the frontage are 1½ storey providing accommodation suitable for smaller families. These dwellings have been sited to permit a 6 metre set-back from the line of a water main running through the site, though the layout is such that this does not create an artificial break in the development. Single garages are provided for the rear dwellings while the three along the frontage have a larger garage with a store above. The scheme as a whole provides a diverse low-density development appropriate to its context, with suitable active frontage and no awkward backland relationships. It will make a positive contribution to the townscape of the area through its design and scale and the materials to be used. There are no archaeological or built heritage features that would be adversely affected by the proposal. The site is within walking distance of public transport and local services. Traffic calming measures will include a 1800mm wide raised rumble strip on the main access road. The design and layout will not create conflict with adjacent land uses and there will be no unacceptable amenity impact on surrounding dwellings as a result of overlooking or loss of light. Most back to back separation distances are 18-20 metres, in keeping with the guidance in *Creating Places*. Boundary treatments including Escallonia hedges and 1.5m high close board timber fences (to rear gardens) are considered acceptable. There will be only pin kerbs to front gardens to preserve the open plan nature of the estate. The pattern of development is in keeping with the overall character and environmental quality of the established residential area. The dwellings exceed the minimum space standards set out in the Addendum to PPS7.

OPEN SPACE

The area of the site being developed is just over 1 hectare, so it triggers the requirement in policy OS2 of PPS8 for the provision of public open space as an integral part of the development. However, as public open space was not requested by the previous planning authority (DOE) when seeking other amendments to landscaping, it is considered unreasonable to now impose this requirement. Given that the private open space provision is relatively generous on each plot, and that the overall layout is acceptable with regard to residential amenity, the application should not be refused on this basis.

ACCESS AND PARKING

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The proposed access is in the position previously agreed and a footpath along this entire section of Yellow Road will be provided as part of the works. Sightlines of 4.5m x 60m will be provided at the main access road. There will be two separate accesses to individual dwellings fronting Yellow Road, each with splays of 2.0m x 60m. This will provide adequate visibility and is in keeping with the standards of DCAN15. TransportNI are satisfied with the access arrangements proposed and have recommended conditions to ensure that these works are carried out, in the interests of road safety. A Private Streets Determination has also been made so the completed roadway can be adopted. The proposal would not result in a significant increase in traffic congestion or be a hazard to road safety; sufficient off-street parking and turning space is made available in a manner which is visually satisfactory.

DRAINAGE AND SEWERAGE

NI Water advised that public water supply and foul sewers were available with capacity to serve the development. The foul sewer will connect to the public network at Newry Road to the north of the site. A condition should be imposed to ensure that this is done before any dwellings are occupied, in the interest of public health. The nearest storm sewer is over 400m away. A Drainage Assessment was carried out as the site exceeds the thresholds in policy FLD3 of PPS15 for both the number of units and the site area. The Assessment found that the development of the site would cause a 25.9% increase in runoff as a result of extra hard surfacing. In order to dispose of this storm water without increasing flood risk elsewhere, it has been agreed with NI Water and Rivers Agency that a new storm sewer will be built through the site and then along Main Street to discharge into a watercourse east of Carquillan. The implementation of this scheme will be conditioned.

IMPACT ON AREA OF OUTSTANDING NATURAL BEAUTY

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. The proposal is of an appropriate design, size and scale for the locality, and in keeping with the character of the area. The detailed design draws on local architectural styles and patterns, boundary treatments and external finishes are

appropriate for this urban location and traditional local finishes such as painted render are used.

Recommendation: Approval

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.**
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. 22 (REV 1) bearing the date stamp 21 March 2016.

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 Permitted Development) Order (Northern Ireland) 2015 no garages shall be sited closer than 5.6 metres from the back of the footway or service strip, and no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in verges / service strips determined for adoption by the TransportNI.

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.

4. **The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992**
No part of the development hereby permitted shall be commenced until the works necessary for the improvement of Yellow Road have been completed in accordance with the details outlined in blue on Drawing No. 22 (REV 1) bearing the date stamp 21 March 2016. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

5. The visibility splays as indicated at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No. 22 (REV 1)

bearing the date stamp 21 March 2016, prior to the commencement of any works or other development. Any telegraph poles or street furniture shall be re-sited to the rear of sight visibility splays to the satisfaction of TransportNI.

REASON: No ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

6. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

7. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per dwelling unless otherwise specified on the approved plans.

REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.

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

REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

9. 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. 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 at the developer's expense.

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

10. 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 Department's specification (Design Manual for Roads & Bridges) and as directed by Transport NI Traffic Management Section prior to the development becoming occupied by residents.

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

11. The gradient of a private access shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary and a maximum gradient of 10% thereafter.

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

12. The developer, prior to the commencement of any road works, shall provide a detailed programme of works and associated traffic management proposals to Transport NI for agreement in writing. The developer shall contact Transport NI 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: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

13. None of the dwellings hereby permitted shall be occupied until the sewage disposal and drainage works (including the new storm sewer along Main Street) have been completed in accordance with the submitted plans.

REASON: In the interests of public health and to ensure no increase in flood risk as a result of the development.

14. Each building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain water drainage system, once the buildings are occupied.

REASON: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

15. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out during the first available planting season after the development is first occupied.

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

16. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

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

ITEM NO	12			
APPLIC NO	P/2014/0320/F	Full	DATE VALID	4/4/14
COUNCIL OPINION	REFUSAL			
APPLICANT	Paul Grant 43 Bavan Road Mayobridge Newry		AGENT	CGDM 27 Patrick Street Newry BT358EB 02830250844

LOCATION 70 Metres South of 9 Longfield Road
Lislea
Newry.

PROPOSAL Erection of dwelling (Change of house type and site position from previously approved application ref no P/2007/0720/RM) and new detached garage.

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

- 1 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that amendments to the design of the proposed dwelling and garage, the proposed site layout as well as additional information for Transport NI are required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.
- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 3 The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed dwelling and garage is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2 - Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its design which does not respect the distinctive character and landscape quality of the locality.



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

Delegated Application

Development Management Officer Report	
Case Officer: Lisa Grant	
Application ID: P/2014/0320/F	Target Date:
Proposal: Erection of dwelling (Change of house type and site position from previously approved application ref no P/2007/0720/RM) and new detached garage.	Location: 70 Metres South of 9 Longfield Road Lislea Newry.
Applicant Name and Address: Paul Grant 43 Bavan Road Mayobridge Newry	Agent Name and Address: CGDM 27 Patrick Street Newry BT358EB
Date of last Neighbour Notification:	11th April 2014
Date of Press Advertisement:	25th April 2014
ES Requested: Yes/No	
Consultations:	
Consultation Type	Consultee
Representations:	Response
Letters of Support	None Received
Letters of Objection	None Received
Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues:	

Application ID: P/2014/0320/F

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Site Visit Report

Site Location Plan:



Date of Site Visit: 12th May 2014

Characteristics of the Site and Area

The application site adjoins Longfield Road, Lislea and is located to the west of this road. Reserved matters permission was granted for the erection of a dwelling under P/2007/0720/RM. The foundations of this dwelling appear to have been laid in accordance with the approved plans in the south-west section of the site.

The site constitutes the majority of a field which lies immediately adjacent and south of no. 9 Longfield Road and its associated agricultural buildings. The boundaries of the site are defined by hedges and trees. Sections of the north boundary are undefined where the site is cut off the subject field. The roadside boundary is defined by a small red brick wall with pillar features and iron railings. This entrance has 2 access openings – 1 leading to no.9 and the other to the adjacent agricultural buildings.

Planning Assessment of Policy and Other Material Considerations

Site Planning History:

P/2006/1473/O: Outline planning permission was approved for a dwelling on 21.08.2004.

P/2007/0720/RM: Reserved Matters Approval was granted for the erection of a single storey dwelling on 15.1.2008.

Planning policies relevant in the determination of this proposal include:

- Strategic Planning Policy Statement (SPPS)
- PPS 2 - Natural Heritage
- PPS3 Access, Movement and Parking
- PPS15 Planning and Flood Risk
- PPS21 Sustainable Development in the Countryside

The following policies of PPS21 are of particular relevance:

- CTY1 Development in the Countryside
- CTY8 Ribbon Development
- CTY13 Integration and Design of Buildings in the Countryside
- CTY14 Rural Character
- CTY 16 Development relying on non-mains sewerage

The Banbridge/Newry and Mourne Area Plan 2015: The site is located in the countryside. It is located

within the Ring of Gullion Area of Outstanding Natural Beauty.

This application seeks permission for an alternative siting and a change of house type from the dwelling approved under permission P/2007/0720/RM. An annotation on the proposed site layout plan states foundations which have been laid for this approved dwelling will be removed before commencement of the proposed dwelling.

Permission P/2007/0720/RM expired on 15.1.2010. The Building Control Department of Newry and Mourne District Council have confirmed the foundations of the dwelling were laid before the expiration of the permission. The foundations would appear to be within the area approved under P/2007/0720/RM. The access to the public road including the new opening shown on the previous RM and this proposed application was in place at the time of the site visit. Transport NI has confirmed that whilst the red line of this application does not include all the visibility splays required for this proposed dwelling (change of house type), the splays currently existing on the ground are acceptable in terms of Road Safety. No objections have been received regarding the proposal. It should also be noted that no CLUD has been submitted to the Department or Council to confirm that the works which have so far taken place to commence the previous planning approval are lawful. As no CLUD has been received the Council cannot determine whether the previous permission remains extant therefore this proposal is contrary to CTY 1.

Policy CTY13

The proposal involves moving the dwelling forward of the previous approval and location of existing foundations by 22m and re-positioning it to face towards the Longfield Road (the position of the proposed dwelling and garage is still within the site outline in red as part of the RM). Although the previous site offered better integration, the proposed site is also acceptable as the dwelling is still to be set back an acceptable distance from the Longfield Road, and when the existing landform to the south of the site and surrounding built form is taken into account, the proposed dwelling would still suitably integrate into the site and surroundings when viewed from surrounding vantage points. Issues however surround the proposed design. The previous approval involved a simple single storey dwelling however this application proposals is fussy and 2 letters were issued to the agent requesting changes. These requests included removing the peaked roofs along the front elevation to leave a clean straight facade with a simple storm porch; to remove the stairs on the ground floor plan or provide details of the 1st floor; the proposed garage to be subordinate in scale to the proposed dwelling with a similar roof pitch design; the removal of proposed levels on land shown outside the red line and clarification of those inside the red line and; clarification of any amended proposed site layout plan that the vegetation along the existing lane to be retained. To date no information has been forthcoming therefore the recommendation of refusal based on the design as submitted which is contrary to CTY 13.

CTY 14

The proposed re-siting of this dwelling closer to the Longfield Road and proposed access lane is deemed acceptable and in compliant with CTY 14.

CTY 16

The proposed location on the site plan of the septic tank is located more than 15m from any dwelling and the soakaways do not drain across the curtilage of any neighbouring property. Consent from NIEA is however necessary.

NH 6 of PPS 2 - AONB's

The site is located within an Area of Outstanding Natural Beauty and the letters requesting the amendments referred to this. As presented, the proposed design is not suitable for the site's setting within this AONB.

Policy FLD1 of PPS15:

The application site lies partially within the 1 in 100 year fluvial flood plain. However Rivers Agency carried out a site inspection and as the site is on elevated land they have no reason to object to this

proposal from a drainage or flood risk perspective. As Rivers Agency have no concerns regarding this proposal refusal is not warranted under Policy FLD1.

SPPS

The Environmental Health Department of Newry and Mourne District Council raised concerns regarding this proposal. They recommend a minimum separation distance of 75 metres between agricultural buildings and non associated residential buildings.

In response to this the agent submitted a letter on 10th July 2014 advising the farm buildings are owned by the applicant's father-in-law and he has no objection to the dwelling being sited close to the agricultural buildings.

Consultation Responses:

Transport NI has requested the applicant to submit a detailed 1:500 scale plan showing access details with sightlines clearly dimensioned. This was requested through post and Transport NIs response is available for viewing on the planning portal.

The Environmental Health Department of Newry and Mourne District Council have raised concerns regarding the close proximity of the proposed dwelling to an agricultural shed. They have recommended a minimum separation distance of 75metres between the dwelling and this farm shed.

Rivers Agency has advised the proposed site lies partially within the 1 in 100 year fluvial flood plain. However as the site is on elevated land they have no reason to object to this proposal from a drainage or flood risk perspective.

NI Water did not raise any objections to the proposed development.

HSENI and BGE (NI) - proposed development (as shown on the site layout) falls outside the permanent wayleave of the South-North pipeline and will not compromise the safety and integrity of the pipeline.

No objections were received in response to the local press advertisement and neighbour notifications.

Recommendation: Refusal - lack of information; CTY 1 and 13

Neighbour Notification Checked	Yes/No
Summary of Recommendation	
Conditions/Reasons for Refusal:	
Refusal Reasons	
<p>1. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that amendments to the design of the proposed dwelling and garage, the proposed site layout as well as additional information for Transport NI are required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.</p> <p>2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding</p>	

reasons why this development is essential in this rural location and could not be located within a settlement.

3. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed dwelling and garage is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2 - Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its design which does not respect the distinctive character and landscape quality of the locality.

Case Officer Signature:

Date: 14/4/16

Appointed Officer Signat

Date: 14/4/16

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

ITEM NO	13			
APPLIC NO	P/2014/0997/F	Full	DATE VALID	12/3/14
COUNCIL OPINION	REFUSAL			
APPLICANT	Michael Hearty 98A Newry Road Crossmaglen Newry BT35 9BN		AGENT	J.A. Murphy 43 New Road Silverbridge Newry BT35 5NB
				NA
LOCATION	100 metres east of 98A Newry Road Crossmaglen Newry BT35 9BN			
PROPOSAL	Dwelling house and garage on farm			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the SPPS and Policy CTY 1 and CTY 10 of Planning Policy Statement 2, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new dwelling and garage are visually linked or sited to cluster with an established group of buildings on the farm.
- 2 The proposal is contrary to the SPPS and policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: (a) the proposed dwelling and garage would be a prominent feature in the landscape; (b) the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the proposed dwelling and garage to integrate into the landscape; (c) the proposed dwelling and garage relies primarily on the use of new landscaping for integration and ; (g) the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: (a) the proposed dwelling and garage would, if permitted, be unduly prominent in the landscape; (b) the proposed dwelling and garage would, if permitted result in a suburban style build-up of development when viewed with existing buildings; (c) the proposed dwelling and garage would, if permitted not respect the traditional pattern of settlement exhibited in that area; (d) the proposed dwelling and garage would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- 4 The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the private lane.

Application Number: P/2014/0997/F

Applicant: Michael Hearty

Proposal and Location: Proposed dwelling and garage on a farm
100 metres east of 98a Newry Road, Crossmaglen

Councillor's Name: Councillor Hearty

Reason(s) for requesting application appear before the Planning Committee:

To consider additional information which has been submitted by the agent to Planning Officers.

Briefing Panel Decision:



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

Delegated Application

Development Management Officer Report		
Case Officer:		
Lisa Grant		
Application ID: P/2014/0997/F		Target Date:
Proposal: Dwelling house and garage on farm		Location: 100 metres east of 98A Newry Road Crossmaglen Newry BT35 9BN
Applicant Name and Address: Michael Hearty 98A Newry Road Crossmaglen Newry BT35 9BN		Agent Name and Address: J.A. Murphy 43 New Road Silverbridge Newry BT35 5NB
Date of last Neighbour Notification:		
Date of Press Advertisement:		17th December 2014
ES Requested: Yes/No		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues:		

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is located within rural countryside where the surrounding topography is undulating and made up of single dwellings and farm complexes. The site is close to the small settlement of Creggan between Crossmaglen and Silverbridge. The site occupies a corner section of a larger agricultural field within the south eastern portion of the field. It also occupies a location adjacent to a private access lane at the junction with the Newry Road.

The sites boundaries consist of post and wire fencing with hedging on the neighbouring land's side along the north eastern perimeter, sparse hedging and post and wire fencing along the roadside/south eastern border with a small grouping of mature trees towards the south western corner. There is also small band of trees within the north western corner of the site. Within the latter section the remains of a dilapidated wall are also visible. Within the confines of the site are the ruins (large sections gone) of what might have been a dwelling (agent later confirmed dwelling previously on site but destroyed during the 'troubles').

A bungalow is located 60m to the north west of the site and behind this is 1 small stone built agricultural building split into 2 small rooms. Other dwellings are located further along this private road and another dwelling located 70m to the north east of the site.

Planning Assessment of Policy and Other Material Considerations

SPPS (Strategic Planning Policy Statement)

PPS 3 - Access, Movement and Parking

PPS21 - Sustainable Development in the Countryside (CTY1, CTY 10, CTY 13, CTY 14 and CTY 16)

Banbridge Newry and Mourne Area Plan 2015

Planning History on land identified on the farm maps as being owned by business number [REDACTED]

P/2014/0369/F - infill dwelling between 125 and 127 Newry Road, Silverbridge granted approval on 23rd June 2014 (applicant Mr Brendan Mc Nulty)

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an

application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies outside any defined settlement and within the rural South Armagh countryside between Silverbridge and Crossmaglen.

PPS 21 policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It further states that planning permission will be granted for an individual dwelling house in the countryside provided it meets the criteria outlined in 6 different scenarios. One such scenario is a dwelling of a farm in accordance with policy CTY 10 of PPS 21.

Policy CTY 10 - Dwellings on Farms

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight.

Para 6.73 bullet point 3 within the SPPS deals with dwellings on farms. Within this policy it states that the proposed dwelling must be on an active and established farm business; the farm business must (my emphasis) be active and established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred (my emphasis) from the farm holding within 10 years of the date of the application; and, the proposed dwelling must (my emphasis) be visually linked or sited to cluster with an established group of buildings on the farm holding. It also states that dwellings on farms must also comply with LDP (Local Development Plan) policies regarding integration and rural character and a dwelling on a farm under this policy will only be acceptable once every 10 years. PPS 21 CTY 10 however provides more clarity towards exceptional cases where alternative sites are proposed elsewhere on the farm.

This proposal involves a dwelling on land not sited to cluster with any agricultural buildings. The policy clearly refers to buildings (my emphasis). 60m north west of the site is a small single agricultural building however the surrounding topography, scale of the building and location doesn't even allow this one building to read or cluster with the proposed site. This agricultural building reads more with the dwelling known as 98a Newry Road which is 60m to the south west of the site. The P1 forms indicate that the applicant Mr Michael Hearty resides at 98a Newry Road, however the new recent farm maps produced indicate that the farm business no. ID [redacted] is registered to Michael Hearty at 10 Carrive Road, Silverbridge. Following this a land registry check confirmed that the owner of 98a Newry Road is Brendan McNulty. This dwelling (98a Newry Road) and the small agricultural building adjacent are therefore not linked as they are not within the same farm holding. The registered farm house and farm shed are now located 2 miles away from the proposed site in Silverbridge and for obvious reasons do not cluster or read together. Older farm maps previously submitted referred to the former farm business owner Mrs Margaret Bernadette Hearty and principle farm address at 127 Newry Road, Silverbridge. This land/farm complex still appears to be within the ownership and farm holding registered to Mr Michael Hearty.

SPPS/CTY 10 criteria to be met include:

- (a) the farm business is currently active and has been established for at least 6 years. A farm business number was supplied ([redacted]) and checked against DARD's records who have confirmed that the business has been in existence for more than 6 years and the business has claimed SFA, LFACA or Agri

Environment Schemes in the last 6 years. No other details were provided by the applicant.

(b) No opportunities out-with settlement limits have been sold off or transferred from the farm holding within 10 years of the date of this application. Having carried out a history search on the submitted maps and taking into account the information submitted on the PIC form, no opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. A letter from Tiernans Solicitors dated 14th January 2016 confirmed that the site approved for an infill dwelling under P/2014/0369/F for Brendan McNulty adjacent to the farm complex at 127 Newry Road, Silverbridge (the original registered address) is still within the ownership of Michael Hearty the applicant.

(c) The new building must visually link or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The proposed site as stated above does not read or cluster with any buildings on the farm holding and occupies an open and prominent location close to the main Newry Road. As stated above the registered farm house and shed are located at 10 Carrive Road, Silverbridge. The other farm complex still within the farm holding is located at 127 Newry Road.

Criterion (c) of CTY 10 within the retained policy PPS21 which provides greater clarification states that exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons or;
- verifiable plans to expand the farm business at the existing group(s).

This extension to criterion (c) has not fully been demonstrated as no verifiable details have been provided to demonstrate an expansion of the farm. It is the council's opinion that other sites are available within the farm holding which could satisfy the criteria set out within the SPPS and CTY 10.

As stated above, Para 6.73 bullet point 3 within the SPPS deals with dwellings on farms and Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements (PPS 21) must be resolved in favour of the provisions of the SPPS. Within this policy it states that the proposed dwelling must (my emphasis) be visually linked or sited to cluster with an established group of buildings on the farm holding. It also states that dwellings on farms must also comply with LDP (Local Development Plan) policies regarding integration and rural character. However in the absence LDP policies CTY 13 and CTY 14 of PPS 21 should be applied.

CTY 13 - Integration and Design of Buildings in the Countryside

This policy states that planning permission will be granted for a building where it can be visually integrated into the surrounding landscape and is of an appropriate design. The new building will however be unacceptable where:

- a) It is a prominent feature in the landscape:- In this case due to the openness of the site and its proximity to the main Newry Road, the dwelling proposed for this site will be prominent on approach from Silverbridge and along the private access lane in both directions.
- b) the site lacks long established natural boundaries/unable to provide a suitable degree of enclosure:- The low vegetation cover along the northern eastern and roadside perimeters coupled with the sites roadside location hinder the ability to provide a suitable degree of enclosure for any dwelling to integrate into the landscape;
- c) it relies primarily on the use of new landscaping for integration :- It will rely heavily on new planting and landscaping to help alleviate the integration problem and the proposed site layout shows a lot of new planting including hedging, shrubs, bushes and trees;
- d) ancillary works do not integrate with their surroundings:- the sites roadside location will result in removing a lot of the existing hedging and creating a new vehicular access point with new landscaping proposed.

- e) the design of the building is inappropriate for the site and its locality:- the proposed dwelling is single storey 3 bed dwelling of 5.8m above finished floor level and of a design akin to the immediate vicinity.
- f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop:- the site is at the lower end of the larger field with land rising to the rear.
- g) in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm:- the proposal fails this criteria.

CTY 14 - Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It further states that a new building will be unacceptable where:

- a) It is unduly prominent in the landscape:- the 5.8m high dwelling proposed for this site will be unduly prominent in the landscape due to the site's location and proximity to the Newry Road and private access lane.
- b) it results in a suburban style build-up of development when viewed with existing and approved buildings – the dwelling when added to the mix of other dwellings in close proximity to the site and their location will result in a suburban style of build up within this rural area and demonstrably impact on the rural character.
- (c) it does not respect the traditional pattern of settlement development exhibited in the area:- the proposed siting of the dwelling would not respect the general *traditional* (my emphasis) pattern of development set back from the road or located within farm complexes. Although some development within the vicinity includes roadside dwellings which lack enclosure and integration into the countryside, these previous poor decisions do not justify a similar proposal being repeated (stance supported by PAC 2015/A0124 para 20).
- (d) it creates or adds to a ribbon of development:- as stated previously the addition of a dwelling on this site and at this location will result in a build-up of development and when added to the existing development facing onto the private access lane will result in ribbon development.
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character:- The proposal involves landscaping behind the required visibility splays and creating a single opening into the site.

CTY 8 - Ribbon Development

The development of a dwelling on the proposed site would be read with other development along this private lane and if approved would create a built up appearance and result in ribbon development. Paragraph 5.33 refers to a road frontage including a footpath or private lane and that a 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. It states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or are visually linked.

Policy CTY 10 does not sanction the creation or extension of a ribbon of development (taken from Appeal 2014/A0034 see appendix 5).



CTY - 16 Development Relying on Non-Mains Sewerage

Consent to discharge under the Water Order 1999 is needed for this development. Details of location of septic tank and soak away are shown within the site outlined in red and more than 15m away from neighbouring property.

No objections to the proposal

Consultation response:

Transport NI - no objections subject conditions

Environmental Health: No objections subject to consent to discharge applied for and approved. NIW - No objections in principle - standard information response DARDNI - Farm business established more than 6 years Recommendation: Refusal	
Neighbour Notification Checked	Yes/No
Summary of Recommendation	
Conditions/Reasons for Refusal: Refusal Reasons 1. The proposal is contrary to the SPPS and Policy CTY 1 and CTY 10 of Planning Policy Statement Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new dwelling and garage are visually linked or sited to cluster with an established group of buildings on the farm. 2. The proposal is contrary to the SPPS and policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: (a) the proposed dwelling and garage would be a prominent feature in the landscape; (b) the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the proposed dwelling and garage to integrate into the landscape; (c) the proposed dwelling and garage relies primarily on the use of new landscaping for integration and ; (g) the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape. 3. The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: (a) the proposed dwelling and garage would, if permitted, be unduly prominent in the landscape; (b) the proposed dwelling and garage would, if permitted result in a suburban style build-up of development when viewed with existing buildings; (c) the proposed dwelling and garage would, if permitted not respect the traditional pattern of settlement exhibited in that area; (d) the proposed dwelling and garage would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside. 4. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the private lane.	
Case Officer Signature:	
Date:	3/3/16
Appointed Officer Signature:	
Date:	3-7-16

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

ITEM NO	14			
APPLIC NO	Q/2014/0087/F	Full	DATE VALID	2/27/14
COUNCIL OPINION	REFUSAL			
APPLICANT	Rev Peter C McNeill c/o Agent	AGENT	MD Architectural Services 15 Lakeview Road Castlewellan BT31 9QL 07915605919	
LOCATION	Approximately 30m North east of No. 149 Rathfriland Road Finnis Dromara Co. Down			
PROPOSAL	Extension to graveyard			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

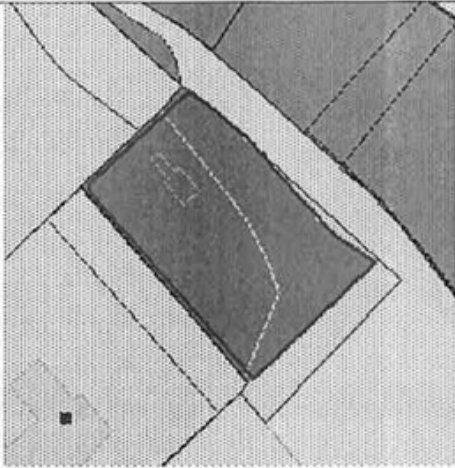
- The proposed development is unacceptable in that insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.



Newry, Mourne and Down District
Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: Q/2014/0087/F	Target Date:
Proposal: Extension to graveyard	Location: Approximately 30m North east of No. 149 Rathfriland Road Finnis Dromara Co. Down
Referral Route: Application is recommended refusal and therefore must appear before committee.	
Recommendation: Refusal	
Applicant Name and Address: Rev Peter C McNeill c/o Agent	Agent Name and Address: MD Architectural Services 15 Lakeview Road Castlewellan BT31 9QL
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Non Statutory	NI Transport - Craigavon Office	No Objection
Non Statutory	DCAL- Inland Fisheries Group	Substantive Response Received
Non Statutory	Natural Heritage	Add Info Requested
Non Statutory	Protecting Historic Buildings	Substantive Response Received
Non Statutory	Env Health Banbridge District Council	Consulted in Error
Non Statutory	Water Management Unit	Substantive Response Received
Non Statutory	Land and Resource Management	Add Info Requested
Representations: 0		
Letters of Support 0	None Received	
Letters of Objection 0	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Characteristics of the Site and Area		
<p>This site is located to to the rear and east of St Michaels Church and adjoining the north east boundary of St Michaels Primary School. The site is a rectangular plot of land that slopes from the school boundary fence to the river that forms the north east boundary. The south east boundary is undefined while the northwest boundary is planted with trees and has a concrete</p>		

post and wire fence.

Planning Assessment of Policy and Other Material Considerations

An application was made in 2009 for 'extension to graveyard' which was approved 22nd April 2009. (Q/2009/0006/F)

Application Q/2014/0087/F was made on 27th February 2014, before the expiration of the original approval, a renewal of the previous application.

This application was previously being dealt with by Banbridge area and post 1st April 2015 the application transferred to Newry, Mourne and Down District Council.

As part of Q/2009/0006/F NIEA Natural Heritage had been consulted on the application and had responded with no objections subject to conditions as there was concern with the impact of the proposal on the River Lagan and the river bank and therefore a buffer must be maintained between the river and area of development. This condition was attached to the permission Land and Resource Management Unit was consulted as part of the application and had responded stating there was the potential for impact on groundwater and surface water quality and additional information is required and this additional information had been requested by the previous case officer and not received.

The agent was contacted to see if this information would be submitted however the agent was reluctant to submit the information given this was a renewal for a previous approval.

Given that all similar applications for grave yards and extensions to grave yards require such information and given the nature of the site and proximity to the river and also the change in structuring within NIEA for responding to consultations it would not be possible to simply accept this application on the basis that it had been previously approved.

At request of the agent it was formally discussed if the application could proceed without the information however it was agreed that the application cannot proceed any further without additional information, the application was previously to be recommended refusal due to this information not being received.

A letter was sent to the agent on March 10th 2016 requesting the additional information and advising that the information must be received by Wednesday 23rd March 2016 unless an extension of time is agreed, the agent has not been in contact in relation to this letter and no additional information has been received. On this basis and given the length of time this application has been unable to progress due to the lack of information this application will be refused due to lack of information.

Consultations

Land and Resource Management – Requested additional information

Roads Service – No Objections

NIEA Water Management Unit – advice given

Fisheries Operations and Technical Support – No objections, conditions given.


Neighbour notification – No objections received.

Case officer – recommendation – refusal

Neighbour Notification Checked

Yes

Summary of Recommendation:

Conditions/Reasons for Refusal:	
Refusal Reasons	
1. The proposed development is unacceptable in that insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.	
Signature(s)	
Date:	

ANNEX	
Date Valid	27th February 2014
Date First Advertised	21st March 2014
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Massford Close,Dree,Dromara,Down,BT25 2BB, The Owner/Occupier, 10 Massford Close,Dree,Dromara,Down,BT25 2BB, The Owner/Occupier, 12 Massford Close,Dree,Dromara,Down,BT25 2BB, The Owner/Occupier, 141 Rathfriland Road Finnis Dromara The Owner/Occupier, 145 Rathfriland Road Finnis Dromara The Owner/Occupier, 147A Rathfriland Road,Finnis,Dromara,Dromore,Down,BT25 2EE, The Owner/Occupier, 149 Rathfriland Road,Finnis,Dromara,Dromore,Down,BT25 2EE, The Owner/Occupier, 149B Rathfriland Road,Finnis,Dromara,Dromore,Down,BT25 2EE, The Owner/Occupier, 2 Dree Hill,Dree,Dromara,Down,BT25 2EF, The Owner/Occupier, 2 Massford Close,Dree,Dromara,Down,BT25 2BB, The Owner/Occupier, 2,145B Rathfriland Road,Finnis,Dromara,Dromore,Down,BT25 2EE, The Owner/Occupier, 3 Dree Hill,Dree,Dromara,Down,, The Owner/Occupier, 3 Massford Close,Dree,Dromara,Down,BT25 2BB, The Owner/Occupier, 4 Massford Close,Dree,Dromara,Down,BT25 2BB, The Owner/Occupier, 6 Massford Close,Dree,Dromara,Down,BT25 2BB, The Owner/Occupier, 8 Massford Close,Dree,Dromara,Down,BT25 2BB, The Owner/Occupier, Finnis Roman Catholic Church 147 Rathfriland Road Finnis The Owner/Occupier, Rathfriland Road,Finnis,Dromara,Dromore,Down,BT25 2EE, The Owner/Occupier, St Michael's Church (rc),143 Rathfriland Road,Finnis,Dromara,Dromore,Down,BT25 2EE,</p>	

Date of Last Neighbour Notification	27th March 2014
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
<p>Ref ID: Q/2014/0087/F Proposal: Extension to graveyard Address: Approximately 30m North east of No. 149 Rathfriland Road, Finnis, Dromara, Co. Down, Decision: Decision Date:</p> <p>Ref ID: Q/2009/0006/F Proposal: Extension to graveyard Address: (Adjacent and southeast of existing graveyard) St Michaels Chapel, Rathfriland Road, Finnis, Dromore Decision: Decision Date: 23.04.2009</p>	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 01
Type: Site Location Plan
Status: Approved

Drawing No. 02
Type: Site Layout or Block Plan
Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

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

ITEM NO	8			
APPLIC NO	LA07/2015/1248/F	Full	DATE VALID	11/30/15
COUNCIL OPINION	APPROVAL			
APPLICANT	Northern Ireland Water C/O Agent		AGENT	AECOM Beechill House Beechill Road Belfast BT8 7RP 02890705111
LOCATION	Camlough Dam Camlough Reservoir Newtown Road Camlough Co Armagh BT35 7JJ			
PROPOSAL	Refurbishment of existing dam and associated ancillary works			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Department of
the Environment
www.doeni.gov.uk

SB/13

Mr Liam Hannaway
Chief Executive
Newry, Mourne and Down District Council
District Council Offices
O'Hagan House
Monaghan Row
NEWRY
BT 35 8DJ

Planning Policy Division
Millennium House
17 – 25 Great Victoria Street
Malone Lower
Belfast
BT2 7BN



Dear Liam,

In May 2016, the number of government departments will be reduced and there will be a number of changes to current areas of responsibility. Significantly, the Department of the Environment will be dissolved with the current planning function transferring to the new Department for Infrastructure. The Northern Ireland Environment Agency (NIEA) will also cease to exist as we know it. NIEA's environmental/natural responsibilities will transfer to the new Department of Agriculture, Environment and Rural Affairs (DAERA) while its built heritage functions will move to the new Department for Communities (DFC).

While these changes will not reduce or diminish the degree of expert analysis and input to the consideration of applications they will necessitate some administrative changes. In order to clarify the impact of these changes for users of the planning system the Department has brought forward three technical Statutory Rules (SRs) which set out the new consultation arrangements.

The following SRs, made under the primary powers set out in the Planning Act (Northern Ireland) 2011, will come into operation on the 9th May 2016.

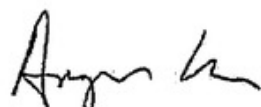
- Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016;
- Planning (Hazardous Substances) (No. 2) (Amendment) Regulations (Northern Ireland) 2016; and

- Planning (Listed Buildings) (Amendment) Regulations (Northern Ireland) 2016

When planning powers transferred to councils in April 2015 the Department provided a number of complete packs of the associated primary and subordinate legislation and advised that future updates would be the responsibility of councils. However, given the exceptional nature of the change in Departments and the practical impact on consultation arrangements as part of the development management process, I believe that it is appropriate to provide copies of the legislation in this instance. The copies provided reflect the number of packs initially sent to your council, including four packs sent to the council's Planning Manager. Further copies of the legislation can be obtained from www.planningni.gov.uk if necessary.

Further information on the reorganisation of all government departments is available at www.nidirect.gov.uk/changes-to-government-departments.

Yours sincerely



ANGUS KERR
Director
Planning Policy Division

Copied to:-
 Anthony McKay

Corrigan.
 A McKay. } Info. (23 copies of skulls available via
 L Hannaway. } postroom).
 E MCP. - Eileen please advise if Cllrs require copies.

STATUTORY RULES OF NORTHERN IRELAND

2016 No. 115

PLANNING

**The Planning (General Development Procedure) (Amendment)
Order (Northern Ireland) 2016**

Made - - - - - *2nd March 2016*
Coming into operation - - - - - *9th May 2016*

The Department of the Environment makes the following Order in exercise of the powers conferred by sections 32 and 56(1) of the Planning Act (Northern Ireland) 2011(a).

Citation and commencement

1. This Order may be cited as the Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016 and shall come into operation on 9th May 2016.

Amendment of the Planning (General Development Procedure) Order (Northern Ireland) 2015

2. For Schedule 3 to the Planning (General Development Procedure) Order (Northern Ireland) 2015(b) substitute the Schedule 3 set out in the Schedule.

Sealed with the official Seal of the Department of the Environment on 2nd March 2016



Angus Kerr
A senior officer of the
Department of the Environment

(a) 2011 c.25 (N.I.)
(b) S.R. 2015 No. 72

SCHEDULE

Article 2

**SUBSTITUTION OF SCHEDULE 3 TO THE PLANNING (GENERAL
DEVELOPMENT PROCEDURE) ORDER (NORTHERN IRELAND)
2015****“SCHEDULE 3**

Article 13

PART 1

**Consultation where an application for planning permission is to be determined
by a council**

Subject to Article 13, the council must before determining an application for planning

- (iii) development that creates an impoundment, culvert, diversion or alteration of a waterway;
- (k) involves the use of land where mains sewerage may not be available or have capacity to service the development proposal;
- (l) is likely to have an effect upon the availability or water quality of a private water supply;
- (m) involves the use of land for industrial processes including the processing, storing or distribution of hazardous substances or intensive livestock activities; or
- (n) involves the use of land likely to have an effect on the marine environment.

3. The Health and Safety Executive for Northern Ireland—

- (a) where the development is within an area which has been notified to the Department by the Health and Safety Executive for Northern Ireland for consultation because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which are present and which involves the provision of—
 - (i) residential accommodation,
 - (ii) more than 250 square metres of retail floor space,
 - (iii) more than 500 square metres of office space, or
 - (iv) more than 500 square metres to be used for an industrial process,
 or which is otherwise likely to result in a major increase in the number of persons working in or visiting the notified area; or
- (b) where the development—
 - (i) involves the siting of new establishments,
 - (ii) consists of the modification of existing establishments covered by Article 11 of Council Directive 2012/18/EU^(a) of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances; or
 - (iii) involves new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident^(b).

4. The Department for Infrastructure where a development proposal—

- (a) involves the formation, laying out or alteration of any means of access, or is likely to create or attract traffic which may result in a material increase in the volume of traffic—
 - (i) entering or leaving a road,
 - (ii) using a level crossing over a railway, or
 - (iii) which would result in an additional demand for car parking, or loss of or alteration to existing car parking;
- (b) consists of or includes the laying out or construction of a new street;
- (c) is likely to prejudice the improvement or construction of a road or proposed road;
- (d) involves power lines which cross a road;
- (e) involves the installation of a structure over or under a road;

^(a) O.J. No. L197, 24.7.2012, p. 1

^(b) The expressions used in paragraph 3(b) have the same meaning as in Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances

- (f) is a reserved matters application where an outline planning permission includes roads conditions;
- (g) is likely to impact upon drainage and/or flood defence provisions;
- (h) is—
 - (i) on a riverine or coastal flood plain, or
 - (ii) beyond flood plains on land with a known history of flooding;
- (i) may affect a flood bank or other flood control structure;
- (j) is likely to involve the alteration or diversion of a watercourse;
- (k) is of a size or nature that could significantly increase surface runoff; or
- (l) is where a reserved matters application which was made subject to an outline planning condition or informative applied following the consideration of a previous consultation response from the Department for Infrastructure.

5. The Department for Infrastructure or water undertaker as defined under Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006(a), shall be consulted where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.

6. Licensed aerodromes where a development proposal—

- (a) is within an area identified as a potential hazard on an airport safeguarding map submitted by a licensed aerodrome; or
- (b) is for wind turbine development within 30 kilometres of a licensed aerodrome.

7. The Department for the Economy on the following—

- (a) all energy infrastructure applications classed as major development;
- (b) all mineral applications; or
- (c) all applications for hydrocarbon exploration or extraction.

8. The Northern Ireland Housing Executive where a development proposal is likely to require a statement of affordable housing need.

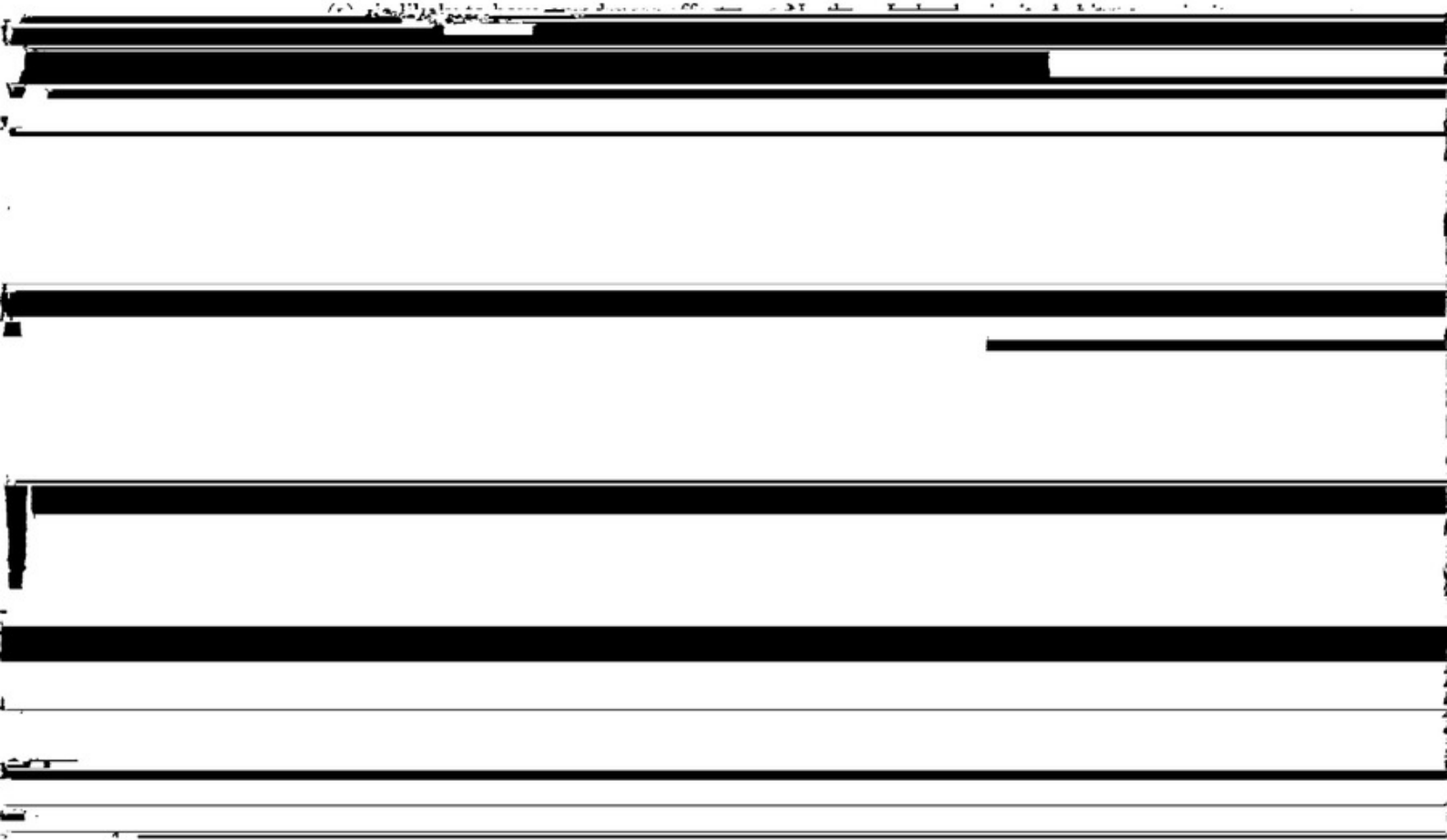
(a) S.I.2006 No. 3336 (N.I.21)

PART 2

Consultation where an application for planning permission is to be determined by the Department

Subject to Article 13, the Department must before determining an application for planning permission consult a person, authority or body mentioned in a paragraph below in the circumstances specified in that paragraph.

- 1. The appropriate council.
- 2. The Department for Communities where a development proposal—
 - (a) involves the demolition, in whole or in part, or the material alteration of a listed building;
 - (b) is likely to affect the site or setting of any historic monument as defined under Article 2 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995(a) or an area which contains archaeological remains or the setting of a listed building or historic park or demesne.
- 3. The Department of Agriculture, Environment and Rural Affairs where a development proposal—



- species(b);
- (b) is in or likely to have an effect on an area of special scientific interest, a Natura 2000 site or a World Heritage Site;
- (c) involves fish farming;
- (d) involves the refining or storing of mineral oils and their derivatives;
- (e) involves the use of land for the collection, storage, treatment and/or deposit of controlled waste materials and/or gaseous/solid outputs from the process;
- (f) relates to the use of land as a cemetery;
- (g) relates to mineral or hydrocarbon extraction or commercial peat extraction;

(n) involves the use of land likely to have an effect on the marine environment.

4. The Health and Safety Executive for Northern Ireland—

(a) where a development proposal is within an area which has been notified to the Department by the Health and Safety Executive for Northern Ireland for consultation because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and which are present and which involves the provision of—

- (i) residential accommodation,
- (ii) more than 250 square metres of retail floor space,
- (iii) more than 500 square metres of office space, or
- (iv) more than 500 square metres to be used for an industrial process,

or which is otherwise likely to result in a major increase in the number of persons working in or visiting the notified area; or

(b) where the development—

- (i) involves the siting of new establishments,
- (ii) consists of the modification of existing establishments covered by Article 11 of Council Directive 2012/18/EU(a) of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances; or
- (iii) involves new developments including transport routes, locations of public use and residential areas in the vicinity of establishments, where the siting or development may be the source of or increase the risk or consequences of a major accident(b).

5. A water undertaker as defined under Article 13 of the Water and Sewerage Services (Northern Ireland) Order 2006, shall be consulted where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.

6. Licensed aerodromes where a development proposal—

- (a) is within an area identified as a potential hazard on an airport safeguarding map submitted by a licensed aerodrome; or
- (b) is for wind turbine development within 30 kilometres of the licensed aerodrome.

7. The Department for the Economy on the following—

- (a) all energy infrastructure applications classed as major development;
- (b) all mineral applications; or
- (c) all applications for hydrocarbon exploration or extraction.

8. The Northern Ireland Housing Executive where a development proposal is likely to require a statement of affordable housing need.”

(a) O.J. No. L197, 24.7.2012, p. 1

(b) The expressions used in paragraph 3(b) have the same meaning as in Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Planning (General Development Procedure) Order (Northern Ireland) 2015 by substituting a new schedule 3 to take account of the restructuring of Government Departments as a consequence of the Departments Act 2016 and the Departments (Transfer of Functions) Order (Northern Ireland) 2016. This reflects the consequent revised roles and responsibilities of planning authorities and statutory consultees in the development management process of the planning system.

A Regulatory Impact Assessment has not been prepared. The technical changes made by this Order are simply the result of a change in the functions of Departments in Northern Ireland and will ensure the continuity of consultation arrangements in respect of hazardous substances consents.

The Explanatory Memorandum is available on the government's website www.legislation.gov.uk

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 STATUTORY RULES OF NORTHERN IRELAND

2016 No. 116**PLANNING**
**The Planning (Hazardous Substances) (No.2) (Amendment)
Regulations (Northern Ireland) 2016**

Made - - - - - 2nd March 2016

Coming into operation - - - - - 9th May 2016

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by sections 109(4) and 247(1) of the Planning Act (Northern Ireland) 2011(a).

Citation and commencement

1. These Regulations may be cited as the Planning (Hazardous Substances) (No.2) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 9th May 2016.

Amendment of the Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015

2.—(1) The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015(b) are amended as follows.

(2) In regulation 11 (consultations before determining applications for hazardous substances consent) in paragraph (1) after “Department” insert “of Agriculture, Environment and Rural Affairs”.

(3) In regulation 16 (application of the 2011 Act to councils) for paragraph (2) substitute—

“(2) Regulations 5 to 8, 11 and 12(2) shall apply to the making of such applications as they apply to applications made to the council subject to the modification that a reference to “the council” is to be read as a reference to “the Department”.”

Sealed with the Official Seal of the Department of the Environment on 2nd March 2016



Angus Kerr
A senior officer of the
Department of the Environment

(a) 2011 c.25 (N.I.) see section 250(1) for definition of “the Department” and “prescribed”.
(b) S.R. 2015 No. 344.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015 (“the 2015 Regulations”) as a consequence of the commencement of the Departments (Transfer of Functions) Order (Northern Ireland) 2016.

Regulation 2(2) amends regulation 11(1)(a) of the 2015 Regulations to provide that before determining an application for hazardous substance consent, the council must consult with the Department of Agriculture, Environment and Rural Affairs (previously this consultation requirement fell on the Department of the Environment).

Regulation 2(3) substitutes regulation 16(2) of the 2015 Regulations to provide that where an application is made by a council to the Department for hazardous substance consent, the Department for Infrastructure will have to consult with the Department of Agriculture, Environment and Rural Affairs under regulation 11(1)(a).

A Regulatory Impact Assessment has not been prepared. The technical changes made by these Regulations are simply the result of a change in the functions of Departments in Northern Ireland and will ensure the continuity of consultation arrangements in respect of hazardous substances consents.

The Explanatory Memorandum is available on the government’s website www.legislation.gov.uk

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STATUTORY RULES OF NORTHERN IRELAND

2016 No. 117

PLANNING

**The Planning (Listed Buildings) (Amendment) Regulations
(Northern Ireland) 2016**

<i>Made</i> - - - -	<i>2nd March 2016</i>
<i>Coming into operation</i> -	<i>9th May 2016</i>

The Department of the Environment makes the following Regulations in exercise of the powers conferred on it by sections 80(5), 86(4)(c), 95(2)(b) and 247(1) of the Planning Act (Northern Ireland) 2011(a).

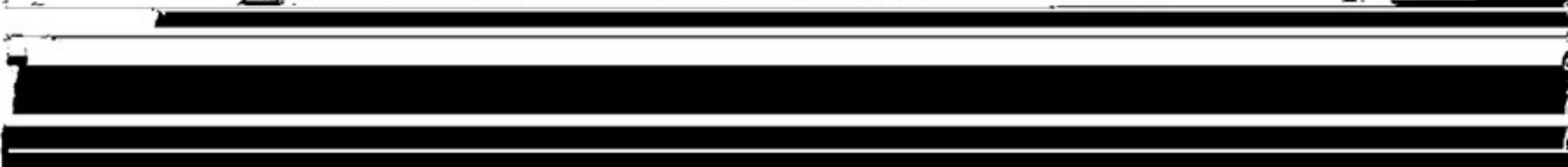
Citation and commencement

1. These Regulations may be cited as the Planning (Listed Buildings) (Amendment) Regulations (Northern Ireland) 2016 and shall come into operation on 9th May 2016.

Amendment of the Planning (Listed Buildings) Regulations (Northern Ireland) 2015

2.—(1) The Planning (Listed Buildings) Regulations (Northern Ireland) 2015(b) shall be amended as follows.

(2) In regulation 6 (duty of council to consult on applications for listed building consent) for



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Listed Buildings) Regulations (Northern Ireland) 2015 (“the Listed Buildings Regulations 2015”) as a consequence of the Departments (Transfer of Functions) Order (Northern Ireland) 2016. These Regulations take account of the restructuring of ~~Government Departments~~ and reflect the consequent revised roles and responsibilities of planning
