

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

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



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

Application Reference: LA07/2015/0511/O

Date Received: 24th June 2015

Proposal: Dwelling and detached garage

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

Site Characteristics & Area Characteristics:

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



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

Site History:

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

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

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

Planning Policies & Material Considerations:

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

Consultations:

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

NI Water – Site specific informatives.

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

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

Rivers Agency – No objections.

Loughs Agency – No objections.

Objections & Representations

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

Consideration and Assessment:

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

AREA PLAN

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

PRINCIPLE OF DEVELOPMENT

As there is no significant change to the policy requirements for new dwellings in existing clusters following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a.

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

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

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

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



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

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

INTEGRATION AND RURAL CHARACTER

Paragraph 6.70 of the SPPS confirms that *"All development in the countryside must integrate into its setting, respect rural character and be appropriately designed."*

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

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

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

ACCESS

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. There is sufficient road frontage to achieve a safe access with the visibility splays of 2.0m x full frontage setback as recommended by TransportNI. This should be conditioned in the event of approval.

SEWERAGE

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

FLOODING

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

Recommendation: Refusal

Refusal Reasons:

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

STATEMENT FOR PROPOSED SITE AT THE NEWRY ROAD SHINN NEWRY FOR MR PETER McEVOY

PLANNING APPLICATION NUMBER LA07/2015/0511/O

Enclosed, please find enclosed copy of map showing Shinn Cross Roads, with an area coloured yellow, which I consider to be the cluster of dwellings at Shinn Cross Roads Shinn Newry.

As agreed from the last Council Planning meeting, a site visit would take place before a decision would be reached.

I believe that this meeting has now taken place and that the site and surrounding lands have been appraised. The Councillors will have noticed that No 147, together with its large out building, are clearly visible from the cross road focal point and does show integration with the rest of the cluster development.

The proposed site is, not just bounded by 2 properties, but in fact is bounded by 3 and these are, at 147 Rathfriland Road and outbuilding to the immediate south; no`s 1,2 and 3 Bankside and 142 and 143 Rathfriland Road, to the immediate east, and the first dwelling on the Shinn Road at the immediate north, all these properties are within the existing cluster.

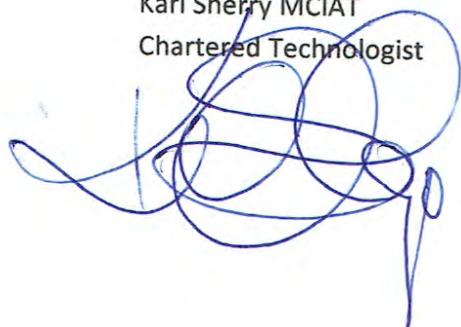
Shinn may not yet be classified as a settlement, hamlet or village but it already has a Church, public sewage works, public footpaths and associated street lighting, and 2 bus stop laybys and shelters and most importantly of all, a strong and vibrant community, which is well known and respected by all the Councillors here present and should be encouraged to grow.

I submit that this is an application for a site that rounds off an existing cluster and clearly meets all the Planning criteria laid out in CTY2a Development within a cluster.

It should also be noted that there are absolutely no objections from any of the Shinn community towards this application and in fact are supportive of Mr McEvoy being able to provide a site for his daughter and 2 grandchildren

Mr McEvoy, who has lived here all his life and has brought up his family in No.147, is relying on his local Council representatives to support this application and keep his family within the overall Shinn Community.

Karl Sherry MCIAT
Chartered Technologist





KARL J SHERRY

Architectural Design Consultant • Surveyor • Planning Supervisor


103 Rostrevor Rd,
Hilltown,
Co. Down
BT34 5TZ
T/F: 028 4063 8000
8336

Our ref:
PMcE 01 15

Your ref:
Outline Application

Date:
8th June 2015

PROPOSED . **S I T E** . AT THE NEWRY ROAD SHINN NEWRY CO DOWN FOR MR PETER McEVOY.

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



ITEM NO	9			
APPLIC NO	LA07/2015/0800/F	Full	DATE VALID	8/20/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Ponsa Limited 18 Ballyardle Road Cranfield Kilkeel BT34 4JX		AGENT	NA
LOCATION	Lands 20m SE of 51-69 Windmill Road Cranfield Kilkeel			
PROPOSAL	Construction of rock armour revetment sea defence to provide protection to the access road and 8 properties from storm damage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
	Addresses Signatures		Addresses Signatures	
	0	0	0	0

- 1 The proposal is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that this area of the coast is known to be at risk from coastal erosion and this type of 'hard' sea defence is likely to exacerbate the coastal erosion problem on this coastline by accelerating the removal of sand offshore and the rate of retreat alongshore.
- 2 The proposal is contrary to paragraph 6.176 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH1 of Planning Policy Statement 2, Natural Heritage, in that the site lies adjacent to a proposed Special Protection Area / Ramsar Site (Carlingford Lough extension) and it has not been demonstrated that the proposal will not have a likely significant effect on the protected habitat which is a foraging ground for terns.
- 3 The proposal is contrary to paragraph 6.183 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH3 of Planning Policy Statement 2, Natural Heritage, in that the site lies adjacent to Carlingford Lough ASSI and the proposal is likely to have an adverse effect on the population of terns within the ASSI.
- 4 The proposal is contrary to paragraph 6.192 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH5 of Planning Policy Statement 2, Natural Heritage, in that the structure is likely to result in damage to a priority habitat (1110, sandbanks, slightly covered at all times by the sea) as defined in Annex 1 of the EU Habitats Directive.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0800/F

Date Received: 20th August 2015

Proposal: Construction of rock armour revetment sea defence to provide protection to the access road and 8 properties from storm damage

Location: Lands 20m SE of 51-69 Windmill Road, Cranfield, Kilkeel. The site is located approximately 2½ miles SW of Kilkeel.

Site Characteristics & Area Characteristics:

The site comprises an area of sand cliffs to the south of Windmill Road. It forms the area between the roadway and the beach, which is mostly shingle with sand below. Windmill Road is elevated above the shoreline and has a ribbon of detached houses along it facing the sea. A number of these appear to be holiday homes. There is evidence of the cliff receding gradually as several staircases which provided access to the beach from the cliff are now cut off from the cliff. Most of the bank is currently covered with whins / gorse and native grasses. A section of coast to the immediate NE of the site has a low wall along the bank at the top of the beach.





The site is located in a rural coastal area just to the south of Kilkeel. It is in an unzoned area outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. It is also within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Windmill Road is an unadopted laneway which provides access to the coast and a number of dwellings. The dominant land uses are agriculture and residential. The coast in this area is a soft system which is known to be gradually receding. Carlingford Lough Special Protection Area has recently been extended to include this part of the coast. Species to be protected by this designation include common and sandwich terns and light-bellied brent geese.

Site History:

There have been no previous planning applications for sea defences in this area. A number of other ad-hoc structures along the sea front are unauthorised and the enforcement section is investigating whether action can be taken in respect of them.

As part of the project requires development below the Mean High Water Spring Tide, a Marine Licence is required from DAERA in addition to planning permission from the Council. The Council has been working alongside officers in DAERA Marine Division throughout the application process. As it has now become clear that the proposal could exacerbate coastal erosion, and may harm a European protected habitat, DAERA issued a refusal of the Marine Licence application on 13th June 2016. The planning authority has similar concerns with the proposal and in any case, it cannot proceed without both consents being in place.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS15 – Planning and Flood Risk
- The UK Marine Policy Statement

Consultations:

DAERA – The proposal is likely to exacerbate the problem of coastal erosion and it has not been demonstrated that it will not adversely affect an offshore area of sandy substrate which is a foraging habitat for terns, a protected species.

Shared Environmental Service – Refusal recommended as a Habitats Assessment has found that there may be significant effects on the designated features of Carlingford Lough SPA / Ramsar.

TransportNI – Requested details of haulage routes, duration of contract and types of vehicles to be used. As the proposal was found contrary to other policies, this information was not requested.

Rivers Agency – Site is within Q200 coastal flood plain. If the planning authority deems the proposal an exception under policy FLD1, a flood risk assessment would be required.

Environmental Health – No specific requirements.

Objections & Representations

The application was advertised in the *Mourne Observer* and 11 neighbouring properties were notified on 9th September 2015. Following the site inspection, one additional property was notified on 29th April 2016. No third party objections or representations were received.

Consideration and Assessment:

As the development is within Category 10 (M) – the carrying out of development to provide for coastal work to combat erosion – of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015, the Council was required under Regulation 10 to carry out an EIA determination. Following advice from consultees, the Council determined on 14th January 2016 that the application did not require to be accompanied by an Environmental Statement. This did not negate the need for a Habitats Regulations Assessment and this subsequent process has raised additional concerns about sediment movement and the impact on protected species. For this reason, coastal experts now recommend that the planning application and Marine Licence application must be refused.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is outside settlement limits in a rural area and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPSS and the retained PPS2.

The application site is adjacent to two European and a national designated site:

- Carlingford Lough SPA; this site has recently been extended and is designated under the EC Birds Directive (79/409/EEC on the conservation of wild birds);

- Murlough SAC which is designated under EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora); and
- Carlingford Lough ASSI, declared under the Environment Order (Northern Ireland) 2002.

The conservation objectives of Carlingford Lough SPA relevant to this project include the following: maintain or enhance the range of habitats utilised by the qualifying species; ensure that the integrity of the site is maintained; and most relevant to this project - to ensure that the structure, function and supporting processes of habitats supporting the species are maintained in the long term. Coastal protection schemes are also listed as a Notifiable Operation which could affect the SPA site.

The construction element of the project below the Mean High Water Spring Tide requires a marine licence from DAERA Marine Division. All licensing decisions must be taken in the context of the UK Marine Policy Statement. Although the terrestrial planning system and the marine licensing systems are legally and functionally separate, these systems overlap in the inter-tidal area. The Marine Policy Statement requires DAERA to work closely with planning authorities to ensure that sustainable licensing decisions are made. As coastal processes experts, DAERA have taken the lead in this process and shared their information with the Council and our Shared Environmental Service. Our SES has recommended that the Council (as the competent authority under the Habitats Regulations) adopts the findings of the HRA undertaken by Marine Division for this project. This has found that the proposal must be refused.

As part of their consideration, DAERA consulted experts in management of coastal systems and coastal environments. They indicated that this area of shoreline is a source area of sediment to the coastal cell. Their advice is not to place hard engineering structures within a soft, mobile sediment regime. Therefore the proposal by PONSA Ltd would be contradictory to this advice and may impact the onshore and offshore movement of sediment, causing further instability along the shore. Furthermore, the area directly opposite the proposed development is within the proposed Carlingford Lough SPA extension for Common and Sandwich Terns and Light Bellied Brent Geese. Studies carried out by NIEA have shown the area around Cranfield is highly utilised by Common and Sandwich Terns foraging for sandeels in the sandy substrate offshore. The responses from nature conservation advisors on the Habitats Regulations Assessment have indicated that construction of new sea defences may have an impact on the Tern foraging habitat, by reducing the amount of sandy substrate available, which supports the preferred prey of Terns (sandeels).

Given that this is an area of coastline known to be actively eroding, the proposed works are in conflict with the Strategic Planning Policy Statement (SPPS) for Northern Ireland. The SPPS states in paragraph 6.42 that “development will not be permitted in areas of the coast known to be at risk from flooding, coastal erosion, or land instability”. It is also widely accepted that sea level is rising in Northern Ireland and we are experiencing more frequent storm events, as also recognised by the applicant. A core planning principle stated in the SPPS relates to mitigating and adapting to climate change. Paragraph 3.13 states that the planning system should help to address climate change by “avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms”. This is one such site. The planning authority recognises the fact

that there is existing development along Windmill Road and that the residents are seeking to protect their property, however, the means proposed for doing so is likely to cause greater harm to the coast and protected species. The opinion of coastal process experts from both University of Ulster and Queen's University Belfast is that the hard structure will exacerbate the coastal erosion problem on this coastline by accelerating the removal of sand offshore and therefore rate of retreat alongshore.

Also, from the scientific evidence presented, it cannot be stated that the project will not have a likely significant effect on the small area of sandy substrate present offshore, which is the important habitat for sandeels, the food stuff of the terns. To proceed on the basis of the information provided would be in contravention of PPS2, Natural Heritage.

Policy NH1 of PPS2 states that planning permission will only be granted for a development proposal that is not likely to have a significant effect on a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance) or a listed or proposed Ramsar Site. The equivalent section of the SPPS (paragraphs 6.175 – 6.178) is comparable. The extension to Carlingford Lough SPA/Ramsar falls into this category. As it has not been demonstrated that there will be no significant effects on the European site, and that instead, the proposal is likely to cause the loss of sediment that forms this protected habitat, it is clearly contrary to this policy. The policy goes on to refer to mitigation where there will be a significant effect. The only effective mitigation in this case would be the development of a new access road to the rear of the properties, and this cannot be considered within the bounds of this application on the foreshore. As there is a potential alternative solution, this scheme would not meet the criteria to be considered an exceptional case. Even if it were to be considered an exceptional case, the Council could only approve the proposal if it was agreed in advance with the European Commission.

Terns are also a feature of the adjacent Carlingford Lough ASSI (a national designation under the Environment (Northern Ireland) Order 2002). The proposal has the potential to affect their foraging grounds and could therefore have an adverse effect on the ASSI populations of these species. This means the proposal is contrary to policy NH3 of PPS2 and the equivalent paragraph 6.183 of the SPPS.

Policy NH5 relates to priority habitats. The offshore sediment inhabited by sandeels on which the terns feed is a protected habitat: *1110, sandbanks, slightly covered at all times by the sea*, as defined in Annex 1 of the EU Habitats Directive. Scientific evidence suggests that a hard defence structure would likely result in the loss of sediment in the offshore zone, which could permanently destroy this habitat. Therefore the proposal is contrary to policy NH5 and paragraph 6.192 of the SPPS as it may result in damage to the priority habitat.

The Council facilitated a meeting with PONSA Ltd on 7th June to discuss their proposal. We explained the difficulties with regard to planning policy and marine licensing and Professor Julian Orford from Queen's University was invited to explain the science behind coastal processes at this location. He explained how the hard defence proposed was likely to exacerbate the problem both here and elsewhere and that runoff from septic tanks in the bank could be further increasing pressure

and leading sections to collapse. His advice is to consider a new access route behind the existing properties to limit any further damage to the foreshore. It has been suggested that local residents including PONSA and others meet with Mournes DEA Councillors, DAERA and the planning department to discuss a wider strategy and responsibilities for coastal management in the area.

Further information was requested by other consultees including TransportNI and Rivers Agency. However, as the scheme is fundamentally contrary to policy, the applicant was not put to the expense of providing this information.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to paragraphs 3.13 and 6.42 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that this area of the coast is known to be at risk from coastal erosion and this type of 'hard' sea defence is likely to exacerbate the coastal erosion problem on this coastline by accelerating the removal of sand offshore and the rate of retreat alongshore.
2. The proposal is contrary to paragraph 6.176 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH1 of Planning Policy Statement 2, Natural Heritage, in that the site lies adjacent to a proposed Special Protection Area / Ramsar Site (Carlingford Lough extension) and it has not been demonstrated that the proposal will not have a likely significant effect on the protected habitat which is a foraging ground for terns.
3. The proposal is contrary to paragraph 6.183 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH3 of Planning Policy Statement 2, Natural Heritage, in that the site lies adjacent to Carlingford Lough ASSI and the proposal is likely to have an adverse effect on the population of terns within the ASSI.
4. The proposal is contrary to paragraph 6.192 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH5 of Planning Policy Statement 2, Natural Heritage, in that the structure is likely to result in damage to a priority habitat (*1110, sandbanks, slightly covered at all times by the sea*) as defined in Annex 1 of the EU Habitats Directive.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO 11
APPLIC NO LA07/2015/1153/O Outline **DATE VALID** 11/5/15
COUNCIL OPINION REFUSAL
APPLICANT Ronan Turley **AGENT** Architectural
 Design Service 20
 Upper Burren
 Road
 Burren
 Warrenpoint
 BT34 3PT
 07725917253

LOCATION Adjacent to and 20m east of 73 Newry Road
 Mayobridge
 Newry

PROPOSAL Erection of infill dwelling with detached garage.

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

- 1 The proposal is contrary to Policy CTY1 and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not an exception to policy and would not respect the development pattern along the frontage in terms of site frontage width, there is accompanying development to the rear and the site reads as a substantial visual break within the local landscape.
- 2 The proposal is contrary to 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 the proposed building relies primarily on the use of new landscaping for integration.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would not respect the traditional pattern of settlement exhibited in the area.
- 4 The proposal is contrary to Policy AMP3 of Planning Policy Statement 3, Access, Movement and Parking in that the proposal will create the intensification of the use of an access to a protected route which is not an exception to policy.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1153/O

Date Received: 27/10/2015

Proposal:

Erection of infill dwelling with detached garage

Location:

Adjacent to and 20m east of 73 Newry Road, Mayobridge, Newry.

The site is located approximately 1 mile south-west of Mayobridge along the main road between Mayobridge and Newry.

Site Characteristics & Area Characteristics:

The proposed site is located in a rural area off the Newry Road. A concrete lane runs through the centre of the site which provides access to 73 and 75 Newry Road. The portion of the site west of the lane is currently a garden area to 73 Newry Road. The site is laid in grass lawn. The south elevation of this portion of the site is bound by a wooden fence and also some plants and shrubs. Further plants and shrubs are located to the eastern boundary and the western boundary is comprised of a hedge. North of this portion of the site is a mobile unit and 73 Newry Road. The larger portion of the proposed site is located to the east of the existing lane. This section of the site is currently an agricultural field laid in grass. The topography of the site is uneven, particularly to the west of this section of the site where the gradient increases dramatically. The western boundary of this portion of the site is comprised of evergreen hedges, the eastern boundary is partly a small hedge and partly a grass verge, a small hedge is located on the northern boundary and a wooden fence is located on the southern boundary. Proposed access to the site will be from the concrete lane which currently accesses the Newry Road.

The site is located in a rural area approximately 1 mile south-west of the village of Mayobridge, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned in the Banbridge / Newry and Mourne Area Plan 2015 and is also outside the Mourne Area of Outstanding Natural Beauty. The site is in close proximity to two historic monuments: DOW047:075 and DOW047:079. Dwellings along this stretch of the Newry Road are generally single storey or storey and a half dwellings. A bungalow is located to the north of the site, 71 Newry Road, beyond which is a commercial business selling tiles and to the east of the site is a dormer bungalow.

Site History:

No recent relevant planning applications have been submitted on this site.

Planning Policies & Material Considerations:

The application has been assessed under:

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 21 – Sustainable Development in the Countryside
- The Building on Tradition Sustainable Design Guide.

Consultations:

- Environmental Health – 01/03/2016 – No objections in principle.
- NI Water – 07/03/2016 – Generic response.
- NIEA – 16/03/2016 – Content with the proposal subject to standard informatives.
- Transport NI – 04/04/2016 – No objections in principle subject to conditions.

Objections & Representations

The application was advertised in local press on 16/11/2015 and eight neighbours were notified. No representations or objections were made on this application.

Consideration and Assessment:**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 under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is located outside of settlement limits and is unzoned. There are no specific policies in the plans that are relevant to the determination of the application so the principle of application will be considered under the operational policies of the SPPS and PPS 21.

PPS 21

As there is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. With regard to PPS 21, a dwelling in the site would not meet the requirements of Policy CTY 8 for an infill dwelling, which therefore makes it unacceptable in principle under policy CTY 1.

Policy CTY 8 states that *“Planning permission will be refused for a building which creates or adds to a ribbon of development.”* The exception to this rule is *“for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.”*

Policy CTY 8 defines a substantial and built up frontage as one containing a minimum of three buildings along a road frontage with no development to the rear.

The portion of land to the west of the concrete lane (currently the garden to no. 73 Newry Road) would be part of a built up frontage of three buildings except the site is part of the garden of no.73 and would result in tandem development which is not in keeping with the development pattern experienced in the locality. The land to the east of the concrete lane is an agricultural field and has a built up frontage of over three buildings. This site is in front of no.71 Newry Road and would result in the creation of back-land development which is again out of character for the area. No gap site is therefore located within the red line boundary of the proposed site and the development therefore fails to meet the policy requirements of Policy CTY 8.

Figure 1

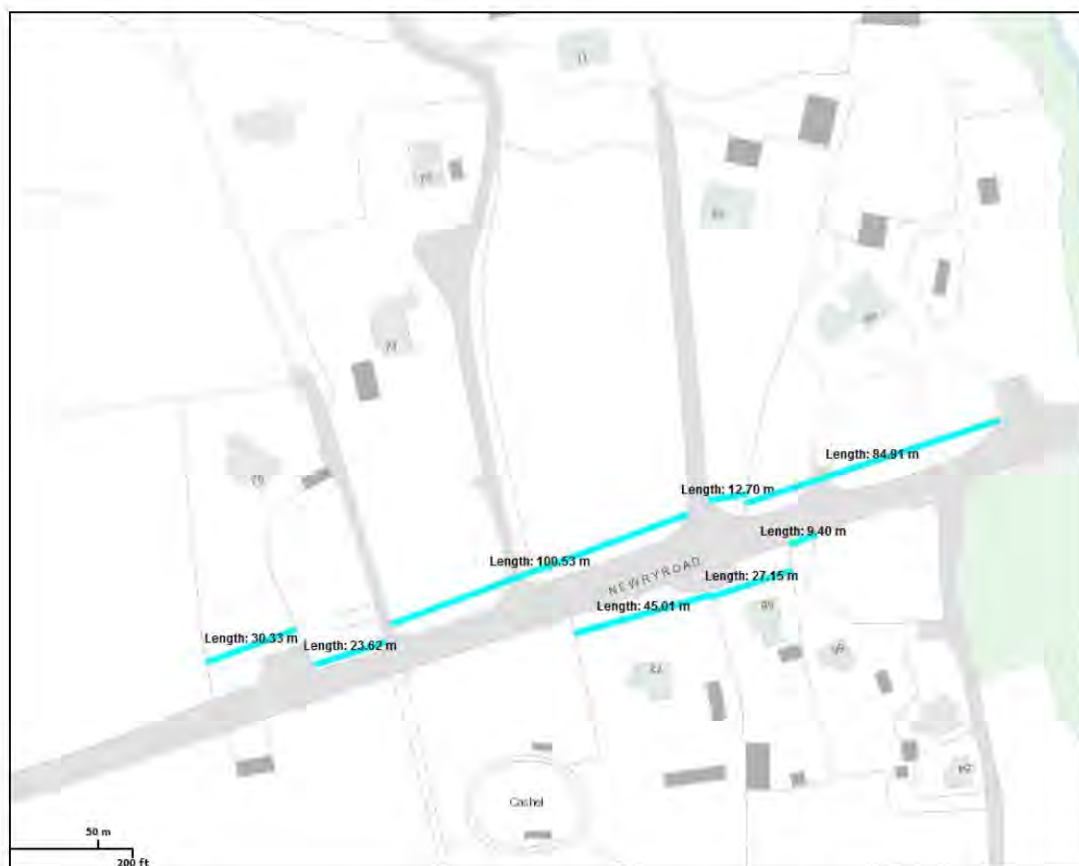


Figure 1 above shows the width of the existing sites in the area. Immediately west of the site is a paddock area with a width of 23.62m and no.79 further west of the paddock has a frontage of 30.33m. The frontage of the application site is 100.53m in contrast to an average site width (excluding the application site) of 33.3m. The width of the application site is therefore significantly larger than the average site width in the locality. No.69 Newry Road has a site width of 84.91m which is also larger than the typical site width in the area, but this is still less than the site width of the application site. Overall the application site does not respect the development pattern along the frontage in terms of site frontage width as it has a significantly wider frontage than other sites in the area. Given the frontage of the application site of 100.53m, the application site would be expected to be able to fit three dwellings

within its frontage (3x 33.33m). Policy CTY 8 states a gap site should only be able to accommodate two dwellings so as three dwellings could fit on the site it is not a gap site. Rather, this site is a substantial visual break in the local landscape with accompanying development to the rear.

Overall the proposed development fails to meet the requirements of Policy CTY 8 as the site does not respect the development pattern along the frontage in terms of site frontage width, there is accompanying development to the rear and the site reads as a substantial visual break within the local landscape

Policy CTY 13 requires new buildings in the countryside to be visually integrated into the landscape and of an appropriate design. There is the potential for the proposed dwelling to be a prominent feature in the landscape and to rely on new landscaping for integration. Therefore the site fails to meet the requirements of Policy CTY 13 as it may be prominent feature in the landscape and rely primarily on new landscaping for integration.

Policy CTY 14 states that “a new building will be unacceptable where it is unduly prominent in the landscape.” As discussed above the proposed development has the potential to be prominent in the landscape and could therefore adversely impact on the rural character of the area. The proposal also fails to respect the traditional pattern of settlement exhibited in the area which could further erode the rural character of the area. As the rural character of the area could be adversely impacted by the proposed development, the proposed development is unacceptable under Policy CTY 14.

PPS 3 – Access, Movement and Parking

Policy AMP 2 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 and where “the proposal does not conflict with Policy AMP 3 Access to Protected Routes”. An existing access onto the Newry Road will be used by the proposed development. Policy AMP 3 provides four cases where the intensification of an existing access to a protected route outside settlement limits will be granted planning permission:

Case (a) – for replacement dwellings. This is not an application for a replacement dwelling and is therefore not applicable.

Case (b) – for a farm dwelling. This is not an application for a farm dwelling and is therefore not applicable.

Case (c) – a dwelling serving an established commercial or industrial enterprise. This case is not applicable to the application.

Case (d) – *“Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.”* As the proposed development fails to meet the requirements of Policy CTY 8 the proposed development fails to meet the requirements of this case.

Transport NI in their response dated 04/04/2016 stated they had no objections in principle to the proposal, but highlighted the fact that the B8 is a protected traffic route and that if the proposed development doesn't fall within exceptions, then it should be refused. As the proposed development fails to meet the policy exceptions,

as discussed above, Transport NI's opinion is that the application should be refused based on traffic considerations.

The proposed development fails to meet the requirements of AMP 2 and AMP 3.

PPS 6 – Planning, Archaeology and the Built Heritage

NIEA were consulted due to the proximity of the site to historic monuments DOW049:075 and DOW047:079 and in their response dated 16/03/2016 stated they were content with the proposal.

Recommendation:

Refusal – Contrary to CTY 1, CTY 8, CTY 13, CTY 14 and AMP 3.

Refusal Reasons:

1. The proposal is contrary to Policy CTY1 and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not an exception to policy and would not respect the development pattern along the frontage in terms of site frontage width, there is accompanying development to the rear and the site reads as a substantial visual break within the local landscape.
2. The proposal is contrary to 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 the proposed building relies primarily on the use of new landscaping for integration.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would not respect the traditional pattern of settlement exhibited in the area.
4. The proposal is contrary to Policy AMP3 of Planning Policy Statement 3, Access, Movement and Parking in that the proposal will create the intensification of the use of an access to a protected route which is not an exception to policy.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	12			
APPLIC NO	LA07/2015/1167/F	Full	DATE VALID	11/10/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Brendan and Sharon O'Gorman and Gregory 82 Corran Road Damoiley Armagh BT60 2AF	AGENT	James A Murphy 43 New Road Silverbridge Newry BT35 9NB 02830888214	
LOCATION	80 metres Northeast of 84 Kiltybane Road Crossmaglen Newry BT35 9BH			
PROPOSAL	Replacement Dwelling and new garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0 0 0	

- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact.



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

Delegated Application

Development Management Officer Report		
Case Officer: Anthony McKay		
Application ID: LA07/2015/1167/F		Target Date:
Proposal: Replacement Dwelling and new garage		Location: 80 metres Northeast of 84 Kiltybane Road Crossmaglen Newry BT35 9BH
Applicant Name and Address: Brendan and Sharon O'Gorman and Gregory 82 Corran Road Damoiley Armagh BT60 2AF		Agent Name and Address: James A Murphy 43 New Road Silverbridge Newry BT35 9NB
Date of last Neighbour Notification:		15th February 2016
Date of Press Advertisement:		25th November 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues: Application is for a replacement dwelling however the structure indicated on the site location map appears to have been demolished		

Site Visit Report

Site Location Plan:



Date of Site Visit: March 1st 2016

Characteristics of the Site and Area

1.0 Characteristics of Site

1.1 The site consists of a grazing field located on a laneway that joins on to Kiltybane Road approximately 30 metres to the south. There is a significant amount of rubble across the site especially a large mound of broken stones towards the rear of the site.



1.2 The site is largely flat; however it does slope sharply down towards the northern

boundary. Its boundaries are marked with low hedges meaning that it is open to view from Killybane Road to the south.



2.0 Characteristics of Area

2.1 The site is located in a rural area approximately 4 miles south west of the village of Cullyhanna. There is a dwelling and what appears to be a farm building immediately to the rear of the site.



2.2 To the east of the site is a pair of two storey detached dwellings



3.0 Description of Proposal

3.1 Application seeks FPP for a replacement dwelling; a design has been submitted for a single storey dwelling.

3.2 The submitted plans indicate a dwelling on site, however on the day of the site visit, March 1st 2016; no dwelling was present on the site. A photograph has been obtained from Google Street View dated from September 2009 that shows what appear to be gable walls on the site. It is not possible to determine from this photograph exactly what this structure was; it is clear that it was quite small scale and therefore could not account for all of the rubble in the mound on the site.

Planning Assessment of Policy and Other Material Considerations

4.0 Strategic Planning Policy Statement

4.1 The SPPS provides a framework for the preparation of new Local Development Plans by Councils. In relation to replacement dwellings it largely restates the existing policy but places emphasis that where possible, replacement dwellings should occupy the same curtilage as the original.

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

5.1 The site is located in the rural area, no other provisions of the plan are relevant.

6.0 Consultations

6.1 No objections were received from statutory bodies.

6.2 Four neighbouring properties were notified on February 15th 2016, no representations have been received to date from them.

7.0 PPS21 Policy CTY 3 Replacement Dwellings

7.1 The policy allows for the replacement of dwellings which demonstrate certain criteria namely that they exhibit all of the structural characteristics of a dwelling, with all four walls being

substantially intact as a minimum requirement.

7.2 In this case the structure which was present on the site in September 2009 has been completely demolished , therefore there is no eligible dwelling on the site.

8.0 Conclusions and Recommendation

8.1 Refusal is recommended.

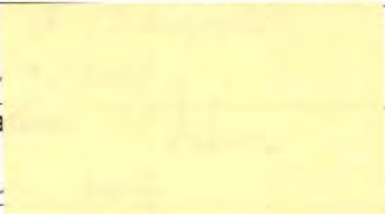
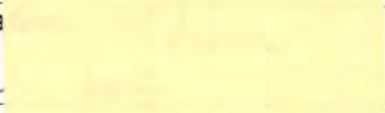
Neighbour Notification Checked	Yes
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Summary of Recommendation
 There is no structure on the site which complies with the requirements for a replacement dwelling, the previous structure has been completely demolished and all traces removed.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact.

Case Officer Signature:	
Date:	1/11/15
Appointed Officer Signature:	
Date:	3.11.15

LA07/2015/1167/F

Consideration of additional information received March 8th 2016.

It is not disputed that the structure which it was intended to replace was demolished by the applicant after he became concerned for its safety, a photo from Google Street View is provided, taken from Kiltybane Road it shows the gable end of the dwelling but at this resolution it is too obscure to establish exactly what the dwelling was. Another photo is provided taken from the rear of the field looking towards the lane, there is snow on the ground and on the structure however it clearly shows that the structure had two elements, a larger element of the southern side, possibly two storey in scale, and a smaller element, which was possibly originally an animal shelter attached to the dwelling. An aerial photograph from Spatial NI shows that the roof visible in the winter photo appeared to have collapsed with a tree growing through the structure, the possible animal shelter appears to have had a red roof, most likely corrugated iron.

The policy context for situations in which a structure has been damaged or destroyed is contained within CTY 3, *"In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided."* The evidence the applicant has shown would appear to suggest that there was a former dwelling on this site, the arrangement of the two elements of the structure is typical of a traditional rural dwelling with an attached animal shelter.

However in these cases it is the means by which the dwelling was damaged or destroyed that is of determining weight, in appeal reference 2007/A1327 the PAC ruled *"Whilst this element of the policy allows for replacement of dwelling no longer intact, from the reading of the policy and the examples given, it relates to unintended or unforeseen circumstances as opposed to the intended removal of a dwelling from a site."* The applicant deliberately demolished the dwelling; this is not covered by *"unintended or unforeseen circumstances"* as his actions were deliberate, the Commission's decision above suggests that the damage or loss of the structure should be down to accidental circumstances such as a fire or accidental demolition. The applicant's actions in this case were deliberate although misguided.

Gareth Murtagh
April 12th 2016

Proposed Replacement Dwelling at Kiltybane Road, Crossmaglen, Newry

for Brendan O’Gorman & Sharon Gregory

Submission for Council Meeting on 3/8/2016

1 The facts are not in dispute here. Application to replace the house shown in slide 1 was made on 10/11/15 and by the time of the site inspection on 1/3/16 the applicant’s father had demolished the house.

2 The existing house with surrounding fence is shown on map and planners would have no objection to the proposal if the original house was still standing.

There is a clause in CTY 3 which states ‘ In cases where a dwelling has recently been destroyed, for example through an accident or a fire, planning permission may be granted for a replacement dwelling.’

The planners contend that the building was not removed by accident, but deliberately by the applicant.

I dispute this. The applicant’s father, not the applicant owns the house and land. Beside the house were old walls including a high gable which was in danger of falling. He, and indeed I, when surveying used the access through these old walls. He thought that planning permission had been agreed, brought in a digger to remove the dangerous walls and then removed the house as well. The building would have to be removed at some time, but it was an accident that it was removed too soon.

Anyway the ‘accident or a fire’ were only given as examples of how a dwelling might be destroyed. The drafters would not be expected to include every possible example. What if the house had been deliberately blown up by others (as has happened often in the past). No doubt the planners would consider this deliberate act to be within the policy.

The planners cite planning appeal reference 2007/A1327 as a precedent. I have no previous personal knowledge of this case, but reading the file it is clear that it is not relevant. That case involved the off-site replacement of a temporary log cabin which had been removed in order to build an abutment to a bridge along the A1. It is doubtful if planning permission would have been given even if the log cabin and the site were still extant.

Many decisions were made from the publication of Draft PPS21 in Nov. 2008 until the then minister Alex Attwood held a review in July 2013. Generally he conceded that the policy was restrictive and specifically stated 'I have explored the application of Policy CTY 3 'Replacement Dwellings' with a view to identifying additional flexibility, ...' He goes on to cite a case in the Armagh area where the walls were not 100% complete, but with the greater degree of flexibility was approved.

I put it to you, the Council and the planners, that even if you are not 100% satisfied with my argument then you are entitled to use this flexibility to approve this application.

Dwelling at Kiltybane road Crossmaglen

Applicant's Brendan O Gorman and Sharon Gregory

Submission for meeting on 3/8/2016

1. There was a high gable wall beside the said old dwelling which was unstable at the top, there was access through the old wall's which I and my family would use and also neighbours taking a shortcut when calling over to my house.
2. There was on one occasion when myself and Grandchild was going through the old walls that a stone fell and hit me on the shoulder, I dreaded to think what the outcome would have been had that stone fallen on my Grandchild. It was at that point I made up my mind that something had to be done.
3. In January /February I had a man with a digger in to do some work. My wife was aware of the state of the gable wall as I had told her I would have to get it knocked down. My wife asked the digger man to knock it down.
4. On the day in question I returned home and discovered that the old walls PLUS the Dwelling had been demolished. I asked my wife what had happened, she said she got the digger man to knock down the dangerous wall. In speaking with the digger man it seems there was a major misunderstanding in what was supposed to have been ACTUALLY knocked down (some heated words were exchanged between myself my wife and the digger man).Though it was a mistake that the dwelling was knocked down I was not overly worried as I thought planning permission had been granted .
5. Brendan and Sharon (Applicant's) were so mad and disappointed with me when I contacted them and told them what had happened , as they they said it could put planning consent at risk (which it did) and also the fact that they intended to use the old stone from the dwelling to build perimeter walls and piers
6. On trying to rectify the problems that were caused to the APPLICANT'S I went on to the "planning website". I found CTY3 with a clause that states "In cases where a dwelling has recently been destroyed, for example ,through an ACCIDENT or a fire, planning permission may be granted for a replacement dwelling".~~The dwelling been demolished was a total ACCIDENT and~~ MISSUNDERSTANDING on myself and wife's behalf not by the APPLICANT'S.
7. The applicant's Brendan and Sharon knew nothing about this until it had happened .I have been trying to make amends with them since and wish to make it known that I apologise for causing them this Major problem.

When on your planning website I also found

POLICY CTY6 Personal and Domestic Circumstances

When the applicant's Sharon and Brendan were discussing about building their own home I offered them the site as I am not in good health and it would be good to have them close by to Help, if and when my condition deteriorates.

Medical reports can be obtained if needed .

To the Council Members,

I would ask you to look favourably on Sharon's and Brendan's application for a replacement dwelling , as it was of no fault of theirs that the said building was demolished but by myself and my wife's own doing, through a total misunderstanding ,and in trying to do the right thing INCASE a serious accident or even DEATH had occurred, caused by stones falling from that gable wall.

Sharon and Brendan are two young people with a child who are starting out on their life's journey together and are very well thought of within the local community ,been members of a local charity group and holding events to help raise money to take sick and infirm people and children to Lourdes's every year

Thanking you for your understanding

Eamon Gregory

23 Kettlebrook rd
Middle town
Co. Anagh.

To whom it Concerns.

My name is Jason Harte.

As a past-time I go shooting, I had been doing Vernean Control on land owned by Eamon Gregory and in one of his fields there was a dwelling house and on previous occasions I have used this property from the elements.

But of late I noticed that the Gable wall was deteriorated and was not safe, so I discontinue using this dwelling Eamon had noticed and

questioned why this was
so I told him and
explained it was unsafe
and to check it out
himself. which he did

Jason Harte

82 Carton rd

Arragh

BT 60 2EX

287

I Seamus O'Gorman have been on the Land Own by Eamon Gregory, As my Son Brendan O'Gorman and Sharon Gregory asked me to take a look at where they were planning on Building there house.

As I was looking there was a old house there so I walked around the house and noticed that the Gable wall was not very safe as there was loose stones so I said this to Eamon as our Grandson would be out in that area, it would not be very safe

For him and I was worried
about it

Seamus O'Carman

ITEM NO	D1			
APPLIC NO	P/2012/0712/F	Full	DATE VALID	9/4/12
COUNCIL OPINION	REFUSAL			
APPLICANT	Brendan Carragher 24 New Road Silverbridge Newry BT35 9PQ		AGENT	J A Murphy B.Sc.,M.I.C.E Chartered Engineer 43 New Road Silverbridge Newry BT35 9NB 02830888214
LOCATION	24 New Road Silverbridge Newry BT35 9PQ			
PROPOSAL	Extension to Tyre Depot			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy PED 2 of the Department's Planning Policy Statement 4, Planning and Economic Development, in that the proposal does not meet any of the exceptions for economic development uses in the countryside.
- 2 The proposal is contrary to Policy PED 9 of the Department's Planning Policy Statement 4, Planning and Economic Development, in that it has not been demonstrated that the proposal;
 - is compatible with the surrounding land uses;
 - appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; and
 - that there are satisfactory measures to assist integration into the landscape.
- 3 The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm;
 - the farm (forestry) business is not currently active and established;
 - the character and scale of the development is not appropriate to its location;



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2012/0712/F

Date Received: 10th Sept 2012

Proposal: Extension to tyre depot

Location: 24 New Road Silverbridge Newry BT35 9PQ

Site Characteristics & Area Characteristics:

Site Inspection- 9th Jan 2013

Site consists of an area of land adjacent to a dwelling house that is currently being used as a tyre sales business. Tyres are currently stored in an open compound to the side of the site and fitting appears to take place in some agricultural type sheds at the opposite side, there is also a lorry trailer that currently appears to be used for storage of tyres and other equipment. The entire complex is located at the end of a laneway leading off from New Road and sited just over the brow of a hill. From New Road all that is visible are the lorry trailer and agricultural sheds as well as a small advert adjacent to the entrance. There is no record of any permission having been granted for this business.

Immediately north of the application the Department has previously granted approval for a dwelling under P/2008/1220/RM.

It would appear from aerial photography that the dwelling approved had footings in place from as early as Sept 2010. The most recent aerial photography shows the footings being used an area for tyre storage. This area is outside the red line of the application site.

Site History:

No relevant site history to the case.

Planning Policies & Material Considerations:

*The Strategic Planning Policy Statement (SPPS)
The Banbridge/Newry and Mourne Area Plan 2015
Planning Policy Statement 3
Planning Policy Statement 4*

*Planning Policy Statement 21***Consultations:****EH- no objections****TransportNI- no objections****NIW- statutory****Objections & Representations***No. of neighbours notified= 6**Advertised= 21/9/2012**No. of representations received= 0***Consideration and Assessment:**

The application was previously assessed under the provisions of PPS 4 and Policy PED 3, expansion of an established business in the countryside. Although the agent has supplied evidence of a business operating on the site from as early as 2007 and states that the business has been in existence since 1996, this has not been regularised through the correct process. To regularise the business the Council would require the submission of an existing CLUD. Given that the business has not been regularised the Council cannot consider the application under Policy PED 3 of PPS 4. This is in line with procedure set down by the Planning Appeals Commission.

The agent has confirmed in his letter dated the 18th Jan 2013, that the business stores a large range of tyres, both new and part used and that they also do puncture repairs and fitting. The proposal will therefore be assessed against Policy PED 2, Economic Development in the Countryside. The proposal fails to fall within any of the exceptions listed under this policy. The policy refers to proposals involving the re-use of rural buildings for economic development associated with farm diversification schemes in line with the provisions of PPS 21. PPS 21 CTY 11, states that planning permission will be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. For the purposes of this policy the determining criteria for an active and established business is set out under CTY 10. The applicant is required to have had an active and established farm business for at least 6 yrs. No details have been submitted. The proposed tyre depot is not considered as a use which is run in conjunction with the farm. The proposal is more suitable to the urban area and would spoil the character of the countryside area. With regard to the impact on the amenity of the neighbouring dwellings in terms of problems arising from noise, smell and pollution, Environmental Health have been consulted as part of determining the application and returned with no objections to the proposal on such grounds.

Under PED 9 of PPS 4, the proposal is not considered compatible with the surrounding land uses. The existing yard and proposed car parking area are both to be extended closer the roadside. This will involve the creation of new boundaries through the middle of the front fields. The site as it exists lacks appropriate boundary treatment and means of enclosure. The site is positioned approximately 10 metres above the adjacent road level and readily viewed travelling in both

directions along the New Road. Given the size and scale of the extension to the shed and the extension of the site area to the roadside and the lack of existing screening the proposed development will be a prominent feature in the landscape. The proposed shed, its associated outside storage and car parking will rely heavily on new landscaping to aid its integration. The proposal is contrary to PPS 4 PED 2, PED 9 and PPS 21 CTY 1, CTY 11, CTY 13 & CTY 14.

**Recommendation:
Refusal**

Refusal reasons:

1. The proposal is contrary to Policy PED 2 of the Department's Planning Policy Statement 4, Planning and Economic Development, in that the proposal does not meet any of the exceptions for economic development uses in the countryside.
2. The proposal is contrary to Policy PED 9 of the Department's Planning Policy Statement 4, Planning and Economic Development, in that it has not been demonstrated that the proposal;
 - is compatible with the surrounding land uses;
 - Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; and
 - that there are satisfactory measures to assist integration into the landscape.
3. 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.
4. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the applicant has not demonstrated that it is to be run in conjunction with the agricultural operations on the farm;
 - the farm (forestry) business is not currently active and established;
 - the character and scale of the development is not appropriate to its location;
5. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed building is a prominent feature in the landscape;*
- the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;*
- the proposed building relies primarily on the use of new landscaping for integration;*
- the ancillary works do not integrate with their surroundings;*
- the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
and therefore would not visually integrate into the surrounding landscape.

6. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the building would, if permitted, be unduly prominent in the landscape;*
- the impact of ancillary works would damage rural character;*
and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

30/6/16

30/6/10

- 4 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
 - and therefore would not visually integrate into the surrounding landscape.
- 5 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the building would, if permitted, be unduly prominent in the landscape;
 - the impact of ancillary works would damage rural character;
 - and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- 6 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.

Proposed Extension to Tyre Depot at New Road, Silverbridge, Newry

for Mr. B. Carragher

Submission to Council on 3/8/2016

Planning ref; P/2012/0712/F

Date; 10th. September 2012

- 1 Site map
- 2 Layout as Existing
- 3 Photo front of sheds
- 4 Photo directly opposite Sheds
- 5 Photo to road side
- 6 Inside larger shed
- 7 Inside smaller shed
- 8 New house footings
- 9 Site from road - 110 metres away
- 10 Layout as Proposed
- 11 Elevations as originally proposed
- 12 Elevations as amended

The planners have indicated in their report that they cannot consider this application under policy PED 3 of PPS 4 until application for a CLUD has been made and approved. They give no definite reference for this requirement, just that it is in line with procedure set down by the Planning Appeals commission.

The application has been considered from 2012 and this is the first time that a CLUD has been mentioned by the planners.

The site inspection was carried out on 9th. January 2013; then on 11th. January 2013 the planners wrote requesting us to 'demonstrate how long the business has been in operation at this location for'. We replied on 18th. January 2013 and included evidence with the result that the planning officer agrees in his report that the evidence proves that the business has been operating from as early as 2007 and I have given the date of commencement as 1996.

Even with the evidence accepted by the planners in their report, the business has been active for at least 5 years and therefore satisfies the essential criteria of question 8(1) of a CLUD application form. So a

CLUD at this stage would superfluous.

The planners have records for this site going back many years. These are as follows

- 13 Planning application no. P/2002/2333 for filling station - map
- 14 Refusal - with no mention of enforcement action against existing business.

- 15 Planning application no. P/2003/2610/O for dwelling - map
- 16 Withdrawal confirmation - but no enforcement.

- 17 Planning application no. P/2008/1220/RM for dwelling - map
The approval was mentioned in the planning report. The site is accessed through Tyre yard and still no enforcement.

There is no doubt that planners have for many years regarded this as an established business.

The application should therefore be assessed under policy 3 of PPS 4 and as it meets all the requirements therein it should be approved.

ITEM NO	15			
APPLIC NO	LA07/2016/0175/F	Full	DATE VALID	2/5/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Dermott White 12 Molly Road Jonesborough Newry BT35 8HY		AGENT	J A Murphy Chartered Engineer 43 New Road Silverbridge Newry BT35 9NB 02830888214
LOCATION	80 metres North West of 15 Molly Road Jonesborough Newry BT35 8HY			
PROPOSAL	Replacement dwelling and domestic garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - there is no structure that exhibits the essential characteristics of a dwelling;
 - 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 Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration; the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
 - and therefore would not visually integrate into the surrounding landscape.

- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the (building) would, if permitted, be unduly prominent in the landscape; the impact of ancillary works would damage rural character;
 - and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Proposed Replacement Dwelling at Molly Road,

Jonesborough, Newry for Mr. D. White

- 1 House has walls, roof, door, chimney, door at rear which was a window thus exhibiting essential characteristics.
- 2 Inside showing fireplace
- 3 Plan of building at present
- 4 Map including stream needed for washing

I wasn't around this area when the house was in use, but I will show you a suitable one which I remember being inhabited.
- 5 Front of McCoy's House, recently restored.
- 6 Plan of above
- 7 Baptismal record for the 7 children born between 1893 and 1899.
- 8 Plan of house in use. Sitting, cooking, eating, washing took place in the kitchen and the parents opened out the settle-bed at night and slept there along with a baby in a cot. Wouldn't a childless couple in White's house be better off for room?

What about a lavatory?
- 9 Map of house showing cartilage outlined in red. Note the stream.
- 10 Layout showing the uses of the different areas.
Note the large, secluded area of grass, where inhabitants squatted in a different place each time to defecate.

Essential characteristics now include this space and the stream.
- 11 Back to Whites and the map of 1957. The byre has already lost it's roof, but toilet area and stream are intact.

- 12 Our site layout with the cartilage of the old house super-imposed.
Note that, in order to maintain the straight lines generally seen in maps of this area, the northwest corner is very high
- 13 Layout with rear contours in bold.
A curve along these contours will integrate better.
- 14 Finally, White's Dwelling laid out for use.



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

Application Reference: LA07/2016/0175/F

Date Received: 05.02.2016

Proposal: Replacement dwelling and domestic garage

Location: 80 metres North West of 15 Molly Road Jonesborough Newry

Site Characteristics & Area Characteristics:

The site is located along the Molly Road approximately 1 mile outside Jonesborough. The building to be replaced is sited on the roadside. The lands surrounding the site rise steeply in a north western direction.

The building is single storey with a small concrete yard to the side and rear. Within the yard there is a small cattle crush and a gateway leading to the lands to the rear.

Site History:

n/a

Planning Policies & Material Considerations:

*The Strategic Planning Policy Statement (SPPS)
 The Banbridge/Newry and Mourne Area Plan 2015
 PPS 3, PPS 15, PPS 21*

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

Consultations:

NIW- statutory

TransportNI- no objections sub to conditions

Rivers Agency- see assessment

EH- no objections subject to consent to discharge

Objections & Representations

No. of neighbours notified= 1
 Advertised= 17.02.2016
 No. of representations received= 0

Consideration and Assessment:

The proposal is for a replacement dwelling relying on non mains sewerage within a countryside area therefore will be assessed Policy CTY 3, CTY 13, CTY 14 and CTY 16 of PPS 21.

Upon site inspection the building has all four walls substantially intact with a natural slate roof intact also. The building is single storey with a pitched roof. The building has one doorway opening onto the Molly Road and another facing into the rear yard area. On the western gable end of the building there appears to be a chimney positioned on the ridge which is overgrown with ivy. Internally the building is one single room in size. There appears to be remains of an old crook/fireplace to the gable end to which the chimney is positioned. Internally, parts of the old stone walls are evident with a lot of fresh plaster to the lower half of the walls. The building is sited immediately on the roadside with a small yard to the rear which appears to be used to hold animals.

I am not persuaded that the building to be replaced was ever a dwelling given its size, internal layout, lack of characteristics as a dwelling, its position in relation to the roadside and it's siting within the small agricultural yard.

The proposal is to be sited beyond the existing boundaries of the building/associated yard. If the principle of development was accepted, I am of the opinion that an enlarged curtilage would also be acceptable given the existing restrictions on the site. However, I am not content with the applicants chosen position to the rear of the site and feel that a roadside position would be less prominent and integrate better within the surrounding landscape. The design of the dwelling proposed is simple with a linear form. The design of the dwelling creates a good solid to void ratio with the windows having a vertical emphasis. Given the size of the existing building to be replaced (25sqm) and the proposed dwelling (approx.170sqm), the visual impact will be significantly greater than the existing building.

All necessary services can be provided without an adverse impact on the character of the locality and the proposed new access will not prejudice roads safety.

As stated above the proposed siting of the dwelling will be a prominent feature in the landscape. The proposal will rely heavily on new landscaping as the site is being cut of a larger field which lacks any long established natural boundaries to provide a suitable degree of enclosure for the building to integrate into the landscape.

The dwelling is to be positioned on a steep hillside. On the block plan the agent has indicated a 1.8 metre high retaining wall to run along the rear boundary and extend along the side boundary. A dwelling that relies on a significant amount of earthworks for integration is acceptable.

The design of the dwelling as discussed above is appropriate for the site and its locality.

The proposal would not result in build up as it will replace the agent has indicated the existing building to be demolished with the yard and walls removed from the site.

The proposal respects the traditional pattern of settlement exhibited in the area and does not create or add to ribbon of development.

There is an undesignated watercourse bounding the eastern edge of the site. Having consulted Rivers Agency they advised that the site does not lie within the 1 in100 yr fluvial flood plain therefore policy FLD 1 of PPS 15 does not apply. As the development is located beside this watercourse FLD 2 applies. The applicant has left a minimum of 5 metres between the watercourse and the south east corner of the proposed dwelling. The policy states a minimum of 5 metres should be provided.

The development is located partially within a predicted flood area as indicated on the surface water flood map. Although a drainage assessment is not required by Policy FLD 3, it is the developer's responsibility, to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This will be attached as an informative to any decision.

On the block plan provided it is noted that it is the applicant's intention to culvert the existing watercourse, policy FLD 4 applies in this case. The policy states that planning will only be permitted to artificially modify a watercourse, including culverting in either of the following exceptional circumstances:

- *Culverting of a short length of a watercourse (usually less than 10m) to provide access to a development site or part thereof;*
- *Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

The culverting of the watercourse in this case is not to allow access to the site nor for engineering reasons. The proposed operations do not fall within any of the above categories; therefore the proposal is contrary to Policy FLD 4 of PPS 15.

Recommendation:

Refusal

Refusal Reasons/ Conditions

The proposal is contrary to the SPSS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that

- *there is no structure that exhibits the essential characteristics of a dwelling;*
- *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 Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed building is a prominent feature in the landscape;*

-the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

-the proposed building relies primarily on the use of new landscaping for integration;

-the ancillary works do not integrate with their surroundings;

-the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

and therefore would not visually integrate into the surrounding landscape.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the (building) would, if permitted, be unduly prominent in the landscape;

-the impact of ancillary works would damage rural character;

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

The proposal is contrary to Policy FLD4 of revised Planning Policy Statement 15; Planning and Flood Risk, in that the proposed culverting of the watercourse does not meet any of the exceptions to the policy.

Proposed Replacement Dwelling at Molly Road,

Jonesborough, Newry for Mr. D. White

- 1 House has walls, roof, door, chimney, door at rear which was a window thus exhibiting essential characteristics.
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- 3 Plan of building at present
- 4 Map including stream needed for washing

I wasn't around this area when the house was in use, but I will show you a suitable one which I remember being inhabited.
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Note the large, secluded area of grass, where inhabitants squatted in a different place each time to defecate.

Essential characteristics now include this space and the stream.
- 11 Back to Whites and the map of 1957. The byre has already lost it's roof, but toilet area and stream are intact.

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Note that, in order to maintain the straight lines generally seen in maps of this area, the northwest corner is very high
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ITEM NO	13			
APPLIC NO	LA07/2015/1317/O	Outline	DATE VALID	12/11/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Paul and Dianne Kelly 39 Conway Park Mullaghbawn Newry BT35 9TS		AGENT	John Richardson 9a Shanecracken Road Markethill BT60 1TS 07752598165

LOCATION 25m South of 162 Tandragee Road
Jerrettspass
Newry

PROPOSAL 1 No. infill 1.5 storey dwelling and garage

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and would, if permitted, result in the creation of ribbon development along the Tandragee Road.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration 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 dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1317/O

Date Received: 11.12.2015

Proposal: 1 No. infill 1.5 storey dwelling and garage

Location: 25m South of 162 Tandragee Road, Jerrettspass, Newry

Site Characteristics & Area Characteristics:

The site as defined in red on the site location plan takes in a portion of agricultural land adjacent to and South of No162 Tandragee Rd that is to be accessed adjacent to and immediately North of No.144. The land rises towards the west with mature trees and hedging located at the boundaries. The area is rural in character with agricultural being the dominant land use activity. A dwelling is located north and south of the site with a plant hire business located further south again.

Site History: No recent site history

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3
DCAN 15
Planning Policy Statement 15

Consultations:

Environmental Health – No objections
Transport NI – Further information required
Rivers Agency –
NI Water – No objections

Objections & Representations

3 Neighbours Notified and the application has been advertised on 06.01.2016. No objections or representations received.

Consideration and Assessment: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 infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the 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 as designated in the Banbridge Newry and Mourne Area Plan 2015. Whilst permission in this area is restrictive the plan does make provision up to 2 dwellings in a gap site where it is in accordance with policy CTY8 of Planning Policy Statement 21 and other planning considerations and policies.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8.

With regard to policy CTY 8 an exception can be facilitated for the development of a small gap site to accommodate up to 2 dwellings in an otherwise substantial and continuously built up frontage. The policy requires a line of 3 or more buildings along a road frontage without accompanying development to the rear and a respect of the existing development pattern.

When considering the proposal from the main Tandragee Rd and facing the site adjacent No.162 a line of 3 or more buildings is not evident. The house and garage at No.162 read as 1 which only leaves the building further south at the plant hire business. No 144 has a frontage on the road behind this and as such cannot be read within this line of development. In addition to this the gap between No 162 and the plant hire business is approximately 188m which is beyond the threshold of a small gap site to accommodate up to 2 dwellings. When considering the site from the proposed access point only 2 buildings can be read with the site and of these buildings only No.144 has a frontage onto the same piece of road. The proposal therefore fails this policy test and as a consequence is contrary to policy CTY8 and CTY1.

Given the open and exposed nature of the site integration is an issue for this application. The proposed dwelling would be critically viewed from the main Tandragee Road and appear visually intrusive on the landscape. When viewed with the surrounding buildings the proposed dwelling would contribute to build up and as a consequence have a detrimental impact on the rural character of the area. The proposal is contrary to CTY 13 and CTY 14.

Environmental Health was consulted in relation to the sewage arrangements and has responded with no objections in principle. Sewage arrangements are minimal at Outline however a condition could be added to ensure Consent to Discharge is

obtained before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards Transport NI was consulted in regard to this policy criteria. Following amended plans they have no objections to the proposal.

PPS 15 – Flood Risk

As there is an undesignated watercourse bounding the Eastern edge of the site, policy FLD 2 will apply and access for maintenance should be provided. This has not been shown on the plans however this could be rectified at a RM stage.

Recommendation:

Refusal

Refusal Reasons:

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and would, if permitted, result in the creation of ribbon development along the Tandragee Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration 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 dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and the dwelling would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer

Authorised Officer



To: Jal Richardson <jalr2006@btinternet.com>,
Cc:
Bcc:
Subject: Re: LA07/2015/1317/O

Jal Richardson

To whom it may concern I am writing to request w...

26/07/2016 21:53:51

From: Jal Richardson <jalr2006@btinternet.com>
To: democratic.services@nmandd.org,
Date: 26/07/2016 21:53
Subject: LA07/2015/1317/O

To whom it may concern

I am writing to request written/speaking rights at the forthcoming planning committee meeting on Wednesday 3rd August for the above application.

Planning permission has been recommended for refusal because Planning Service feel there are not at least 3 buildings in a row with a gap in between which is capable of containing a maximum of 2 dwellings. I however disagree with this as there are 2 buildings to the north (number 162 and an outbuilding/stable block)) and two buildings to the south (number 144 and a plant hire business). The gap between 144 and 162 measures 88m. Although I am proposing to take the access off the minor road i feel that the buildings and proposed sites should be read from the main Tandragee Rd and as a result an infill site is accommodated. The only reason for taking the access off the minor road is for road safety, similarly to No 144. I would propose to position the dwelling with the front facing the Tandragee Rd which would further read with No 144 and No 162 which both face this direction.

Planning Service state that No 162 and a "garage" read as one however this is not the case. The policy states buildings and furthermore it is not a garage adjacent to No 162 but an outbuilding/stable, therefore I feel these should be classed as two separate buildings. As a result there is therefore two buildings to the north a gap of 88m and two buildings to the south.

Planning Service have also stated that there is a 188m gap between No 162 and the plant hire business. I disagree with this as the curtilage of No 144 stretches between the minor road to the rear and the main Tandragee Rd to the front which reduces the gap to 88m as stated above. There is a double hedge facing onto the main Tandragee Rd, with the hedge closest to No 144 being a suburban Castlewellan gold type. This in turn is planted behind a timber post and rail fence which encloses a flat area where children can play.

As a result I feel that this site should be categorised as an infill.

I look forward to hearing from you prior to the meeting on Wednesday 3rd August. If you require any further information to not hesitate to contact me on 07752598165/07756221840

Regards

John Richardson
Agent

LA07/2015/1317/O

barra omuiiri

to:

democratic.services

27/07/2016 16:39

Cc:

"Dianne Kelly"

Hide Details

From: barra omuiiri/Newry&Mourne/NI

To: democratic.services@nmandd.org,

Cc: "Dianne Kelly" <dkelly@fpmccann.co.uk>

A chairde dhil,

I wish to offer this written support for Planning application LA07/2015/1317/O.

Having spoken to Mr and Mrs Kelly, I am satisfied that every attempt was made to adhere to planning policy.

I have contacted the planning agent, Mr Richardson, and he has explained the discrepancy in the distances given by the Planning Service, and those that he has arrived at, between the proposed dwelling and no 162 Tandragee Road.

A further discrepancy arose when the Planning service referred to a garage adjacent to no 162, which is not a garage, but in fact outhouses. The difference in an outhouse and a garage could, and in the past has, determined the success of planning appeals.

The agent and the applicants are convinced that this application should be categorised as an infill, which makes perfect sense to me.

I would be happy if this decision could be deferred.

An Comhairleoir Barra Ó Muirí
Councillor Barra Ó Muirí

☒ **Póca/Mobile:** 07547 306922

☒ **Baile/Home:** 028 3086 1921

☒ **Ríomhphost/Email:** barra.omuiiri@sinnfein.ie

☒ **Twitter:** @barraomuiiri

Seolta ar luas na gaoithe ó m'iPad Air