



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

Application Reference: LA07/2020/1427/F

Date Received: 08/10/2020

Proposal: Erection of dwelling – Change of house type of that approved under P/2004/1021/O and P/2006/2041/RM.

Location: 100m north of 31a Glenmore Road, Mullaghbawn, Newry

Site Characteristics & Area Characteristics:

The application site is located in the south-eastern corner of an agricultural field, and sits north of 31 and 31a Glenmore Road, Mullaghbawn. The site has been cleared to form the foundations of the previous approvals (P/2006/2041/RM and P/2004/1021/O). Glenmore Road lies to the west of the site and a lane (serving as access to 31 Glenmore Road) lies to the south of the site.

The application site is outside any settlement limits as designated in the Banbridge/ Newry and Mourne Area Plan 2015. The site is also within a designated Area of Outstanding Natural Beauty (AONB).

Date of Site Visit:

Site History:

P/2004/1021/O:

- Site for dwelling
- 100m north of 31a Glenmore Road, Mullaghbawn, Newry
- Permission Granted 14/07/2004

P/2006/2041/RM:

- Erection of dwelling
- 100m north of 31A Glenmore Road, Mullaghbawn, Newry
- Permission Granted 15/01/2008.

P/2005/2713/F:

- Erection of dwelling

- 50m north of 31a Glenmore Road, Mullaghbawn, Newry
- Permission Refused 21/08/2006

Refusal Reasons:

1. The proposal is contrary to Policies SP6, HOU8, DES4 and DES6 of the Department's Planning Strategy for Northern Ireland in that the development when considered in the context of existing development, would, if permitted, result in a detrimental change to the rural character of this area of countryside by reason of build-up.
2. The proposal is contrary to Policies SP6, HOU8, DES4 and DES7 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, adversely affect the visual amenity and character of the countryside by the creation of ribbon development along Glenmore Road.

Planning Policies and Material Considerations:

Banbridge Newry Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21 - Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

Consultations:

DFI Roads – No objections to the proposal

NI Water – Generic response to routine planning application

Objections and Representations:

3 neighbours were notified of the proposal on 14/10/2020. The proposal was also advertised in local press on 20/10/2020.

No objections or representations have been submitted for consideration.

The proposal:

The application is for a change of house type.

The previous approvals outlined that development must have begun by 15th January 2010.

Confirmation was received from Building Control and aerial imaging which demonstrated that the development had begun by the stipulated date. Following a site inspection and the above information, I am satisfied that the development has commenced in line with the previous approvals and the permission is extant.

Consideration and Assessment:

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. The principle of development has been established on-site, but the proposal must also meet the criteria outlined in policies CTY 13 and CTY 14.

CTY 13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The proposal is not a prominent feature in the landscape. The site has natural boundaries which provide a suitable degree of enclosure for the building to integrate into the landscape. All existing hedges and trees are to be maintained as per the planting schedule and will be fortified with native species trees or hedges where appropriate. Ancillary works integrate with their surroundings.

The design of the building is very similar to the previous approval. The finishes proposed are the same to those previously approved. The dwelling features three dormers to the front and rear of the building, as per the previous design. The design of the porch to the front elevation is the same as what was previously approved. The design of the building is fitting for the site and its locality and the building blends with the landform, existing trees, buildings and natural features in the area.

CTY 14 – Rural Character

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

The new building is not unduly prominent in the landscape. The proposal does not result in a suburban style build-up of development when viewed with existing and approved buildings. The proposal respects the traditional patterns of settlement exhibited in the area and does not add to a ribbon of development. Ancillary works do not damage rural character.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 - Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.

The siting and scale of the proposal is in keeping with the AONB and the local area. The proposal does not threaten any features of importance to the area. The design of the dwelling is reflective of local architectural styles and materials.

Recommendation:

Approval

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby permitted shall take place in strict accordance with the following approved plans: L01, P02 and P03.
Reason: To define the planning permission and for the avoidance of doubt.
3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. P02 bearing the date stamp 8 October 2020, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
4. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
5. The permission herein conveyed is granted solely as an alternative to the consent previously granted on 15/01/2008 under reference P/2006/2041/RM and consent previously granted on 14/07/2004 under reference P/2004/1021/O for a dwelling on the lands comprising the application site. This consent is not a permission to create an additional dwelling and it may only be implemented in substitution for the previous approval referred to above.
Reason: To ensure that only one dwelling is created on the site.
6. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out during the first available planting season following occupation of the dwelling hereby approved.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
7. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

8. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority. Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside.

Informatives:

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. Existing Water and Sewer Infrastructure
 - i. The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.
 - ii. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
 - iii. House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
 - iv. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.
 - v. It is the responsibility of the house builder/builder/developer to establish if existing public watermains, foul/storm sewers, together with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing public water and sewerage infrastructure, a Pre-Development Enquiry (PDE) would require to be submitted. There is a charge for this service.
 - vi. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.
 - vii. Septic Tank emptying. The applicant must provide a hard-standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank.

Case Officer: E.Moore 12/11/2020

Authorised Officer: A.Davidson 12/11/2020