

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

ITEM NO	6			
APPLIC NO	P/2014/0853/F	Full	DATE VALID	10/13/14
COUNCIL OPINION	REFUSAL			
APPLICANT	S Meade		AGENT	O'Callaghan Planning 9 Ballyscandal Road Armagh BT61 8BL 02837511714

LOCATION To the immediate north and east of 16 Rostrevor Road Hilltown.

PROPOSAL Retention of two light industrial units, erection of three light industrial units.

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	10	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 45 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

- 2 The proposed development is contrary to the Departments Planning Policy Statement 3, access, movement and parking, Policy AMP2 creating an accessible environment in that it would, if permitted, prejudice the safety and convenience of road users since adequate pedestrian protection cannot be provided each side of the access at the back of the footway within the scope of the application.



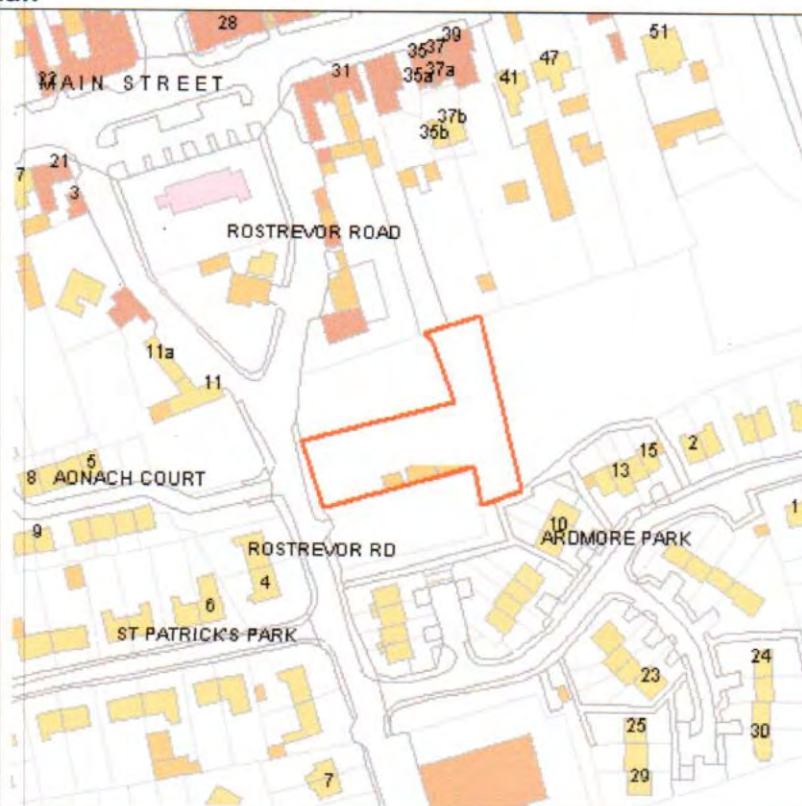
Newry, Mourne and Down District
Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: P/2014/0853/F	Target Date:
Proposal: Retention of two light industrial units, erection of three light industrial units.	Location: To the immediate north and east of 16 Rostrevor Road Hilltown.
Referral Route: Application has been requested to be brought before the Planning Committee following representations.	
Recommendation:	REFUSAL
Applicant Name and Address: S Meade	Agent Name and Address: O'Callaghan Planning 9 Ballyscandal Road Armagh BT61 8BL
Executive Summary: The site is the subject of unauthorised activity operating from a number of sheds that have been erected on the site. The application seeks to regularise these uses and to erect additional light industrial units.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Env Health Newry & Mourne District Council	Substantive Response Received
Non Statutory	NI Transport - Downpatrick Office	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	Consulted in Error
Non Statutory	Env Health Newry Mourne And Down District Council	Substantive Response Received
Non Statutory	NI Transport - Downpatrick Office	Substantive Response Received
Statutory	NI Transport - Downpatrick Office	Content
Statutory	NI Transport - Downpatrick Office	Standing Advice
Non Statutory	NIEA	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	10

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<p>Summary of Issues</p> <p>The site is located within the development limit of Hilltown and it is currently being used for several commercial purposes, including a mechanics, there are 3 sheds currently on the site which do not have the benefit of planning permission.</p>	
<p>Characteristics of the Site and Area</p> <p>Site consists of an area of ground close to the centre of Hilltown, there are 2 commercial type units to the rear of the site, in front of them a number of cars and other vehicles have been parked or are being stored, the site is largely flat and level but lies below the level of Rostrevor Road and of the surrounding area. There is no recent planning history on the site itself, there has been a number of enforcement cases on the site over the last 10 years, all of which are now closed.</p> <p>The site is effectively in a transitional zone between the commercial centre of Hilltown to it's north and the residential areas to it's south. There are residential developments all along the southern boundary of the site, given the difference in levels these all look down on to the site.</p> <p>The proposal has been amended to be for Full Planning Permission for the retention of the two existing industrial units on the site together with the erection of 3 new industrial units together with ancilliary car parking. The proposal will result in a total of 425 square metres of gross floorspace, 170 in the existing units and 255 in the proposed ones. Supporting information submitted states that the intended occupants are:</p> <ol style="list-style-type: none"> 1. Car diagnostics/minor car repairs 2. Car Valeting 3. Fireplace assembly/manufacture 4. Plaster/fibreglass/moulding components, and 5. Furniture repairs/upholsterers. <p>Following the receipt of telephone complaints about an additional shed being erected on the site, a further site inspection was carried out on October 5th 2015, it was observed that a prefabricated shed had been erected on the site but did not appear in the same position as any of the sheds proposed under this application.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Strategic Planning Policy Statement Paragraph 6.86 of the SPPS relates to planning policy for economic development uses in villages. It states that favourable consideration should be given to such proposal where they are of a scale, nature and design appropriate to the character of the particular settlement and subject to normal planning criteria such as their compatability with any residential use.</p> <p>Banbridge/Newry and Mourne Area Plan 2015. The site is located within the development limit of Hilltown, which is classed as a village in the plan. The site is not zoned for any purpose, nor is there any land zoned for economic development in the village.</p>	

Planning Policy Statement 2 Natural Heritage

Policy NH6 Areas of Outstanding Natural Beauty

The policy allows for the granting of applications for development in AONB's where they are appropriate to the character of the area in terms of their size, design and scale for the locality and where they accommodate traditional design features. The proposed units are of a typical industrial unit type and are relatively small in scale, the proposed entrance to the site will have a traditional farm gate made of galvanised steel.

Planning Policy Statement 3 Parking Standards

The amended proposal is for 425 square metres of floorspace in Class B2. The relevant standard requires one parking space per 25 sqm GFA for the first 250 sqms and 1 space per 50 sqms GFA for the remainder. This results in a requirement for 14 spaces, the submitted site layout plan shows 29 car parking spaces. However it must be considered that an area on the southern boundary of the site, which includes 3 car parking spaces and a commercial vehicle space appear to be outside of the site boundary. The commercial vehicle space is located right against the southern boundary of the site and close to the residential properties in Ardmore Park.

Planning Policy Statement 4 Planning and Economic Development

Policy PED 1 Economic Development in Settlements

The 5 identified tenants referred to in the Description of the Proposal appear to fall within 2 different use classes within the Use Classes Order. The car diagnostics and valeting would appear to be Class A2, while the others are Class B2. In relation to Class B2 uses in villages, the Policy permits these provided that their scale, nature and design are appropriate to the character of the settlement and are not incompatible with any nearby residential use.

Policy PED 9 General Criteria

The policy lists a number of criteria that applications for economic development use must comply with, among these are that it should be compatible with adjoining land uses and not affect the amenity of nearby residents.

CONSULTATIONS

Transport NI Recommends refusal due to insufficient visibility splays and inadequate pedestrian protection, the most recent response was received on November 10th 2015 and stated that its opinion was unchanged.

Environmental Health Has no objections to the amended plan that omits the car wash subject to the use of the site being limited to Class B2 uses only, the hours of operation being limited to 08:00 to 18:00 Monday to Saturdays, all plant and machinery being situated, operated and maintained in order to prevent disturbance to local residents by means of noise, vibration and odours, and waste being stored and maintained in such a manner as to not affect the amenity of neighbouring properties.

Third Parties To date a total of 10 objections have been received in relation to this application, however they are from 5 different addresses and include a comment on the additional information submitted by the agent. The issues of concern include, the design and appearance of the buildings which are considered to be inappropriate for the site's location within an AONB, noise and odours coming from the existing operations on the site, road safety, waste management from the site and insufficient car parking.

CONCLUSIONS AND RECOMMENDATION

The site is located within an urban area where there is a general presumption in favour of development subject to all relevant policy criteria being fulfilled, the site is currently in a haphazard state with vehicles parked in various locations, part of the applicant's case is that approval of the scheme will permit the activities to be regularised allowing for its appearance to be improved, however clearing up the effects of past unauthorised activities on a site should not in itself be a basis for granting planning permission.

The key policy is PED 1 and the relevant test is whether the use is appropriate to the character of the area, as highlighted above the site is currently the transition between the commercial core of Hilltown to its north and the residential areas to its south. The existing sheds are set back a considerable distance from Rostrevor Road and are therefore not prominent to traffic heading along this road. They are prominent in the locality especially when viewed from the rear of Nos 9, 10 and 11 Ardmore Park to the south, it should also be noted that there appears to be a discrepancy between the site location and layout plans, the latter appears to show an area of landscaping and commercial vehicle parking extending beyond the site boundary. There are currently 2 sheds adjacent to the rear boundary of the site and Ardmore Park, it is proposed to construct another which will be 4.2 metres high, the separation distance from the dwellings is not possible to determine accurately from the drawing but will be approximately 20 metres. The layout plan shows that it is intended to provide a landscape buffer immediately around the parking on this boundary and between the shed and the residential properties, but a significant section of this buffer is situated outside of the site boundary and it is immediately adjacent to Ardmore Park, the presence of commercial vehicle parking so close to residential properties has significant implications for residential amenity.

If the layout plan was amended to match the location plan then 3 car parking spaces would be lost, given that there is surplus car parking on the site this would not be significant, however the commercial vehicle space would have to be relocated at another point within the site boundary and this could have implications for vehicular movement across the rest of the site.

An amended layout plan has now been submitted, this corrects the discrepancy highlighted above and shows a belt of planting to the rear of the car parking spaces, the commercial vehicle space has been relocated to near the entrance of the site, just to the north of the recently constructed dwellings, another belt of planting is proposed for this boundary.

The objectors have raised a number of concerns about issues such as the status of the area as being in an AONB, noise and odours and waste management. In relation to noise and odours and waste management, Environmental Health has stated that it has no objections subject to the imposition of the conditions outlined above and therefore a refusal based on these issues could not be sustained. Regarding the site's location within an AONB, the site is within an urban area and it is not located near any area of high scenic or biodiversity quality and it is of a relatively small scale which means that it will not prove detrimental to the overall landscape of the Mourne AONB, in addition there are similar structures in other settlements across the AONB and a refusal on this ground is unlikely to be sustainable. Several objectors have also referred to the potential impact of the development on property prices but this is not a planning concern.

Transport NI has recommended refusal on two grounds, correspondence received shows that TNI and the agent have been unable to reach agreement on the outstanding issues. The agent has suggested granting temporary permission for a period of 5 years so that the operation of the site can be reviewed, however this would not represent good practice.

Therefore taking into account all material considerations refusal is recommended on the two roads issues, given the consultation response from EHO I consider that a refusal on residential amenity grounds could not be sustained at appeal and as long as the site is operated in

accordance with the conditions suggested there should not be any demonstrable harm to the amenity of residents.

Neighbour Notification Checked

Yes

A total of 10 representations have been received, however there are multiple representations from the same address.

Summary of Recommendation:

The site is inside a development limit where there is a presumption in favour of development unless there is evidence of demonstrable harm to issues of acknowledged importance. Environmental Health has stated that the proposal is acceptable under their legislation if it is operated in accordance with the suggested conditions and there is no evidence of demonstrable harm to residential amenity. The other issues raised by objectors are insufficient to justify a refusal on those grounds. However Transport NI has recommended refusal and the applicant has been unable to address their concerns.

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.4 metres x 45 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

2. The proposed development is contrary to the Departments Planning Policy Statement 3, access, movement and parking, Policy AMP2 creating an accessible environment in that it would, if permitted, prejudice the safety and convenience of road users since adequate pedestrian protection cannot be provided each side of the access at the back of the footway within the scope of the application.

Signature(s)

Date:

ANNEX	
Date Valid	13th October 2014
Date First Advertised	29th October 2014
Date Last Advertised	4th February 2015
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ, The Owner/Occupier, 1 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR, The Owner/Occupier, 1 Rostrevor Road, Carcullion, Hilltown, Down, BT34 3RT, The Owner/Occupier, 1 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA, The Owner/Occupier, 1, 10A Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP, The Owner/Occupier, 1, 11A Rostrevor Road, Carcullion, Hilltown, Down, BT34 5TS, The Owner/Occupier, 1, 1A Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP, The Owner/Occupier, 10 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR, The Owner/Occupier, 10 Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP, The Owner/Occupier, 10 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA, The Owner/Occupier, 10C Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP, The Owner/Occupier, 11 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR, The Owner/Occupier, 12 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR, The Owner/Occupier, 12 Rostrevor Road, Carcullion, Hilltown, Down, BT34 5TT, The Owner/Occupier, 12 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA, Patrick Matthews 12, Rostrevor Road, Hilltown, Newry, BT34 5UP The Owner/Occupier, 13 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ, The Owner/Occupier, 13 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR, The Owner/Occupier, 14 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ, The Owner/Occupier,</p>	

14 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
Mark Matthews
14 Rostrevor Road, Hilltown, Co Down, BT34 5UP
Mark Matthews
14 Rostrevor Road, Hilltown, Co Down, BT34 5UP
The Owner/Occupier,
15 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ,
The Owner/Occupier,
15 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
16 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ,
The Owner/Occupier,
16 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
17 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
18 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
19 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
2 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ,
The Owner/Occupier,
2 Ardmore Drive, Carcullion, Hilltown, Down, BT34 5UF,
The Owner/Occupier,
2 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
2 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA,
The Owner/Occupier,
2, 10B Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
The Owner/Occupier,
20 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
21 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
22 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
23 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
25 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
Ann Lowry
29 Main Street, Carcullion, Hilltown, Down, BT34 5UJ,
The Owner/Occupier,
3 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ,
The Owner/Occupier,
3 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
3 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA,
The Owner/Occupier,
31 Main Street, Carcullion, Hilltown, Down, BT34 5UJ,
The Owner/Occupier,

33 Main Street, Carcullion, Hilltown, Down, BT34 5UJ,
The Owner/Occupier,
33A Main Street, Carcullion, Hilltown, Down, BT34 5UJ,
The Owner/Occupier,
35B Main Street, Carcullion, Hilltown, Down, BT34 5UJ,
The Owner/Occupier,
37A Main Street, Carcullion, Hilltown, Down, BT34 5UJ,
The Owner/Occupier,
37B Main Street, Carcullion, Hilltown, Down, BT34 5UJ,
The Owner/Occupier,
4 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ,
The Owner/Occupier,
4 Ardmore Drive, Carcullion, Hilltown, Down, BT34 5UF,
The Owner/Occupier,
4 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
4 Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
The Owner/Occupier,
4 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA,
The Owner/Occupier,
41 Main Street, Carcullion, Hilltown, Down, BT34 5UJ,
The Owner/Occupier,
47 Main Street, Carcullion, Hilltown, Down, BT34 5UJ,
The Owner/Occupier,
5 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ,
The Owner/Occupier,
5 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
5 Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
The Owner/Occupier,
5 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA,
The Owner/Occupier,
6 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ,
The Owner/Occupier,
6 Ardmore Drive, Carcullion, Hilltown, Down, BT34 5UF,
The Owner/Occupier,
6 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
6 Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
The Owner/Occupier,
6 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA,
The Owner/Occupier,
6A Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
The Owner/Occupier,
7 Aonach Court, Carcullion, Hilltown, Down, BT34 5WZ,
The Owner/Occupier,
7 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
The Owner/Occupier,
7 Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
The Owner/Occupier,

7 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA,
 The Owner/Occupier,
 8 Ardmore Drive, Carcullion, Hilltown, Down, BT34 5UF,
 The Owner/Occupier,
 8 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
 The Owner/Occupier,
 8 O'Hagans Terrace, Carcullion, Hilltown, Down, BT34 5UB,
 The Owner/Occupier,
 8 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA,
 The Owner/Occupier,
 9 Ardmore Park, Carcullion, Hilltown, Down, BT34 5TR,
 The Owner/Occupier,
 9 Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
 The Owner/Occupier,
 9 St. Patricks Park, Carcullion, Hilltown, Down, BT34 5UA,
 Mark Matthews
 Chartered Accountants, First Floor, Linenhall Exchange, 26 Linenhall Street, Belfast, BT2
 8BG
 The Owner/Occupier,
 Credit Union, Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
 The Owner/Occupier,
 Inisheer, 2 Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
 The Owner/Occupier,
 Rostrevor Road, Carcullion, Hilltown, Down,,
 The Owner/Occupier,
 San Jose, 11 Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
 The Owner/Occupier,
 St John's Church (c Of I), Rostrevor Road, Carcullion, Hilltown, Down, BT34 5UP,
 The Owner/Occupier,

 David Lowry

Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
Ref ID: P/2014/0853/F Proposal: Retention of two light industrial units, erection of three light industrial units, and new car wash. Address: To the immediate north and east of 16 Rostrevor Road, Hilltown., Decision: Decision Date:	
Ref ID: P/1978/0202	

Proposal: PROPOSED CHANGE OF USE TO SHOP PLUS NEW SHOP FRONT
Address: 18 MARY STREET, NEWRY
Decision:
Decision Date:

Ref ID: P/1991/1161
Proposal: Extension and improvements to shops including 2no new
shop fronts and conversion of first floor to 2no offices
Address: 31 MAIN STREET HILLTOWN
Decision:
Decision Date:

Ref ID: P/1999/1607/Q
Proposal: Housing development
Address: Rostrevor Road, Hilltown, Co Down
Decision:
Decision Date:

Ref ID: P/1988/0814
Proposal: Site for dwelling
Address: ROSTREVOR ROAD(20 METRES SOUTH OF 12 ROSTREVOR ROAD)
HILLTOWN
Decision:
Decision Date:

Ref ID: P/1979/0207
Proposal: PROPOSED SITE FOR FARM DWELLING
Address: MADDYDRUMBRIST, DONAGHMORE, NEWRY
Decision:
Decision Date:

Ref ID: P/1979/0569
Proposal: SITE FOR BUNGALOW
Address: 2 ROSTREVOR ROAD, HILLTOWN
Decision:
Decision Date:

Ref ID: P/1989/1431
Proposal: Erection of dwelling
Address: 20M SOUTH OF 12 ROSTREVOR ROAD HILLTOWN
Decision:
Decision Date:

Ref ID: P/1976/0564

<p>Proposal: PROPOSED ERECTION OF BUNGALOW Address: ROSTREVOR ROAD, HILLTOWN Decision: Decision Date:</p> <p>Ref ID: P/2007/1359/F Proposal: Development of 4 no. houses Address: 18 Rostrevor Road, Hilltown. Decision: Decision Date: 28.09.2009</p> <p>Ref ID: P/1975/0854 Proposal: PROPOSED USE OF LAND FOR HOUSING DEVELOPMENT Address: ROSTREVOR ROAD, HILLTOWN Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p>
<p>Drawing Numbers and Title</p>

<p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. 01 (REV 3) Type: Site & Detailed Drawings Status: Submitted</p> <p>Drawing No. Type: Status: Submitted</p> <p>Drawing No. 01 (REV 2) Type: Site & Detailed Drawings Status: Submitted</p> <p>Drawing No. 03 Type: Elevations and Floor Plans Status: Submitted</p> <p>Drawing No. 02 Type: Existing Site Survey Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>


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

ITEM NO	7			
APPLIC NO	P/2014/1040/F	Full	DATE VALID	12/22/14
COUNCIL OPINION	APPROVAL			
APPLICANT	MJM Unit 5a Carnbane Business park Newry BT35 6QH		AGENT	Delahunt Laverty 79 Greenan Road Newry BT34 2PT 028 41772220
LOCATION	100m north east of No.9 Shepards Way and adjacent to MJM Group Carnbane Industrial Estate Newry			
PROPOSAL	Temporary road entrance			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	0	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: P/2014/1040/F	Target Date:
Proposal: Proposed temporary road entrance	Location: 100m north east of No.9 Shepards Way and adjacent to MJM Group Carnbane Industrial Estate Newry
Referral Route: Site exceeds 1 hectare in size and falls within the threshold of major development as per The Planning (Development Management) Regulations (Northern Ireland) 2015	
Recommendation:	Approval
Applicant Name and Address: MJM Unit 5a Carnbane Business park Newry BT35 6QH	Agent Name and Address: Delahunt Lavery 79 Greenan Road Newry BT34 2PT
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Non Statutory	NI Transport - Downpatrick Office	No Objection
Non Statutory	Protecting Historic Monuments	No Objection
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Characteristics of the Site and Area		
<p>The application site consists of office premises currently under construction (approved under reference P/2011/0365/F) within the existing Carnbane Industrial Estate. Within the vicinity of the site are number of commercial and industrial units. The site is located immediately adjacent and east of Clanrye River; along the western boundary of the site is an extensive belt of mature trees which screens views on approach from the main access through the industrial estate.</p>		
Planning Assessment of Policy and Other Material Considerations		
<p>Representations: No third party representations</p>		
<p>Planning History: P/2011/0365/F – Phase 2A extension of existing offices at approved development. Approved 09.09.11 (Application site)</p>		
<p>Proposals: A temporary road entrance is proposed to the SW portion of the site, although proposals show hard standing to form additional car parking spaces this element of the scheme is considered as permitted development under The Planning (General Permitted Development) Order (Northern Ireland) 2015 Part 35, Class B permitted development rights for hard standing within the curtilage of an office building to be used for the purposes of the office.</p>		
Consideration of Planning Policy and Other Material Considerations:		

PPS3 (Access, Movement and Parking), DCAN 15 (Vehicular Access Standards), DES 2 (Townscape), PPS 6 (Planning, Archaeology and The Built Heritage)

Letter to agent: An at risk warning letter was sent to the agent dated 21st May 2015 as development commenced prior to planning permission being granted. On inspection the access has been constructed in accordance with submitted plans

PPS3 and DCAN 15: Transport NI in their consultation response dated 16.01.15 have indicated they have no objection in principle subject to planning considerations.

PPS6: NIEA Monuments in their consultation response dated 29.01.15 have raised no archaeological concerns

DES 2: Proposals are compatible with land uses at this location and will have no direct impact on properties within the locality.

Neighbour Notification Checked: Yes

Summary of Recommendation:

Development is on a temporary basis and is subject to the removal of the access. Whilst Transport NI have indicated that it shall be removed within 6 months from the date of permission it is considered this is a very restrictive condition given that the property is currently under construction and the temporary access will be utilised during the time of construction to alleviate congestion at the main entrance it is therefore recommended that this is extended to 1 year.

Overall proposals are acceptable and no road safety concerns have been raised, in light of this it is recommended to approve the application.

Conditions:

Conditions

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

Reason: Time Limit.

2. The development hereby permitted shall not be commenced until a design for a replacement Road Restraint System at the access has been submitted to and approved by the Planning Authority.

The Roads Restraint System shall be designed and constructed in accordance with TD19/06 Requirements for Road Restraints System Volume 2 Design Manual for Roads and Bridges.

Reason: To ensure that the requirement for a vehicle restraint system has been assessed, in accordance with 19/06 of Highways Structures Volume 2 Design Manual for Roads and Bridges.

3. The temporary access hereby permitted on Drawing No 02 bearing the date stamp 18th December 2014 shall be permanently closed within 12 months of the date of this approval. The

carriageway /footway /verge and road restraint system shall be properly reinstated in a scheme to be submitted to and approved by the Planning Authority.

Reason: In order to minimize the number of access points on the public road in the interests of road safety and the convenience of road users.

Informatives

1. This notice relates to drawing Nos. 01 and 02 which were received on 18th December 2014.
2. Highway design shall be in accordance with the current relevant standards of the Design manual for roads and bridges. In exceptional circumstances departures from standard maybe necessary and shall be supported by a full technical, safety, environmental justification. All details shall be submitted to Network Services through the relevant Division.
3. 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.
4. 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.

Signature(s)

Date:

ANNEX	
Date Valid	22nd December 2014
Date First Advertised	14th January 2015
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Shepherds Drive Carnbane Carnbane Industrial Estate</p> <p>The Owner/Occupier, 8 Shepherds Drive,Carnbane,Carnbane Industrial</p> <p>The Owner/Occupier, 9 Shepherds Way,Carnbane,Carnbane Industrial Estate,Newry,Armagh,BT35 6EE,</p> <p>The Owner/Occupier, Carnbane Business Centre, Carnbane Business Park, Newry, Co. Down, BT35 6QH</p> <p>The Owner/Occupier, MJM Group, Carnbane Business Park, Newry, Co. Down, BT35 6QH</p> <p>The Owner/Occupier, O'Hare And Mc Govern Ltd, Carnbane House, Shepherds Way, Carnbane Industrial Estate, BT35 6EE</p> <p>The Owner/Occupier, Savage And Whitten, 18 Carnbane Gardens, Newry BT35 6QB</p> <p>The Owner/Occupier, Terra Solutions, 3 Shepherds Drive, Newry, BT35 6QH</p> <p>The Owner/Occupier, Unit 3 Tandragee Road Newry</p>	
Date of Last Neighbour Notification	14th January 2015
Date of EIA Determination	
ES Requested	No
<p>Planning History</p> <p>Ref ID: P/1996/0735 Proposal: Provision of Access Bridge and Estate Road for Industrial Estate Address: LAND EAST OF CARNBANE INDUSTRIAL ESTATE BETWEEN NEWRY RIVER AND CLOUGHANRAMER ROAD NEWRY Decision: Decision Date: 27.03.1997</p> <p>Ref ID: P/2003/1742/F</p>	

Proposal: Construction of access road to factory sites
Address: Carnbane Business Park, Newry (130m north-east of junction with Shepherds Way).
Decision:
Decision Date: 23.02.2006

Ref ID: P/1997/1049
Proposal: Proposed industrial estate, siteworks and access road
Address: LAND EAST OF CARNBANE INDUSTRIAL ESTATE BETWEEN NEWRY RIVER AND CLOGHANRAMER ROAD NEWRY
Decision:
Decision Date: 16.05.1998

Ref ID: P/1990/1111
Proposal: Site for 100,000 sq ft factory for the manufacture of reflective sheeting (Special Industrial Use)
Address: EAST OF CARNBANE INDUSTRIAL ESTATE NEWRY
Decision:
Decision Date: 09.01.1991

Ref ID: P/2000/2164/F
Proposal: Access Road and services for multi-user industrial estate.
Address: Land lying on the East side of Carnbane industrial estate, Newry. (Between the Newry River and Cloghanramer Road).
Decision:
Decision Date: 10.10.2001

Ref ID: P/2009/0642/F
Proposal: Infrastructural works to facilitate industrial development, including access, internal roads layout, drainage and the creation of two development platforms.
Address: Lands at Shepherds Way, Carnbane Industrial Estate, between Newry River and Cloghanramer Road, Newry
Decision:
Decision Date: 27.04.2010

Ref ID: P/2010/0854/F
Proposal: Phase 2 development: The erection of a three storey office block with 3 No. Industrial Units to rear together with dockleveler access to each unit with additional office accommodation to each unit. (Amended Proposal)
Address: 100 metres east of MJM Group, Carnbane Industrial Estate, Newry
Decision:
Decision Date: 18.03.2011

Ref ID: P/1998/6075
Proposal: INDUSTRIAL DEVELOPMENT EAST OF CARNBANE INDUSTRIAL ESTATE

BETWEEN SHEPARDS WAY AND CLOGHANRAMER ROAD

Address: EAST OF CARNBANE INDUSTRIAL ESTATE BETWEEN SHEPARDS WAY

Decision:

Decision Date:

Ref ID: P/2005/0083/F

Proposal: Erection of factory for the manufacture of specialist joinery for international ship out-fitting and general shop-fitting with office and administrative block, ancillary accommodation, parking provision, heli-port facilities and associated site works

Address: Carnbane Business Park, off Carnbane Industrial Estate, Newry (190 metres north-east of junction with Shepherds Way).

Decision:

Decision Date: 19.10.2005

Ref ID: P/2006/1790/F

Proposal: Erection of factory

Address: Carnbane Business Park, 190 metres north-east of its junction with Shepherd's Way, Carnbane Industrial Estate, Newry

Decision:

Decision Date: 22.01.2007

Ref ID: P/2011/0365/F

Proposal: Phase 2A, extension of existing offices at approved development.

Address: Lands 10M east of MJM Group, Carnbane Industrial Estate, Newry, Co Down, BT35 6QH,

Decision:

Decision Date: 13.09.2011

Ref ID: P/2012/0449/PREAPP

Proposal: Industrial Village Business

Address: Carnbane Business Park, Newry,

Decision: EOLI

Decision Date:

Ref ID: P/2012/0919/LBC

Proposal: St.Patrick's Way, Proposed waymarkings to be erected on existing marking posts & existing sign/information posts

Address: Various locations along Newry Canal (as proposed part of St.Patricks Way),

Decision: CG

Decision Date: 28.03.2013

Ref ID: P/2014/1040/F

Proposal: Proposed temporary road entrance

Address: 100m north east of No.9 Shepards Way and adjacent to MJM Group Carnbane Industrial Estate, Newry,

<p>Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>NIEA Monuments dated 29.01.15 – No archaeological concerns</p> <p>Transport NI dated 16.01.15 – No objections in principle subject to conditions</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>

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

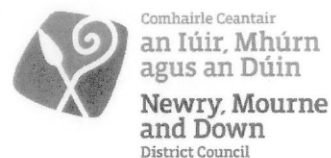
ITEM NO	8			
APPLIC NO	R/2013/0559/F	Full	DATE VALID	12/16/13
COUNCIL OPINION	REFUSAL			
APPLICANT	John Watson c.o agent		AGENT	Design Architectural 25 Jordanstown Clough BT30 8NW 07841592534

LOCATION 23 Manse Road Seaforde

PROPOSAL Retrospective application to retain change of use from domestic garage to Class B2 light industry (noise survey received)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	4	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy PED2 of the Department's Planning Policy Statement 4:Planning and Economic Development in that the proposed development does not represent an accepted economic use in the Countryside.
- 3 The proposal is contrary to Policy PED9 of the Department's Planning Policy Statement 4:Planning and Economic Development in that the development would, if permitted, be considered unacceptable as it is deemed incompatible with the surrounding land uses, would harm the amenities of nearby residents and would create a noise nuisance.
- 4 The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would unduly affect the amenities of nearby residents.
- 5 The proposal is contrary to the Strategic Planning Policy Statement 2015 in that the building is not a locally important building of special character or interest where conversion would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.



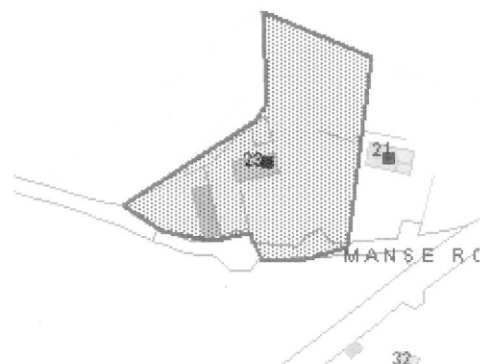
Newry, Mourne and Down District Council
Planning Office
Downshire Civic Centre
Ardglass Road
Downpatrick
BT30 6GQ

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 20 January 2016	Item Number:
Application ID: R/2013/0559/F	Target Date:
Proposal: Retrospective application to retain change of use from domestic garage to Class B2 light industry (noise survey received)	Location: 23 Manse Road Seaforde
Referral Route: Briefing Panel Referral	
Recommendation:	REFUSAL
Applicant Name and Address: John Watson c.o agent	Agent Name and Address: Design Architectural 25 Jordanstown Clough BT30 8NW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Downpatrick Office	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	Env Health Down District Council	Add Info Requested
Non Statutory	Water Management Unit	No Objection

Representations:

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

PPS21 CTY4 Conversion and Re -Use of Suitable Buildings in the Countryside
 PPS4 Suitable Economic use in Countryside.

Characteristics of the Site and Area

The site is located in the countryside and is accessed from the Manse Road through a private shared lane. The site is a large plot with a 2 storey detached dwelling and 2 outbuildings located to the side and rear of the dwelling. The site details a small field which is on lands to the immediate rear ie north and east of the dwelling and rear detached outbuilding and a garden to the front and eastern side. The dwelling faces south and the building considered within the proposal is the agricultural building, noted as workshop on the submitted plans. This building is a typical outbuilding that has been modernised through time. The building is finished with a mix of a stone wall, timber cladding and rendered walls with a monopitch roof finished with corrugated tin, roller shutter doors and a single glazed window on the elevation facing east. The stone wall portion of the outbuilding is accessed through timber doors. 2 doors are also positioned on the south facing elevation which faces the rear of the detached dwelling.

Planning Assessment of Policy and Other Material Considerations

Site History

R/2012/0120/CA – August 2012 enforcement action was taken against an unauthorised development of an extension to a garage. Dec 2012 Planning acknowledged that a breach of planning had occurred but that it wasn't expedient to pursue the issue due to the minimal extra impact due to the concealed nature of the site.

R/2013/0117/CA – warning letter issued against the unauthorised engineering business

Adjacent lands

R/2006/0732/F – Extension to dwelling – Approval

R/2000/0425/F – Dwelling and granny flat – Approval

R/1999/0666/O - Site for Dwelling – Approval

R/1998/0622 - Extension and alteration to existing dwelling – Approval

Consultations

Transport NI - no objections provided the information detailed on the P1 form are correct – 15th January 2014

NI Water - standard response detailing informatives should the proposal be considered acceptable – 7th Jan 2014

NIEA WMU - no objections provided all relevant statutory permissions for the development are obtained and advising of informatives should the application be approved – 15th January 2014

Down District Council Environmental Health Unit - requesting a Noise Impact Assessment due to close proximity of residential properties. NOTE requested forwarded to agent and Noise Impact Assessment received and DDC Env. Health Unit re-consulted.

- Env Health requiring a number of conditions including that Planning would ensure that the doors be kept closed during operations

- operating hours

- details to be provided of types of exhausts to be fitted to fork lift trucks

This RETROSPECTIVE application was presented to Down Council in December 2014 as a refusal based on PPS 21 CTY1, PPS4 PED6 and PED9.

The proposal is for change of use from domestic garage/outbuilding to a light industrial unit under Use Class B2 'Light Industrial'. The current business being carried out on site is steel fabrication and welding for farm related equipment.

The Department's Use Class Order defines Class B2 Light Industrial as Class B2: Light Industrial Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

POLICY CONSIDERATION

SPPS

PPS3 – Access, Movement and Parking

PPS4 – Planning and Economic Development

PPS21 – Sustainable Development in the countryside

The application had been assessed against PPS21 CTY1 which directs to PPS4. The relevant policies in PPS4 are PED2 and PED 9

PED 2 Economic Development in the Countryside, PED2 outlines the circumstances in which an economic development use would be permitted and they are detailed below

PED3 – The expansion of an established economic development use
 PED4 – The redevelopment of an established economic development use
 PED5 – Major Industrial development; and
 PED6 - Small Rural Projects

All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

The proposal does not fit within any of the above circumstances. It is not considered that there are exceptional circumstances to allow for this development.

The proposal must also be assessed against PED9 - General Criteria for Economic Development
 A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

(a) it is compatible with surrounding land uses;

This proposal is not compatible with the existing surrounding land and in particular the impact a business of this nature would place on neighbouring residential properties. This has been highlighted in the 4 objections which have been received in connection to this retrospective application which detail the un-socialable operating hours and inappropriate noise levels currently coming from this business. The un-enforceability of the suggested condition by Environmental Health also is weighted in this consideration.

(b) it does not harm the amenities of nearby residents;

In the most recent response received from Environmental Health they have requested that a condition be imposed requiring the doors to be kept closed during operations to restrict the level of noise and that details involving a replacement exhaust and other noise reduction techniques be imposed. The business appears to be impacting of the amenities of neighbouring residents for the reasons outlined above. This would suggest a potential for nuisance to neighbouring properties.

I do not consider that given the nature of the business operations ie welding etc and the size of the machinery being worked on that this can all take place within the current building. Therefore the condition to shut all doors during operations would be unrealistic. This issue is also highlighted by one of the objectors who states currently the doors are not kept shut during operations thus causing noise nuisance.

(c) it does not adversely affect features of the natural or built heritage;

Further to a land use search it appears that no features of the natural or built heritage environment would be adversely affected by this proposal.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

The proposal is not located in an area at flood risk nor will it exacerbate flooding

(e) it does not create a noise nuisance;

As detailed above a business such as this has the potential to impact on neighbouring properties by way of noise.

(f) it is capable of dealing satisfactorily with any emission or effluent;

No issues have been raised by the relevant bodies regarding emissions or effluent.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;

No objections were outlined in Transport NI's response providing that the information detailed on the P1 form is correct.

(h) adequate access arrangements, parking and manoeuvring areas are provided;

Adequate parking and manoeuvring areas appear to be available, however concerns were raised by neighbouring properties in relation to the number and size of many of the vehicles which attend the

business. However it should be noted that Transport NI have not raised concerns regarding this subject to the information being accurate included in the P1.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

No concerns in relation to the section of the policy

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;

No concerns regarding this element of the criteria.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;

The proposal is well screened from the Manse Road and the adjacent property due to mature existing planting along the eastern boundary.

(l) is designed to deter crime and promote personal safety; and

No concerns regarding this element of the criteria.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The scale and finishes shown on the accompanying plans together with the boundary treatments are deemed acceptable to enable the proposal to integrate into its environment.

Objections have been received from neighbouring properties namely 25 Manse Road and 21 Manse Road, raising issues of

- Neighbours were not served notice upon share a private laneway
- Existing stone shed has not been used for previous engineering works
- Doors to workshop are not kept closed - creating significant noise to the area
- Concerns relating to pressure testing of oil tanks
- Laneway not suitable for large vehicles
- Storage of substances and pollution implications

Given the above, it is considered that the retrospective application is contrary to Policy PPS4 PED2 and PED 9.

The agent in a supporting statement submitted on 15 October 2015 has requested that the proposal be assessed against PPS 21 CTY4 for Conversion and Reuse of Existing Buildings. The statement makes reference to the previous use on the site for an engineering works. This use has not been lawfully established, this would require determination through a CLUD. It is not the purpose of this application to establish any lawful use on site.

PPS21 CTY4 - The Conversion and Reuse of Existing Buildings states that

Planning permission will be granted for proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

(a) the building is of permanent construction;

(b) the reuse or conversion would maintain or enhance the form, character and architectural features, design

and setting of the existing building and not have an adverse effect on the character or appearance of the locality;

(c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;

(d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;

(e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;

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

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

Buildings of a temporary construction such as those designed and used for agricultural purposes, including sheds or stores will not however be eligible for conversion or re-use under this policy.

Exceptionally, consideration may be given to the sympathetic conversion of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.

The current retrospective application for a non-residential use is not appropriate to this countryside location.

The newly published SPPS, Para 6.73 Development in the Countryside makes reference to the conversion and re-use of existing buildings for non-residential use: and states that provision should be made for the sympathetic conversion and re-use of a suitable locally important building of special character or interest (such as former school houses, churches and older traditional barns and outbuildings) for a variety of alternative uses where this would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.

Para 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

There is therefore a more stringent definition of what a suitable building for conversion is within the SPPS, given the above transitional arrangements, greater weight is attached to the SPPS in this regard. The current building is not a suitable locally important building of special character or interest. As previously stated the proposed use is not appropriate for this countryside location.

Para 6.87 refers to economic development in the countryside. The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside. Such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.

It is recognised that the current business is small scale and does serve an agricultural need which is locally based and whilst the proposal does involve the reuse of a rural building, I consider the inappropriateness of the business at this location to have determining weight in this instance in favour of the retained policy PPS4.

On the basis of the above REFUSAL is recommended.	
Neighbour Notification Checked	Yes
Summary of Recommendation:	
Reasons for Refusal:	
<p>1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>2. The proposal is contrary to Policy PED2 of the Department's Planning Policy Statement 4:Planning and Economic Development in that the proposed development does not represent an accepted economic use in the Countryside.</p> <p>3. The proposal is contrary to Policy PED9 of the Department's Planning Policy Statement 4:Planning and Economic Development in that the development would, if permitted, be considered unacceptable as it is deemed incompatible with the surrounding land uses, would harm the amenities of nearby residents and would create a noise nuisance.</p> <p>4. The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would unduly affect the amenities of nearby residents.</p> <p>5. The proposal is contrary to the Strategic Planning Policy Statement 2015 in that the building is not a locally important building of special character or interest where conversion would secure its upkeep and retention, and where the nature and scale of the proposed non-residential use would be appropriate to its countryside location.</p>	
Signature(s)	
Date:	

ANNEX	
Date Valid	16th December 2013
Date First Advertised	1st January 2014
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>J Murray 21 Manse Road Drumcaw Seaforde The Owner/Occupier, 21 Manse Road, Seaforde, Downpatrick, Down The Owner/Occupier, 24 Manse Road Drumcaw Seaforde H Koscielny 25 Manse Road Drumcaw Seaforde The Owner/Occupier, 25 Manse Road, Seaforde, Downpatrick, Down The Owner/Occupier, 28 Manse Road Drumcaw Seaforde The Owner/Occupier, 30 Manse Road, Seaforde, Downpatrick, Down The Owner/Occupier, 32 Manse Road Drumcaw Seaforde</p>	
Date of Last Neighbour Notification	10th June 2014
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
<p>Ref ID: R/2006/0732/F Proposal: Extension to a dwelling Address: 21 Manse Road, Drumcaw, Seaforde, Downpatrick Decision: Decision Date: 04.10.2006</p> <p>Ref ID: R/1998/0622 Proposal: Extension and alteration to existing dwelling Address: 21 MANSE ROAD SEAFORDE Decision: Decision Date:</p>	

Ref ID: R/2000/0425/F
Proposal: Dwelling and granny flat
Address: 400m approx. NW of 21 Manse Road, Drumcaw, Seaforde, Northern Ireland, BT30 8PD
Decision:
Decision Date: 05.07.2000

Ref ID: R/1999/0666/O
Proposal: Site for Dwelling.
Address: 400m approx NW of 21 Manse Road, Seaforde.
Decision:
Decision Date: 26.10.1999

Ref ID: R/2013/0559/F
Proposal: Retrospective application to retain change of use from domestic garage to Class B2 light industry
Address: 23 Manse Road Seaforde,
Decision:
Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Status: Submitted

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Status: Submitted

Drawing No.
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Dear Margaret,

Thank you for the additional offer of help regarding my planning application. My application ID is R/2013/0559/F.

I am sure all planning applicants who are recommended for refusal are unhappy with the decision and wish to have this challenged – irrespective of their merits. My reasons for choosing this path are as follows and, should you consider there is merit in my case, I am confident I will have your full support as my MP.

I made this application in December 2013 and my agent initially dealt with the planning case officer. He made it clear that the application was being made under PPS 21 CTY 4 – Development in the Countryside – reuse of existing building. At no point was any indication given that it was not this Planning Policy Statement that would be used to determine my application.

Months passed with my agent keeping in touch with the planning case officer regarding progress until no contact could be made with this individual. It transpired she had gone on maternity leave and another officer had taken the case. I rang this officer in response to correspondence received in November 2013. I dealt with the query but, only when I asked about the timescale for a decision, was I informed that a decision had already been taken to refuse.

My application was determined not to meet the criteria of PPS4, PED6 – Economic Development – small rural projects. At no stage did any discussion take place with the planning office that determination of my application would be made under a different planning policy statement. The case officer informed me this was a decision taken by a senior planning officer and it was up to me / my agent to find this out. The other main reason for refusal was failure to meet all the criteria of PED 9 - specifically that the requirement of Environmental Health regarding noise mitigation couldn't be enforced.

I sought a deferral by asking for an MLA meeting – this didn't take place until October 2015 some 10 months later.

At the outset of the MLA meeting my representatives stated that we wished to submit a 'Statement of Support' and before doing so we wished to understand the rationale of the planning office in choosing PPS4 as opposed to PPS21 to determine my application. The senior planning officer mentioned and referenced the recently published SPPS and we went on to discuss our reasons for submitting the application under PPS21. The senior planning officer accepted the arguments made and agreed to review this application under PPS21 CTY4 as originally submitted by my agent. She further agreed that noise mitigation measures could be enforced and 'inability to enforce' should not be used as a reason to refuse planning approval. It was accepted by all that the recommendations made by Environmental Health could be included in planning approval (if given) and could be subsequently enforced by Environmental Health. Immediately following the meeting, it was understood by me and my representatives that noise nuisance was no longer considered a

reason to refuse planning consent and that my 'Statement of Support' need not include reference to PPS4 as this PPS was no longer relevant.

In November 2015 I am again told the recommendation is for refusal – summarised as 'Inappropriate Use in Countryside: by reason of nuisance.' This SPPS (published some 21 months after my planning application had been made and, 9 months following the initial refusal) is used under 6.73 to 'rule out' determination under PPS21 CTY4 (accepted at an MLA meeting in October 2015 as the appropriate PPS for my application) and is again determined under PPS4 but this time PED2 which, like PED6 as previously used, has criteria that no 'single trader' business, such as my sons' can possible meet.

Personally, I don't consider the planning application process I have experienced to be fair, transparent or accountable.

I consider that determination of this application has been unduly influenced by the emphasis placed on the objections received. These, as I have explained to the planning officers, originate from family members and are born out of spite following a family falling out. While this is a personal matter, some relevant detail is contained within my correspondence to the Councillors within the Planning Committee (also attached to this email).

As someone with no background in planning but with, as you can appreciate, a good deal of personal interest, I have read the SPPS. This document contains a number of policy statements – which – you may consider worthy of consideration by Minister Durkan in the context of my application. I appreciate that the Minister is not in the business of reviewing my application as opposed to the policy that is being applied.

These SPPS statements are as follows:

SPPS - The Purpose of Planning, Page 10

2.3

The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured.

The Planning Process: Implementation, Page 23

5.2

Whilst the planning process may not always be able to reconcile competing interests, transparency, fairness and accountable decision taking are fundamental to ensuring all interests are taken into account.

Determining Planning Applications, Page 31

5.41

Key elements of the development management system are:

- pre-application discussions

5.42

Early engagement on development proposals together with transparency in decision taking can promote high quality sustainable development.

Refusal of Planning Permission, Page 36

5.72

Planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the planning authority has power to refuse planning permission. Grounds for refusal will be clear, precise and give a full explanation of why the proposal is unacceptable.

Development in the Countryside, Page 51

6.65

The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

Turning to RDS 2035, this document states with regards to: The Rural Area

3.96

To sustain rural communities, new development and employment opportunities which respect local, social and environmental circumstances are required. This means facilitating the development of rural industries, businesses and enterprises in appropriate locations, and ensuring they are integrated appropriately within the settlement or rural landscape.

I would also draw your / the Minister's attention to the DOE Noise Policy Statement 2014 which, in relation to The Planning System, states the following:

In some cases where noise is identified by the planning authority as a significant material consideration this should involve consultation with the relevant District Council Environmental Health Department. In determining applications, the planning system aims to reach balanced decisions and controls must avoid placing unreasonable restrictions on development or adding unduly to the cost and administrative burdens of businesses. This will often result in conditions being applied to planning consents for new development or change of use proposals in order to mitigate excessive noise impacts.

I trust this lengthy correspondence helps explain my position and my frustration.

At a time when their employer was struggling for orders and my son's and their work mates were on reduced hours, this son took the courageous decision to become self-employed. I consider in this economic climate he deserves encouragement as opposed to being put out of business and into unemployment.

Any help you can offer will be appreciated.

Yours sincerely

John

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

ITEM NO 9
APPLIC NO R/2014/0094/F Full **DATE VALID** 2/26/14
COUNCIL OPINION REFUSAL
APPLICANT OBC Development Company c/ **AGENT** Coogan and
 o agent Company
 Architects LTD
 144 Upper Lisburn
 Road
 Belast
 BT10 0BG
 02890301130

LOCATION 10-14 Church Street Downpatrick
PROPOSAL Erection of restaurant with drive-thru

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

- 1 The proposal is contrary to the Stratgeic Planning Policy Statement, in that the development is not of a scale, nature and design appropriate to the character of the area.
- 2 The proposal is contrary to planning policy statement 3, access, movement and parking, policy amp 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to a signal controlled road junction where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.
- 3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate visibility splays from the proposed access cannot be provided and maintained due to the presence of existing on-street parking in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 4 The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies close to the Downpatrick Conservation Area and the development would, if permitted, detract from its character/ appearance/setting as

it is not in sympathy with the characteristic built form of the area and does not conform with the guidance set out in the Downpatrick Conservation Area document.

its scale/massing/proportions/height/alignment/materials/detailing does not respect the characteristics of adjoining buildings and does not conform with the guidance set out in the Downpatrick Conservation Area document.

it would interrupt important views into the conservation area.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

- 5 The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a building listed under Section 80 of the Planning Act (NI) 2011 by reason of the introduction of a building which does not respect the scale, height, massing and alignment of the listed building.

The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a building listed under Section 80 of the Planning Act (NI) 2011 by reason of the introduction of a building which does not make use of traditional or sympathetic building materials and techniques.

The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a building listed under Section 80 of the Planning Act (NI) 2011 by reason of the nature of the use proposed which does not respect the character of the setting of the building.



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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: R/2014/0094/F	Target Date:
Proposal: Erection of restaurant with drive-thru	Location: 10-14 Church Street Downpatrick
Referral Route: A representation of support for the application was received from Cllr McGrath, it was unanimously agreed to refer the decision to the Planning Committee for determination.	
Recommendation: Refusal	
Applicant Name and Address: OBC Development Company c/o agent	Agent Name and Address: Coogan and Company Architects LTD 144 Upper Lisburn Road Belast BT10 0BG
Executive Summary:	
Signature(s):	

Case Officer Report		
Consultations:		
Consultation Type	Consultee	Response
Statutory	NI Transport - Downpatrick Office	Advice
Non Statutory	NI Transport - Downpatrick Office	Substantive Response Received
Non Statutory	Env Health Down District Council	Add Info Requested
Non Statutory	NI Water - Single Units East - Planning Consultations	Consulted in Error
Non Statutory	Water Management Unit	No Objection
Non Statutory	Protecting Historic Buildings	Substantive Response Received
Non Statutory	Protecting Historic Monuments	Add Info Requested
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Statutory	NI Transport - Downpatrick Office	
Statutory	NI Transport - Downpatrick Office	
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Characteristics of the Site and Area		
<p>The site is located along Church Street, Downpatrick and is comprised of 3 buildings Nos 10, 12 and 14. No 10 Church Street is a single storey, with large glazed shop windows, with large signage board above. There is a small area of stone facing to the front of the building where it meets the roadside boundary wall of St. Margarets Church adjacent and the building is roof with corrugated sheeting. This building was formerly used as a car showroom but is currently used as a carpet / furniture showroom.</p> <p>No 12 is a three storey builing finished with painted render. The building has a pitched roof covered with replacment artificial slates and a rendered chimney. the ground floor of the building displays a large shop window and an access way leading to a yard to the rear. The first floor front elevation windows are vertical in emphasis glazed with six over six timber sliding sashes with painted stone cills. The rear elevation has minimal windows. A modern addition has been attached to the rear of this building in the form of a corrugated sheeted building used in conjunction with the furniture building.</p> <p>No 14 is also a three storey building with painted render front elevation and stone finish to the rear. This building is predominantly in its original form albeit for the ground floor being last used as a public house. The windows and roof slates are considered to be original.</p>		

The yard area to the rear of these buildings has been concreted and contains a number of large industrial type buildings finished in block and corrugated sheeting. This yard immediately abuts the land associated with St Margarets Church adjacent and sits below the two storey housing to the rear at Bridge Street.

The area is urban in character and mixed use in character, with a variety shops, offices, restaurants, services and public buildings.

Church Road is heavily trafficked with residential properties to the west and east.

Planning Assessment of Policy and Other Material Considerations

History

R/2006/0997/F- Demolition of former car showroom, garage and public house and proposed new residential development to include 26no. apartments - 177.8 sqm retail- approval- 2nd June 2008

R/2010/0071/F- Demolition of the existing buildings, erection of 2/3 storey JBO office building with 18no. staff car parking- withdrawn

The site is located within the settlement of limit of Downpatrick and is positioned within the Town Centre as designated in the Ards and Down Area Plan 2015. The site is accessed off a Protected Route and lies adjacent to a number of designations i.e Conservation Area, Listed Building and Archaeological site. The site is also located south of a protected housing area to the rear at Bridge Street.

The proposal is sui generis and is not therefore contained within a specific class within the Use Class Order. The policy context for this proposal is contained in SPPS, PPS 3 and PPS6

Town Centres and Retailing

The regional strategic objectives for town centres and retailing are to:

- secure a town centres first approach for the location of future retailing and other main town centre uses; includes cultural and community facilities, retail, leisure, entertainment and businesses.

The proposal as stated above is located within the Town Centre of Downpatrick, therefore complies with the above policy.

- Protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and businesses.

Within the surrounding area, there is a wide range of uses, church, Fire station, Arts Centre, financial, retail uses and housing. The proposal is a sui generis use, having considered the existing uses in the immediate area, the proposal will enhance the diversity of uses at this position within the Town Centre of

Downpatrick.

- Promote high quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments.

The proposed development involves the removal of the existing units to the front of the site. The removal of this existing streetline, particularly the three storey units with no proposed developed to the front will create a gap in the frontage opening up the site and resulting in a loss of the existing 'grain' exhibited within the area.

The proposed building is to have a maximum height of 5.8 metres, length of 29 metres and depth of 13 metres. The proposed building is single storey with a monopitch type roof. The building is to be positioned on the site with the gable end facing onto Church Street. The design of the building creates a horizontal emphasis which would be out of character. The proposal in terms of scale, massing, design and layout is out of context in the area. The materials of the external walls are standing seam copper, natural stone cladding, glazing and a standing seam zinc roof. The finishes are important elements which determine the character of a building. Those finishes stipulated do not reflect those predominately in use in the area.

It is however noted that there was a previous approval for housing to the rear which used similar types of materials, standing seam roof and timber cladding which would not be in keeping with the area. This proposal did include the retention of the units along the street/frontage which lessened the impacted of such an introduction.

The proposal has been assessed against the Departments Carparking Standards

1 space per 3 sqm NFA- 34 spaces

Minimum length of drive thru queue provision should be sufficient for 15 cars without interference with other parking or the public road.

The proposed block plan indicates 28 carparking spaces to accompany the proposed development with 15 cars within the drive thru queue that will not interfere with Church Street or the proposed car parking. The proposed carparking provision falls short of that required however given the town centre location and car parking facilities closeby, the proposed level of carparking provided would be considered acceptable. TransportNI where consulted as part of this application and having considered all the information submitted have recommended refusal. The proposal will prejudice road safety and significantly inconvenience the flow of traffic along Church Street therefore contrary to AMP 2.

Having consulted with NIEA HBU given the close proximity of the proposal to Grade B+ listed Saint Margarets Church it is considered the proposal is contrary to BH 11 of PPS 6.

NIEA HBU are opposed to the demolition/loss of the leftmost terrace in the setting of the church. They have considered that the demolition of the single storey garage unacceptable as the replacement building does not maintain the edge to the street and changes the character of the churches immediate setting adversely. As stated above the Council would also be of the opinion that the loss of this existing street frontage, mainly that of the three storey units would be detrimental to the character of the area and in effect the church.

The building is not sympathetic to the church setting in terms of scale, massing and alignment. The introduction of stone cladding was considered not sympathetic at this location. It is noted that stone clad was proposed on the units previously approved under R/2006/0997/F. The nature of the proposed use does not respect the character of the setting by virtue of the visual clutter which accompanies such a use, roadways, signage and visible parking.

Policy BH 12 states that, the Department will normally only permit development proposal for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, conservation area where criteria are met.

The above proposal is sited on the outer boundary of the Conservation Area of Downpatrick. New development will be expected to respect the character and appearance of the conservation area. The proposed development is not in harmony with, or complimentary to the neighbouring buildings as in terms of scale, massing, layout, design and finishes.

It is important where new uses are proposed that these respect the character of the conservation area. Given the nature of the proposed development it would be considered that such a proposal will adversely affect the conservation area through increased noise, nuisance and general disturbance.

Having considered the proposed development in relation to the surrounding residential units surrounding the site, it would be considered that there would be no unreasonable loss of residential amenity associated with this development.

Consultations

NIEA HBU- Refusal

NIEA HMU- no objections subject to cons

NIEA WMU- no objections

TransportNI- Refusal

EH- no objections subject to cons

NIW- statutory

No representations or objections received. All relevant neighbours have been notified.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Recommendation

Having considered all of the above I am of the opinion to recommend refusal.

Contrary SPPS, PPS 3 AMP2, PPS 6 BH11 & BH 12

Reasons for Refusal:

The proposal is contrary to the Strategic Planning Policy Statement, in that the development is not of a scale, nature and design appropriate to the character of the area.

The proposal is contrary to planning policy statement 3, access, movement and parking, policy amp 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to a signal controlled road junction where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate visibility splays from the proposed access cannot be provided and maintained due to the presence of existing on-street parking in accordance with the standards contained in the Department's Development Control Advice Note 15.

The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies close to the Downpatrick Conservation Area and the development would, if permitted, detract from its character/appearance/setting as

-it is not in sympathy with the characteristic built form of the area and does not conform with the guidance set out in the Downpatrick Conservation Area document.

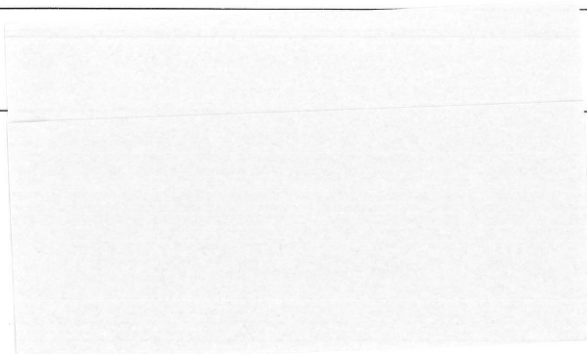
-its scale/massing/proportions/height/alignment/materials/detailing does not respect the characteristics of adjoining buildings and does not conform with the guidance set out in the Downpatrick Conservation Area document.

-it would interrupt important views into the conservation area.

The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a building listed under Section 80 of the Planning Act (NI) 2011 by reason of the introduction of a building which does not respect the scale, height, massing and alignment of the listed building.

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Signature(s)**Date:**

ANNEX	
Date Valid	26th February 2014
Date First Advertised	12th March 2014
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, 10 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, 16 Church Street Demesne Of Down Acre Downpatrick</p> <p>The Owner/Occupier, 18 Church Street Demesne Of Down Acre Downpatrick</p> <p>The Owner/Occupier, 2 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, 20-22 Church Street Demesne Of Down Acre</p> <p>The Owner/Occupier, 24 Church Street Demesne Of Down Acre Downpatrick</p> <p>The Owner/Occupier, 25 Church Street, Demesne Of Down Acre, Downpatrick, Down, BT30 6EJ,</p> <p>The Owner/Occupier, 3 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, 4 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, 5 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, 6 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, 7 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, 8 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, 9 Church View, Demesne Of Down, Downpatrick, Co. Down BT30 6GB</p> <p>The Owner/Occupier, Filling Station 27 Church Street, Demesne Of Down Acre, Downpatrick, Down, BT30 6EJ,</p> <p>The Owner/Occupier, St Margaret's Church (c Of I) Church Street Demesne Of Down Acre</p> <p>The Owner/Occupier, Wrap _ Roll 25a Church Street, Demesne Of Down Acre, Downpatrick, Down, BT30 6EJ,</p>	

Date of Last Neighbour Notification	3rd March 2014
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
<p>Ref ID: R/1986/0599 Proposal: ALTERATIONS TO PUBLIC HOUSE. Address: DE COURCY ARMS 14 CHURCH STREET DOWNPATRICK. Decision: Decision Date:</p> <p>Ref ID: R/1998/6009 Proposal: Proposed replacement warehouse 20-22 Church Street Downpatrick Address: 20-22 Church Street Decision: Decision Date:</p> <p>Ref ID: R/1985/0054 Proposal: EXTENSION TO SHOP Address: 20-22 CHURCH STREET DOWNPATRICK. Decision: Decision Date:</p> <p>Ref ID: R/2002/0970/A Proposal: Monolithe sign Address: 20-22 Church Street, Demesne Of Down, Downpatrick, Northern Ireland, BT30 6EJ Decision: Decision Date: 08.11.2002</p> <p>Ref ID: R/2005/0958/F Proposal: Proposed showroom extension and alterations. Address: 20-22 Church Street,Downpatrick. Decision: Decision Date: 12.11.2005</p> <p>Ref ID: R/2001/0322/F Proposal: Proposed sale and storage buildings to replace existing facilities. Incorporating new boundary wall/fence and monolith sign Address: 20-22 Church Street, Downpatrick Decision: Decision Date: 26.07.2001</p>	

Ref ID: R/1981/0378
Proposal: CHANGE OF USE OF DWELLING TO SHOP
Address: 16 CHURCH STREET, DOWNPATRICK
Decision:
Decision Date:

Ref ID: R/1984/0260
Proposal: EXTENSION TO LICENSED PREMISES.
Address: 14 CHURCH STREET, DOWNPATRICK.
Decision:
Decision Date:

Ref ID: R/1985/0138
Proposal: PORCH
Address: 14 CHURCH STREET, DOWNPATRICK
Decision:
Decision Date:

Ref ID: R/1983/0314
Proposal: ILLUMINATED FASCIA BOX SIGN
Address: 14 CHURCH STREET, DOWNPATRICK
Decision:
Decision Date:

Ref ID: R/1985/0161
Proposal: 5 NO PROJECTING OR ILLUMINATED SIGNS
Address: 10-12 & 25 CHURCH STREET, DOWNPATRICK.
Decision:
Decision Date:

Ref ID: R/1992/0525
Proposal: Fascia signs, pole sign and gantry signs
Address: DSC CARS 10 - 12 CHURCH STREET DOWNPATRICK
Decision:
Decision Date:

Ref ID: R/1992/1067
Proposal: Alterations and extension to premises
Address: 10-12 CHURCH STREET DOWNPATRICK
Decision:
Decision Date:

Ref ID: R/1994/0724

Proposal: 1 Fascia Sign and two export (projecting box) signs
Address: 10-12 CHURCH STREET DOWNPATRICK
Decision:
Decision Date:

Ref ID: R/2006/0997/F

Proposal: Demolition of former car showroom, garage and public house and proposed new residential development to include 26 no. apartments & 177.8 sqm retail (amended plans).
Address: 10-14 Church Street, Downpatrick, - Due North of St. Margaret's Church, North-West of fire station
Decision:
Decision Date: 03.06.2008

Ref ID: R/2009/0996/Q

Proposal: Potential Development
Address: 10-14 Church Street Downpatrick
Decision:
Decision Date:

Ref ID: R/1996/0689

Proposal: New car storage compound
Address: 10-12 CHURCH STREET DOWNPATRICK
Decision:
Decision Date:

Ref ID: R/2010/0071/F

Proposal: Demolition of the existing buildings, erection of 2/3 storey JBO office building with 18no. staff car parking.
Address: 10-14 Church Street Downpatrick Co Down BT30 6EH.
Decision:
Decision Date: 23.06.2011

Ref ID: R/1997/0493

Proposal: Installation of satellite communications antenna
Address: 10-12 CHURCH STREET DOWNPATRICK (PEUGEOT DSC CARS)
Decision:
Decision Date:

Ref ID: R/1996/0809

Proposal: Arch over each existing gates to details of church history, services and officers
Address: CHURCH AVENUE & CHURCH STREET DOWNPATRICK
Decision:
Decision Date:

<p>Ref ID: R/1996/0808 Proposal: Erection of arches over entrance gates and replacement of lights on top of Church Avenue gate pillars Address: ST MARGARETS CHURCH CHURCH AVENUE/CHURCH STREET DOWNPATRICK Decision: Decision Date:</p>
<p>Ref ID: R/2014/0094/F Proposal: Erection of restaurant with drive-thru Address: 10-14 Church Street Downpatrick, Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p>
<p>Drawing Numbers and Title</p>

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
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Status: Submitted

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Status: Submitted

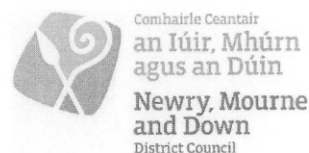
Drawing No.
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

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

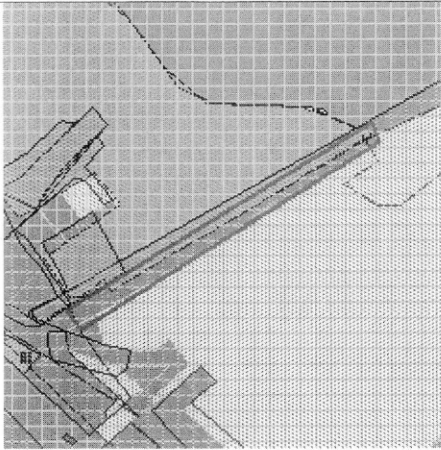
ITEM NO	10						
APPLIC NO	R/2015/0058/LBC		Listed Buildi	DATE VALID	2/5/15		
COUNCIL OPINION	CONSENT						
APPLICANT	Down District Council Downshire Civic Centre Ardglass Road Downpatrick BT30 6RA			AGENT			
LOCATION	North Quay Newcastle Harbour Ballaghbeg Co Down.			NA			
PROPOSAL	Repairs to the existing tarmac surface for maintenance and health and safety matters						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions		
	0	0	0	0	0	0	0
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	



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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: R/2015/0058/LBC	Target Date:
Proposal: Repairs to the existing tarmac surface for maintenance and health and safety matters	Location: North Quay Newcastle Harbour Ballaghbeg Co Down.
Referral Route: Automatic referral as application was made by Down District Council	
Recommendation:	Consent
Applicant Name and Address: Down District Council Downshire Civic Centre Ardglass Road Downpatrick BT30 6RA	Agent Name and Address:
Executive Summary:	
Signature:	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Protecting Historic Buildings	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Listed Building consent required.		
Characteristics of the Site and Area		
<p>The site in question is located on north quay within the settlement development limits of Newcastle as defined in the Ards and Down Area Plan 2015. The site is a flat strip of land running out to the sea, there are dwellings and buildings on the far side of the harbour. There is a second quay running further out and curving adjacent to the site in question.</p> <p>The site is within an Archaeological site and Monument of 'Newcastle Harbour' and is within an Area of Outstanding Natural Beauty, the Mourne AONB, the site is also within an Area of Townscape Character and is located within a Rivers Agency coastal flood zones.</p>		
Planning Assessment of Policy and Other Material Considerations		
<p>Site History R/1981/0282 – Newcastle harbour – car parks, slipways and modifications to the harbour walls – approval – 28-07-1981.</p> <p>Consideration of the proposal The application is considered against Ards and Down Area Plan 2015, PPS 6 Planning, Archaeology and the Built Heritage and PPS 6 Addendum – Areas of Townscape Character. The application is to mend tarmac on the quay for maintenance and health and safety, limited detail has been given in terms of drawings as this is the repair of an existing material along the north quay.</p>		

NIEA Protecting Historic Buildings were consulted on the application and offer no objection to the application in question.
 Having considered that this is repair and maintenance to an existing surface and environment it is not considered there will be any negative visual impacts on the existing lands or surrounding area. It is not considered that there will be any negative residential impacts either as a result of this application.
 The application is in keeping with relative policy however the policy does not relate greatly to the proposal in question due to the nature and scale of the proposal. This proposal will not impact negatively on the character of the area.
 The nature of the works do not require an associated full application due to the scale and nature.

Consultations
 NIEA – Protecting Historic Buildings – no objections
 Neighbour Notification – no objections

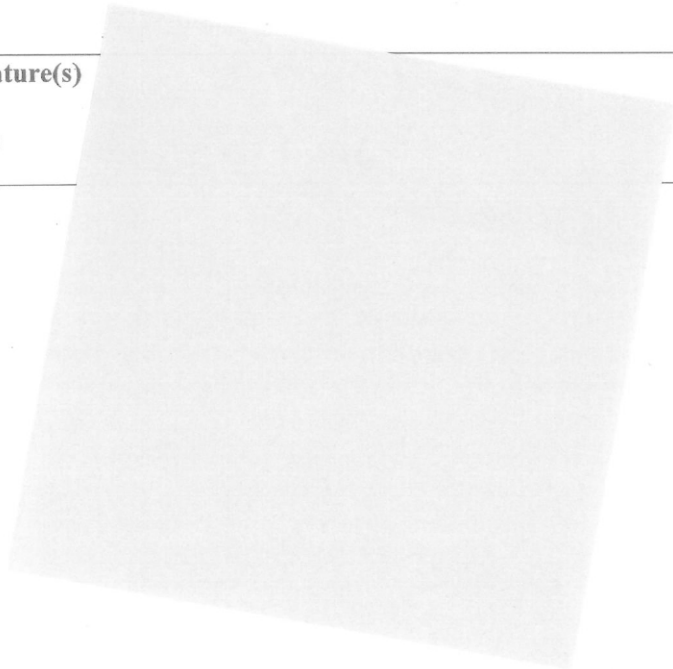
Case officer – consideration – consent.

Neighbour Notification Checked **Yes**

Summary of Recommendation:
 Consent acceptable due to the scale and nature of the works and satisfactory consultation responses.

Conditions/Reasons for Refusal:
 Standard time condition – no other specific conditions required.

Signature(s)
Date:



ANNEX	
Date Valid	5th February 2015
Date First Advertised	18th February 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 South Promenade,Ballaghbeg,Newcastle,Down,BT33 0EX, The Owner/Occupier, 12 South Promenade,Ballaghbeg,Newcastle,Down,BT33 0EX, The Owner/Occupier, 24 South Promenade,Ballaghbeg,Newcastle,Down,BT33 0EX,	
Date of Last Neighbour Notification	12th February 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History R/1981/0282 – Newcastle harbour – car parks, slipways and modifications to the harbour walls – approval – 28-07-1981.	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

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

ITEM NO	D2			
APPLIC NO	P/2014/0120/F	Full	DATE VALID	2/3/14
COUNCIL OPINION	REFUSAL			
APPLICANT	Glasgiven Contracts Ltd 16 Ashleigh Court Glasdrumman Road Annalong BT34 4PD		AGENT	SD McMullan Architects 2 Golf Links Road Newcastle BT33 0AN 02843724603

LOCATION Vacant site fronting onto Glasdrumman Road
Annalong
adjacent/between no 2 Kelly's Brae and no 3 Mullartown Heights
Annalong

PROPOSAL Commercial village retail store with first floor apartments and associated car park
(amended plans)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	11	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement in that it has not been demonstrated why that there is a need for this retail proposal within the village or demonstrated why a existing vacant commerical building can be used for the proposal.
- 2 The proposed development is contrary to Policy QD 1 of the Department's Planning Policy Statement 7: Quality Residential Environments criteria a, b, g, h, and i and associated guidance, in that the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.
- 3 The proposal is contrary to Policy LC 1 of the Department's Planning Policy Statement 7 (PPS 7) : Quality Residential Environments in that the applicant has failed to demonstrate that the proposal is in keeping with the chracter of residential development within the immeidate area.
- 4 The proposed development is contrary to the Rural Planning Strategy for Northern Ireland Policy DES 2 in that the proposal fails to respect the road frontage development, massing, scale, design and siting of the character of development within the existing streetscape of Annalong.



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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: P/2014/0120/F	Target Date:
Proposal: Commercial village retail store with first floor apartments and associated car park (amended plans)	Location: Vacant site fronting onto Glasdrumman Road Annalong adjacent/between no 2 Kelly's Brae and no 3 Mullartown Heights Annalong
Referral Route: Application referred to Committee by Briefing Panel	
Recommendation:	Refusal
Applicant Name and Address: Glasgiven Contracts Ltd 16 Ashleigh Court Glasdrumman Road Annalong BT34 4PD	Agent Name and Address: SD McMullan Architects 2 Golf Links Road Newcastle BT33 0AN
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
<p>The map shows a residential area with several numbered plots (18, 14, 4, 12, 80, 6, 13, 1 to 5, 84, 84a, 85). A red hatched area indicates the site location, situated near 'MULLARTOWN HTS'.</p>		
Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Env Health Newry & Mourne District Council	Add Info Requested
Non Statutory	Env Health Newry & Mourne District Council	Add Info Requested
Non Statutory	NI Transport - Downpatrick Office	Substantive Response Received
Non Statutory	NI Water - Multi Units West - Planning Consultations	No Objection
Statutory	NI Transport - Downpatrick Office	Additional Information Required
Statutory	NI Transport - Downpatrick Office	Content
Advice and Guidance	Env Health Newry Mourne And Down District Council	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	11	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Application was originally refused on PPS 3, PPS 5, PPS 1 and PPS 7. Following initial recommendation to refuse the Planning Department has met with the agent several times to highlight concerns and issues with the proposal, however these have failed to be addressed through the processing of this application.</p>		
Characteristics of the Site and Area		
<p>The site relates to land along the Glasdrumman Road, Annalong, adjacent/between No. 2</p>		

Kelly's Brae and No. 3 Mullartown Heights. This is a triangular shaped site that is enclosed along the Glassdrumman Road by ranch style fencing. The north/north eastern boundary is enclosed by a one metre high block wall with ranch style fencing on top, this is the boundary with Nos. 2, 6, 8 and 10 Kelly's Brae, Annalong. Kelly's Brae is a cul de sac of detached and semi detached dormer dwellings. The gable window of Nos 2 and 6 Kelly's Brae look towards the site. Nos. 8 and 10 back directly onto the site.

The southern boundary is defined by a concrete block wall and grass back. Nos. 3 and 5 Mullartown Heights have windows looking directly into the site. No. 3 backs directly onto the site, with No. 5 set at a higher level than the site (approximately 4 metres above).

There is currently a mound of overgrown earth in the middle of the site. Along the roadside there is a footpath and grass strip. The site rises gently in a westerly direction.

The site is located within the settlement development limit of Annalong as defined by the Banbridge, Newry and Mourne Area Plan 2015. The access will be on to the A2 Protected Route. This is a central area within Annalong and is made up primarily of residential properties.

Planning Assessment of Policy and Other Material Considerations

Banbridge / Newry and Mourne Area Plan 2015; SPPS, PPS documents and other associated and supplementary planning guidance documents.

Neighbour notification has been carried out as appropriate and the application has been advertised in accordance with the Department's statutory obligations. At the time of writing 11 letters of objection have been received. The objections are considered elsewhere in this report.

Consultations have been issued. Responses are summarised as follows:

Environmental Health: Noise Impact assessment required (to determine the level of noise that prospective occupiers will be subjected to owing to noise from passing traffic); Details of uses and users required; Details of delivery times required; Details of noise producing equipment required and Contaminated Land assessment is required;

Environmental Health reconsultation following confirmation that the proposal will be for non-food retail: Environmental factor of 'odours' is largely reduced assuming that all refuse storage is well maintained. Remaining environmental factors are still to be considered. There is the potential for noise complaints. The applicant should be asked to provide details of the proposed retail type store and the operating hours of the facility. Details of any noise producing equipment which will be located outside the fabric of the building should be provided.

Environmental Health further consultation. Environmental Health are satisfied with the proposal so long as it remains for Non Food. Opening hours conditions proposal if approval is forthcoming.

NI Water: No objections; and

Transport NI: The application should be refused on grounds of road safety.

Transport NI 4th Reconsultation: Satisfied with servicing arrangements so long as proposal remains Non food retail.

As the site is zoned as white land within the Area Plan the existing policy provisions will be applicable.

The SPPS set out the criteria for the assessment of retailing applications. This proposal is located within the village of Annalong. Within the immediate area the development is mostly residential with the only the Halfway House situated on the corner of Mill Road and Annalong Gospel Hall, being the difference in this established character of development. There are some retailing facilities to the centre of the village and with the presence of the pharmacy adjacent to the surgery and the retail shop within the grounds of the filling station to the upper stretches of the A2. A few other buildings in this locality have shop fronts but appear to be vacant. As part of the applicant's submission they have stated that this proposal is for a non food retail outlet. They have highlighted that there are at present 21 current commercial or sui generis properties within the village, 9 of which are vacant. The agent has divided the village up into three areas and highlighted a requirement of a retail unit at the most northern end of the village. However given that they have stated that it is to be non food, it is difficult to understand how the retail proposal cannot be accommodated in an existing vacant property and be situated in the area of the village where the majority of the retailing commercial element is already located. Therefore it has not been fully demonstrated that there is a requirement for further retail use within the Village of Annalong. This proposal fails to justify the principle of approval of more retailing within Annalong.

PPS 7

Policy QD1 of PPS7 expects that all proposals for residential development should conform to a number of criteria. Criterion (a) requires that the development should respect the surrounding context and be appropriate to the character of the site in terms of the scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. In the context and nature of the commercial building and apartments on the site, the design and layout of the proposed buildings with a set back from the roadside, large area of hard standing, very little landscaping, a ridge height of 10 metres and large shop windows would be inappropriate. The proposal would therefore be contrary to criterion (a) of Policy QD1.

Criterion (b) relates to existing landscape features integrating into the design and layout. However, the majority of the site is devoid of any existing landscape features with only sparse vegetation evident. The appellant has indicated the provision of new boundary planting as part of the proposed scheme which could improve the existing situation. However while landscaping has been indicated on the plans no landscaping schedule has been shown to clearly outline the landscaping proposed. Therefore this proposal does not meet the criterion b.

Criterion (c) requires that adequate provision is made for private open space and landscaped areas as an integral part of the development. Paragraph 5.20 of Creating Places advises a minimum of 10m² to around 30m² of private open space per unit. It states that the appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. The proposal indicates open communal open space of 48m sq of open space for 4 apartments. The proposal therefore just fails within the

minimum open space requirement with 12m sq per apartment and complies with criterion (c).

Criterion (d) requires that provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. It could be argued that this proposal is a neighbourhood facility as it would serve the surrounding area.

Criterion (e) relates to a movement pattern being provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures. The proposal does provide parking for the disabled, cycle parking stands and a designated pedestrian walkway. This proposal would therefore comply with criteria e.

Criterion (f) relates to adequate and appropriate provision for parking. The layout shows provision of 24 parking spaces, 2 of which are disabled. This meets the requirement for both the residential parking and the added non food retail. The proposal would therefore meet this criterion.

Criterion (g) relates to the design of the development drawing upon the best local traditions of form, materials and detailing. It could be argued that the scale of the building is out of keeping with the surrounding development that is primarily bungalows or two storey dwellings. The proposed ridge height is 10 metres which is considerably more than that of the surrounding development. There is also a large amount of glazing proposed which gives the building a modern feel in an area that is traditionally comprised of housing of moderate traditional design. There is also a large area of hard standing to the front of the building which has the potential to alter the streetscape and is out of character with the existing character of development of having street frontage development or garden areas to the front. The proposal therefore fails criterion g.

Criterion (h) of Policy QD1 requires that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The residential development at Kellys Brae is located on higher ground to the north west of the site. The dwellings at Nos. 2, 6, 8 and 10 are located adjacent to the site. There would be concerns in relation to overlooking from the first floor apartments, some loss of light and noise disturbance. Creating places highlights that a minimum distance of 20m back to back for residential development is required. In this instance the back to back distances at its closest point is 7m. This proposal would therefore fail to represent a quality residential development and would if allowed result in town cramming of development and the loss of quality private amenity space for the existing residents at Kelly's Brae highlighted above. There is also proposed car parking along the boundary of Nos. 3, 5 and 7 Mullartown Heights. The existing bournary here is consists of a low 1.2m block wall. If the proposal was allowed this development would have a severe impact on the private amenity space for these existing dwellings here also. Again the layout shows planting but no landscaping schedule has been provided to detail this so that it can be assessed. The proposal therefore fails criterion h. There have been a number of objections received from the neighbouring properties, these will be discussed below.

Criterion (i) relates to the development being designed to deter crime and promote personal safety. There does not appear to be any crime prevention measures proposed for the development. The proposal therefore fails criterion i.

In my opinion the proposal is contrary to Policy QD 1 of PPS 7 failing criterion A, B, G, H and I.

LC 1 assesses the impact proposals would have on areas of established residential character. This proposal would result in the introduction of apartments within an area which is characterised by semi detached and detached dwellings with private amenity. This proposal seeks to introduce apartments with communal amenity space which is not within the character of the existing area, in relation to built form, materials, design, plot size and form. This proposal is contrary to LC 1.

DES 2 assessed the impact this proposal will have on the character of the streetscape of Annalong. The principle development along the street frontage of Annalong is roadside development or set back with garden space to the front. This proposal would introduce a large mass of a building which is sited to the rear of the site with a large hard surfaced area to the front. This would be out of keeping with the existing streetscape within the village and would have a detrimental impact on the streetscape when assessed under DES 2.

AMP 7 of PPS 3 assesses whether adequate parking has been provided. There are 24 spaces provided which have been separated into residential and customer and the provision of disabled parking spaces also. This proposal meets this policy.

AMP 3 assesses the access of this proposal on the protected route within the settlement limit of Annalong. This proposal has adequate splays shown of 2.4m x 45m and Transport NI have reviewed the plans submitted and have stated that they have no objections to the proposal dependent on it being a non food retail proposal, due to the fact that the servicing of a non food retail unit is less frequent to a food retail unit. Therefore given Transport NI's comments this proposal is acceptable when assessed against AMP3.

Landscape features are not evident on this site. Minimal planting has been proposed around the site boundaries and very little effort has been made to soften the visual impact of the development.

The form, materials and detailing of the development are not inappropriate in general, however at this location the proposal will appear as a large commercial development. This, combined with the set back from the Glassdrummand Road and large area of hard standing to the front of the development, will undermine the character and appearance of the area, and the development will result in overlooking to the rear of the properties at Kellys Brae and Mullartown Park.

There have been 11 objections received in relation to this application. The issues raised by the objectors are summarised as follows:

- Concerns in relation to the height of the building and its proximity to neighbouring properties which will result in a loss of privacy, overlooking, block sunlight, daylight and cause overshadowing.

The Planning Department would be of the view that these concerns are substantiated and that the proposal would have an adverse effect on neighbouring properties.

- That the proposal will have an overbearing effect.

Given the siting of the building to the rear of the site, close to the neighbouring dwellings in Mullartown Heights and Kellys Brae, the Planning Department would have concerns in relation to the height, scale and massing of the proposal and would agree that there may be issues of

overbearing.

- Concerns in relation to noise, disturbance and possible unpleasant odour.

The scale and nature of the proposal will itself create a certain amount of noise and disturbance. There will be four apartments which will generate traffic, both pedestrian and vehicular, along with a retail shop which will lead to the generation of noise and disturbance. The agent has indicated that the proposal will be one of non-food retail and that there will therefore be no concerns in relation to unpleasant odours.

- That the design and proportions of the building will conflict with the characteristics of the existing nearby properties and adversely affect the local character.

The building would be out of keeping with the surrounding development that is primarily detached bungalows or semi-detached two storey dwellings.

- The commercial village is out of keeping with the existing residential area.

The commercial village would be at odds with the surrounding character which is residential.

- There are a number of vacant commercial properties in Annalong.

This is an application for one retail unit and it is felt that the approval of one unit will not be detrimental to the overall commercial viability of Annalong.

- The site is not safe and there would be concerns in relation to an increase in anti-social activity.

There have not been any measures indicated to mitigate concerns in relation to security.

- The elevated walkway is a security risk to the properties that it backs onto.

The walkway would leave the properties that it opens onto susceptible to overlooking.

- There will be new accesses created in close proximity to the existing accesses which will result in further traffic accidents.

Roads Service are of the opinion that the access and road layout are safe.

- Cars and lorries may park along the roadside to the front blocking visibility.

Roads Service are of the opinion that the access and road layout are safe providing servicing is only for non food retail.

- Bin storage is not indicated on the plans. Concern in relation to vermin increase.

Bin storage areas are shown on the submitted plans.

- Increase in noise from delivery lorries and refuse trucks.

Depending on the use of the retail unit being non food there would be no concerns in relation to noise generation from delivery lorries and refuse trucks.

- There is no sewage treatment plant in Annalong.

NI Water have no concerns in relation to sewage removal.

- Additional retail properties are likely to adversely impact attempts to regenerate Annalong.

This is an application for one retail unit and it is felt sufficient consideration of the existing retail units has not been considered or the need for a non food retailing unit at this locality.

- Concerns over fast food operation being carried out on the site.

The application as presented to the Planning Department is for a retail unit. The agent has indicated that this is a non-food retail unit. The Planning Department can place a condition on the use of the retail unit.

Neighbour Notification Checked

Yes

Summary of Recommendation:

A recommendation of refusal it therefore made based on Policy QD 1 of PPS 7 failing criterion A, B, G, H and I. Policy LC 1, DES 2 and the SPPS.

Reasons for Refusal:

The proposal is contrary to the Strategic Planning Policy Statement in that it has not been demonstrated why that there is a need for this retail proposal within the village or demonstrated why an existing vacant commercial building can be used for the proposal.

The proposal is contrary to Policy QD 1 (criteria a, b, g, h & i) of the Department's Planning Policy Statement 7 (PPS 7) : Quality Residential Environments in that the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.

The proposal is contrary to Policy LC 1 of the Department's Planning Policy Statement 7 (PPS 7) : Quality Residential Environments in that the applicant has failed to demonstrate that the proposal is in keeping with the character of residential development within the immediate area.

The proposed development is contrary to the Rural Planning Strategy for Northern Ireland Policy DES 2 in that the proposal fails to respect the road frontage development, massing, scale, design and siting of the character of development within the existing streetscape of Annalong.

Signature(s)

Date:

ANNEX	
Date Valid	3rd February 2014
Date First Advertised	28th February 2014
Date Last Advertised	18th November 2015
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 Donard Park Mullartown Annalong</p> <p>The Owner/Occupier, 10 Kellys Brae Mullartown Annalong</p> <p>The Owner/Occupier, 121 Glassdrumman Road Mullartown Annalong</p> <p>The Owner/Occupier, 123 Glassdrumman Road Mullartown Annalong</p> <p>The Owner/Occupier, 125 Glassdrumman Road Mullartown Annalong</p> <p>The Owner/Occupier, 2 Donard Park Mullartown Annalong</p> <p>The Owner/Occupier, 2 Kellys Brae Mullartown Annalong</p> <p>The Owner/Occupier, 3 Donard Park Mullartown Annalong</p> <p>The Owner/Occupier, 3 Mullartown Heights Mullartown Annalong</p> <p>The Owner/Occupier, 4 Donard Park Mullartown Annalong</p> <p>The Owner/Occupier, 4 Kellys Brae Mullartown Annalong</p> <p>The Owner/Occupier, 5 Donard Park Mullartown Annalong</p> <p>The Owner/Occupier, 5 Mullartown Heights Mullartown Annalong C W Duncan 5, Mullartown Heights, Annalong, Down, Northern Ireland, BT34 4UA</p> <p>The Owner/Occupier, 6 Donard Park Mullartown Annalong</p> <p>The Owner/Occupier, 6 Kellys Brae Mullartown Annalong</p> <p>The Owner/Occupier, 7 Mullartown Heights Mullartown Annalong</p> <p>The Owner/Occupier, 8 Kellys Brae Mullartown Annalong</p> <p>The Owner/Occupier, 9 Mullartown Heights Mullartown Annalong Wells MLA</p>	

Parliament Buildings Stormont Estate Ballymiscaw	
Date of Last Neighbour Notification	4th November 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
<p>Ref ID: P/2000/0094/F Proposal: Alteration to approved housing layout including a change of house type Address: Glasdrumman Road/Mill Road, Annalong Decision: Decision Date: 02.05.2000</p>	
<p>Ref ID: P/2014/0120/F Proposal: Commercial village retail store with first floor apartments and associated car park Address: Vacant site fronting onto Glasdrumman Road, Annalong, adjacent/between no 2 Kelly's Brae and no 3 Mullartown Heights, Annalong, Decision: Decision Date:</p>	
<p>Ref ID: P/1988/0972 Proposal: Site for dwelling Address: SITE 3 ADJACENT TO 130 GLASSDRUMMAN ROAD ANNALONG Decision: Decision Date:</p>	
<p>Ref ID: P/2010/0523/F Proposal: Erection of new street cabinet to facilitate provision of new fibre optic in frastructure across the BT network. Cabinet dimensions approx 1600mm*1200mmwide*450mm deep. Address: Opposite no. 5 Donnard Park and 22m south of no. 2 Kellys Brae, Annalong. Decision: Decision Date: 07.07.2010</p>	
<p>Ref ID: P/1988/0980 Proposal: Site for dwelling Address: SITE 4 ADJACENT TO 130 GLASSDRUMMAN ROAD ANNALONG Decision:</p>	

Decision Date:

Ref ID: P/1988/0979

Proposal: Site for dwelling

Address: SITE NO.5 ADJACENT TO 130 GLASSDRUMMAN ROAD ANNALONG

Decision:

Decision Date:

Ref ID: P/1988/6023

Proposal: Site for housing development Mill Road Annalong

Address: Mill Road Annalong

Decision:

Decision Date:

Ref ID: P/1987/6026

Proposal: Housing Development 130 Glasdruman Road Mullartown Annalong

Address: 130 Glasdruman Road Mullartown Annalong

Decision:

Decision Date:

Ref ID: P/1995/1028

Proposal: Retention of garage

Address: 5 MULLARTOWN HEIGHTS ANNALONG

Decision:

Decision Date:

Ref ID: P/1996/0218

Proposal: Erection of bungalow

Address: SITE NO1 MULLARTOWN HEIGHTS ANNALONG

Decision:

Decision Date:

Ref ID: P/2006/1923/F

Proposal: Extension to dwelling

Address: 3 Mullarton Heights, Glasdrumman Road, Annalong

Decision:

Decision Date: 11.06.2007

Ref ID: P/1985/0445

Proposal: CHANGE OF HOUSE TYPE

Address: SITES 12 AND 13 MULLARTOWN HEIGHTS, ANNALONG

Decision:

Decision Date:

Ref ID: P/1986/0147
 Proposal: DOMESTIC GARAGE
 Address: 10 MULLARTOWN HEIGHTS, ANNALONG
 Decision:
 Decision Date:

Ref ID: P/1978/0772
 Proposal: HOUSING DEVELOPMENT
 Address: MULLARTOWN, ANNALONG, COUNTY DOWN
 Decision:
 Decision Date:

Ref ID: P/1999/0281
 Proposal: Proposed Housing Development (32 No dwellings)
 Address: BETWEEN NOS 6 AND 10 MILL ROAD AND NORTH OF MULLARTOWN -
 HEIGHTS, GLASSDRUMMAN ROAD, ANNALONG
 Decision:
 Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Notification to Department (if relevant)

Date of Notification to Department:

Response of Department: