



September 25th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 2nd October 2024** at **10:00 am** in **Council Chamber, O' Hagan House, Monaghan Row, Newry**

Committee Membership 2024-2025:

Councillor D Murphy **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor P Campbell

Councillor C Enright

Councillor K Feehan

Councillor A Finnegan

Councillor C King

Councillor M Larkin

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Councillor J Tinnelly

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol - Members to be present for entire item

Item 6 - Cllrs Feehan, Finnegan, Hanna, Larkin, King, McAteer, D Murphy and S Murphy attended the site visit on 12 September 2024.

4.0 Minutes of Planning Committee held on 4 September 2024

 *Planning Committee Minutes 2024-09-04.pdf*

Page 1

5.0 Addendum List - Planning applications with no representations received or requests for speaking rights

 *Addendum list - 02-10-2024.pdf*

Page 13

Development Management - Planning Applications for determination (with previous site visits)

6.0 LA07/2023/3129/F - Land directly adjacent to 11 Lismore Park, Crossmaglen - Proposed single social housing dwelling


REFUSAL

On agenda as a result of the call-in process.

In line with Operating Protocol, no further speaking rights are permitted on this application.

Cllrs Feehan, Finnegan, Hanna, Larkin, King, McAteer, D Murphy and S Murphy attended the site visit on 12 September 2024.

Sinead Collins, NIHE, will be present to answer any queries Members may have.

 *LA07-2023-3129-F Case Officer Report.pdf*

Page 14

Development Management - Planning Applications for determination

7.0 LA07/2023/3186/F - Lands Adjacent to 127A Shore Road

Kilclief, Strangford - Proposed new dwelling and detached garage with associated hard and soft landscaping


APPROVAL

On agenda as a result of the Scheme of Delegation and Operating Protocol.

Speaking rights have been requested by Matthew Beers in support of the application.

 [LA07.2023.3186.F - Case Officer Report.pdf](#)

Page 22

 [7 - LA07.2023.3186.F.pdf](#)

Page 36

8.0 LA07/2022/1683/F - Site adjacent to 16 Kilfeaghan Road Rostrevor - Erection of 3 glamping pods with associated access, parking, turning, recycling/waste and cycle store and landscaping

For Decision


APPROVAL

On agenda as a result of the Scheme of Delegation and Operating Protocol.

Speaking rights have been requested by Mr Tom Franklin in support of the application.

 [LA07-2022-1683-F - Case officer Report.pdf](#)

Page 38

 [8 - LA07.2022.1683.F.pdf](#)


Page 64

9.0 LA07/2023/2210/F - 25 Knockchree Avenue Magheramurphy Kilkeel -Demolition of no. 25 Knockchree Avenue, Kilkeel, BT34 4BP and erection of 5 no. detached two-storey dwellings with associated site works

For Decision

APPROVAL

On agenda as a result of the Scheme of Delegation and Operating Protocol.

 [LA07-2023-2210-F - Case Officer Report.pdf](#)

Page 65


10.0 LA07/2023/3001/F - 58 Warrenpoint Road, Rostrevor, Newry, BT34 3EB - Replacement Dwelling and 3 no. ancillary

outbuildings and all associated site works

For Decision

APPROVAL

On agenda as a result of the Scheme of Delegation and Operating Protocol.

 *LA07-2023-3001-F - Case Officer Report.pdf*

Page 82


11.0 LA07/2023/2274/F - Abbey Way Car Park, Abbey Way, Newry - Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.

APPROVAL

On agenda as a result of the Scheme of Delegation and Operating Protocol.

Speaking rights have been requested for Francis Brown, Anthony Patterson and Simon Warke in objection to the application.


Speaking rights have been requested by Graeme Olge and Kieran Carlin in support of the application.

 *LA07-2023-2274-F - Case Officer Report.pdf*

Page 111

 *11 - LA07.2023.2274.F objection.pdf*

Page 148

 *11. LA07.2023.2274.F support.pdf*

Page 150

12.0 LA07/2023/2193/F - 1 Town Hall, Bank Parade, Newry - Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar Island, portion of Needham bridge, portion of East side of Newry Canal, area around Bank Parade and Kildare Street

APPROVAL

On agenda as a result of the Scheme of Delegation and Operating Protocol.

Speaking rights have been requested by Graeme Olge and Kieran Carlin in support of the application.

 *LA07.2023.2193.F - Case Officer Report.pdf*

Page 152

13.0 LA07/2023/2213/LBC - 1 Town Hall, Bank Parade, Newry - Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar island, portion of Needham bridge, portion of East side of Newry canal, area around Bank Parade and Kildare Street

For Decision

CONSENT

On agenda as a result of the Scheme of Delegation and Operating Protocol.

Speaking rights have been requested by Graeme Olge and Kieran Carlin in support of the application.

LA07.2023.2213.LBC Case Officer Report.pdf

Page 194

14.0 LA07/2022/0382/F - Immediately West of 14 Martins Lane Newry - Proposed boarding kennels to include reception and induction kennel.

For Decision

REFUSAL

On agenda as a result of the Call-in Process.

Speaking rights have been requested by Colin O'Callaghan in support of the application.

LA07.2022.0382.F - Case Officer Report.pdf

Page 202

14 - LA07 2022 0382 F.pdf

Page 209


15.0 LA07/2023/2237/O - 15 Brackenagh East Road, Ballymartin, BT34 4PT - Proposed site for an off-site replacement dwelling and domestic garage.

For Decision


REFUSAL

On agenda as a result of the Call-in Process.

Speaking rights have been requested by Mr Brendan Starkey in support of the application.

 [LA07-2023-2237-O - Case Officer Report.pdf](#)

Page 211

 [15 - LA07.2023.2237.O.pdf](#)

Page 222


16.0 LA07/2023/2804/O - Approx 140m West of 71 Bishopscourt Road, Downpatrick - Farm dwelling and garage

For Decision

REFUSAL

On agenda as a result of the Call-in Process

Speaking rights have been requested by Mr Gerry Tumelty, agent, in support of the application.

 [LA07.2023.2804.O - Case Officer Report.pdf](#)

Page 224

 [16 - LA07.2023.2804.O.pdf](#)

Page 234

FOR NOTING Items deemed to be exempt under Part 1 of Schedule 6 of the Local Government Act (NI) 2014

17.0 Legal opinion following deferral of application

LA07/2023/2331/F

For Information

This item is deemed to be exempt under paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

Legal opinion will be shared at the meeting.

For Noting

18.0 Draft Dundalk Area Plan 2024-2030

For Information

 [Draft Dundalk Area Plan Committee Report PC. 2-10-2024.pdf](#)

Page 237

 [Appendix A- Response to Draft Dundalk 2024-2030 PC. 2-10-2024.pdf](#)

Page 240

19.0 Historic Action Sheet

For Approval

 [Planning Historic Tracking Sheet - 2024.09.04.pdf](#)

Page 242

Invitees

Cllr Terry Andrews
.....
Cllr Callum Bowsie
.....
Fionnuala Branagh
.....
Cllr Jim Brennan
.....
Cllr Pete Byrne
.....
Cllr Philip Campbell
.....
Cllr William Clarke
.....
Cllr Laura Devlin
.....
Ms Louise Dillon
.....
Cllr Cadogan Enright
.....
Cllr Killian Feehan
.....
Cllr Doire Finn
.....
Cllr Aoife Finnegan
.....
Ms Joanne Fleming
.....
Cllr Conor Galbraith
.....
Cllr Mark Gibbons
.....
Cllr Oonagh Hanlon
.....
Cllr Glyn Hanna
.....
Cllr Valerie Harte
.....
Cllr Roisin Howell
.....
Cllr Tiarna Howie
.....
Cllr Jonathan Jackson
.....
Cllr Geraldine Kearns
.....
Miss Veronica Keegan
.....
Mrs Josephine Kelly
.....
Mrs Sheila Kieran
.....
Cllr Cathal King
.....
Ms Nora Largey (BCC)
.....
Cllr Mickey Larkin
.....
Cllr David Lee-Surginor
.....
Cllr Alan Lewis
.....
Cllr Oonagh Magennis
.....
Mr Conor Mallon
.....
Cllr Aidan Mathers
.....
Cllr Declan McAteer
.....
Cllr Leeanne McEvoy
.....
Jonathan McGilly
.....
Cllr Andrew McMurray
.....
Maureen/Joanne Morgan/Johnston
.....
Cllr Declan Murphy
.....
Sinead Murphy
.....
Cllr Kate Murphy
.....

Cllr Selina Murphy
.....
Cllr Siobhan O'Hare
.....
Mr Andy Patterson
.....
Cllr Áine Quinn
.....
Cllr Henry Reilly
.....
Cllr Michael Rice
.....
Mr Pat Rooney
.....
Mr Peter Rooney
.....
Cllr Michael Ruane
.....
Cllr Gareth Sharvin
.....
Donna Starkey
.....
Nicola Stranney
.....
Sarah Taggart
.....
Cllr David Taylor
.....
Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Central Support Unit
.....
Mrs Marie Ward
.....

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 4 September 2024 at 10.00am in the Boardroom Council Offices, Monaghan Row, Newry

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

Councillor P Campbell	Councillor C Enright
Councillor K Feehan	Councillor A Finnegan
Councillor G Hanna	Councillor King
Councillor M Larkin	Councillor McAteer
Councillor S Murphy	Councillor M Rice
Councillor J Tinnelly	

Officials in attendance:

- Mr C Mallon, Director Economy, Regeneration & Tourism
- Mr J McGilly, Assistant Director Regeneration
- Mr Pat Rooney, Principal Planning Officer
- Ms M Fitzpatrick, Senior Planning Officer
- Mr M Keane, Senior Planning Officer
- Ms A McAlarney, Senior Planning Officer
- Ms S Taggart, Democratic Services Manager (Acting)
- Ms F Branagh, Democratic Services Officer
- Mrs N Stranney, Democratic Services Officer

P/074/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

The Chairperson advised that Item 7 would be heard at the end of the meeting.

P/075/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/076/2024: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol – Members to be present for entire item.

Item 6: Cllrs Campbell, Hanna, Larkin, McAteer, D Murphy and S Murphy attended a site visit on 20 June 2024.

Item 7: Cllrs Finnegan, Hanna, Larkin, King, D Murphy and J Tinnelly attended a site visit on 29 August 2024.

MINUTES FOR CONFIRMATION

**P/077/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING
WEDNESDAY 7 AUGUST 2024**

Read: Minutes of Planning Committee Meeting held on Wednesday 7 August 2024. (Copy circulated)

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 7 August 2024 as a true and accurate record.

FOR DISCUSSION/DECISION

P/078/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 4 September August 2024. (Copy circulated)

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 4 September 2024:

- **LA07/2022/1448/F** - 17-21 Main Street, Camlough - Proposed mixed-use development with ground floor commercial unit and 9No. apartments and on-site parking for 13 vehicles
APPROVAL
- **LA07/2022/1029/F** - Lands to immediate N and W of Silvercove holiday park 98a Leestone Road, Kilkeel - Extension to existing holiday park comprising new caravan pitches, retention of 3no. existing caravan pitches, landscaping and associated works
APPROVAL

DEVELOPMENT MANAGEMENT

**P/079/2024 PLANNING APPLICATIONS FOR DETERMINATION (WITH
PREVIOUS SITE VISITS)**

(1) LA07/2023/2374/F

On agenda as a result of the Call-In Process

Location:
80 Dublin Road, Newry

Proposal:
2 No. glamping pods

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint Presentation:

Ms McAlarney advised that the application site was outside the settlement limits of Kilcoo and in an Area of Outstanding Natural Beauty. She noted that a consultation process and neighbour notification had taken place with no objections received. She outlined the relevant Policy was PPS21, referring to the tourism Policies TSM6 and TSM7 of PPS16. and advised that the Department for Infrastructure (DfI) Roads had been consulted. As the proposal involved access onto a protected route, the A25, it was deemed unacceptable in planning terms under PPS21 and did not qualify for any exceptions.

Councillor Campbell inquired whether smaller pods had been considered, to which Mr Bailie responded that smaller pods would not be viable.

Councillor Larkin proposed to overturn the officer's recommendations stating following the site visit, he was content that the proposal would have minimum impact on the area. This was seconded by Councillor Hanna.

After discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2023/2374/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2023/2813/F

On agenda as a result of the Operating Protocol and Scheme of Delegation.

Location:

6 Cranfield Chalets, Cranfield, Newry

Proposal:

Proposed front dormer to existing house and first floor balcony.

Conclusion and Recommendation from Planning Official:

Approval

PowerPoint Presentation:

Mr Mark Keane outlined the details of the application, utilised images of the proposed plans alongside the current application site. He stated the site was located in an Area of Outstanding Natural Beauty (AONB) and the application had been fully assessed and it was

considered there were no grounds to sustain a refusal. The residential amenity of adjoining residents had been fully considered and with appropriate conditions there would be no unacceptable impact. Paragraph 30 of APPS7 was quoted. The balcony is located to the front of the property. There is already a degree of overlooking.

Councillor Hanna asked the applicant how the proposal was likely to impact upon them. The applicant replied that they were currently overlooked and anticipated that the situation would worsen with the addition of a balcony.

Councillor Hanna proposed accepting the officer's recommendation with the addition of a condition to ensure the glass at the front of the balcony was obscured.

This was seconded by Councillor Enright.

After discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Enright it was agreed to issue an approval in respect of planning application LA07/2023/2813/F supporting to officer recommendation as contained in the Case Officer Report with the addition of a condition to ensure the glass at the front of the balcony was obscured.

DEVELOPMENT MANAGEMENT

P/080/2024 **PLANNING APPLICATIONS FOR DETERMINATION**

(1) **LA07/2022/1495/F**

On agenda as a result of the Call-In Process.

Location:

Lands opposite no.41 Lecale Park Downpatrick BT30 6ST

Proposal:

Five dwelling units, landscaped gardens and associated site works

Conclusion and Recommendation from Planning Official:

Approval

PowerPoint presentation:

Ms McAlarney outlined the details of the application, showing images of the proposed site layout and section plans. She advised that during the consultation process, the Department had received 19 Neighbour Objections, there were no objections raised from statutory consultees, however Northern Ireland Water imposed negative conditions due to capacity issues. The application was assessed using several relevant policies, including PPS 7 on

Mrs Fitzpatrick advised that the key objective of Policy OS1 was to safeguard open spaces, allowing for development only in cases where the proposed project offered substantial community benefit that outweighed the loss of the space. This protective stance was reinforced by additional policies in PPS8 and the SPPS, all of which emphasised the importance of open space for recreation, healthy living, and community use.

Mrs Fitzpatrick's presentation highlighted that the application site was currently a well-maintained open space serving the local community. She stated that the Planning Department evaluated the site within the context of Policy OS1 and concluded that the area fell under the protection intended for such spaces.

She advised that although the applicant presented a compelling case regarding the need for a complex-needs dwelling, the Planning Department determined that the specific proposal did not provide the level of community benefit necessary to justify the loss of the open space. She also raised concern about the potential precedent an approval on this application could set, potentially leading to further "piecemeal" development that would gradually erode protected areas, ultimately to the detriment of the community.

Mrs Fitzpatrick highlighted the referenced protocol between the Department of the Environment and the Housing Executive, which allowed for redevelopment of certain open spaces. However, the Planning Department argued that the protocol did not apply to the site in question, as the open space was neither excessive in size nor suitable for redevelopment. Mrs Fitzpatrick also advised that the Protocol had not been agreed with NMD Council.

Speaking rights:

In Support:

Sinead Collins, representing Northern Ireland Housing Executive, noted that no new social homes had been built in Crossmaglen over the past 10 years, despite a current need for 57 additional units between 2023 and 2028. The Lismore/Lisbeg areas had a strong community network, with low property turnover as residents preferred to remain rather than move to nearby cities or villages. She advised that the family intended for this home currently lived in a Housing Executive property but had been on the transfer list since 2017 due to the unsuitability of their current home. She stated that with no viable alternatives found, a new dwelling was the only option to meet their long-term needs, which would in turn free up their current home for another family on the waiting list, providing a direct community benefit. She also added that the new build would create jobs during construction and through future maintenance.

Mrs Collins highlighted that the PPS8 protocol, agreed between the Housing Executive and DOE Planning, supported selective redevelopment of open spaces for affordable housing, benefiting both families and the wider community. She stated the proposed site aligned with the existing frontage of Lismore Park without affecting access or the nearby play park, ensuring the location was beneficial for both the family and the community.

Mr Fox from Rural Housing Northern Ireland explained that the proposed dwelling was intended for a local family with an urgent housing need, that had been referred to Rural Housing to develop a home that met their specific requirements. He stated following the exploration of various options over several years no suitable properties or sites had been found in the Crossmaglen area and the tabled proposal represented the last viable solution for the family. Mr Fox also noted that the impact on open space would be minimal and the development had received strong community support with 79 representations in favour and no objections. He emphasised that social housing should always be recognised as a community benefit.

Following a query from Councillor Hanna around a definition of 'substantial community benefits' and whether the community would be disadvantaged for the benefit of one family, Mrs Fitzpatrick responded that there was no specific definition, however, as envisioned by PPS 8 and OS1, a community benefit was expected to serve the entire community rather than just a single family.

Councillor Hanna asked the agents' opinion around the benefits for only one family and the loss of open space for the community. Ms Collins stated that the site was chosen carefully and emphasized that a substantial portion of open space would remain at the rear ensuring continued access to the play park. She noted that the community would benefit as this development would free up another home for a family on the waiting list

Councillor Hanna remarked that he believed the amount of open space allocated for this dwelling could potentially accommodate two houses. Mrs Fitzpatrick reiterated that allowing any loss of open space for housing posed risks, and that OS1 was in place to protect these areas.

Councillor Enright referred to the rural housing crisis for social and affordable housing across Northern Ireland and asked if Newry, Mourne and Down District was still the worst affected. Ms Collins confirmed that this was still the case.

Councillor Enright asked whether the housing crisis could be addressed by approving applications like this, arguing that reducing the housing shortage would have benefited the community. Mr Pat Rooney acknowledged that the points made were valid but emphasised that this broader issue could not be resolved through the current planning application. He stated that the Development Plan process was the appropriate forum for addressing such matters and there would be an opportunity to do so in the production of the new Development Plan.

Councillor Finnegan addressed the housing crisis, highlighting that 2,000 people were on the waiting list in the Newry, Mourne, and Down District and while acknowledging the significance of protecting open spaces under PPS 8 OS 1, she questioned whether the 79 letters of support could be considered a community benefit in this instance.

Mrs Fitzpatrick acknowledged the sensitivity of the issue, stating that decisions were based on policy, and that setting a precedent in this case could result in piecemeal development in open spaces throughout the District.

In response to a query from Councillor Finnegan around PPS and the protocol, Ms Collins referred to the Council report noting that the development was not part of a broader restructuring of the open space within the estate. She stated the Housing Executive would argue that the development would enhance the street frontage with no impact on the play park and that the loss of this open space would not negatively affect the community as there were no future plans for any planning applications in the remainder of the open space.

Councillor Hanna voiced concerns about the precedent overturning this decision could set, highlighting that there would be no guarantee future planning applications would not be submitted. Mrs Fitzpatrick echoed this worry cautioning that it could establish a harmful precedent for other open spaces across the district.

Councillor McAteer enquired about the possibility of applying again in the area next to this should it receive approval. Ms Collins responded that the planning team within the Housing Executive collaborated with the planning service to establish the protocol and the goal was

not for the Housing Executive to develop every area of open space it owned but rather to selectively develop certain portions where there was a pressing need for additional housing. She stated that the Housing Executive would continue to work closely with the Council, remaining mindful of policies that protected open spaces while also benefiting residents within the Housing Executive estates.

Councillor McAteer asked for clarity on the criteria used and whether they aligned with those of the Planning Department and also if, in a similar situation, the only option was open space, would this area be considered. Ms Collins explained that for open space, they adhered to PPS8 and the protocol document and emphasised that open spaces were selected only in exceptional circumstances, and if the land had already been developed, it would no longer be considered. She outlined that the priority was first to adapt existing stock, followed by exploring housing association properties, and then looking at options on the open market.

In response to a query from Councillor McAteer, Ms Fitzpatrick stated that all open space was protected under PPS8 OS1 and noted that the protocol was a document established between DOE Planning and the NI Housing Executive and no discussions had yet occurred between the NI Housing Executive and the Council Planning Department.

Mr Pat Rooney clarified that the protocol document was inherited and was never agreed upon by the Council and the Housing Executive and stated that in this instance the protocol was irrelevant as it specifically pertained to larger areas of open space.

Councillor McAteer asked whether the protocol document could be used for this assessment and Ms Collins replied that the protocol represented a difference of interpretation.

Councillor Declan Murphy asked Mr Peter Rooney whether determining substantial community benefit would be a judgment call. Mr Rooney confirmed that it would be but within the parameters set by the planning policy against which the application was assessed. He explained that the consideration involved weighing substantial community benefit against the permanent loss of open space and the policy was restrictive, as it stated that development resulting in the loss of existing open space was not permitted. He advised that Planners had evaluated all factors and reached a decision, and it was for Members to consider the implications of losing open space and whether one dwelling truly delivered substantial community benefit.

Councillor Finnegan proposed a site visit and this this was seconded by Councillor McAteer

After discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

AGREED: **On the proposal of Councillor Finnegan, seconded by Councillor McAteer it was agreed to defer planning application LA07/2023/3129/F to allow for a site visit.**

Councillor Tinnelly entered the meeting at this stage - 11am

(3) LA07/2021/1398/F

On agenda as a result of the Call-In Process.

Location:

4c Temple Hill Road Newry

Proposal:

Demolition of existing factory buildings and replacement with 11 private dwellings and block of apartments containing a ground floor and first floor unit with associated site works, drainage and new access

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint presentation:

Mr Keane presented the officer's report, which included images of both the current site layout and the proposed changes. The application was recommended for refusal as it conflicted with policies PPS 7, PPS 7 Addendum, and PPS 12. He stated that two letters of objection had been received, while all consultees responded with no objections in principle. He outlined that Environmental Health advised for quality residential living, a minimum distance of 75 metres from farm buildings should be maintained, which the development significantly failed to meet, as the nearest dwelling was approximately 10-15 metres away. He highlighted the application site, situated at the edge of the settlement boundary, meant that the area was better suited for low-density development, with higher-density projects being more appropriate for urban locations. The agent was informed of the Department's concerns some time ago, however there had been no action taken to address same.

Speaking rights:

In Objection:

Mr Tony Haveron, representing his father, the owner of a nearby working farm, expressed concerns about the proposed development. He stated the farm, which had been in the family for three generations, was adjacent to the application site, which could cause potential issues for prospective new occupants, including substantial noise and activity from over 100 cattle, with feeding happening around 4:30 AM and 9:00 PM. Additionally, cattle vehicles delivering new animals would arrive throughout the night. He pointed out that new residents could be unaware of the noise and odour associated with living near a farm, which could lead to complaints that could potentially affect the farm's operations and the family's livelihood. He respectfully requested that the Planning Committee followed the case officer's recommendation to refuse the application.

In Support:

Mr Young spoke in support, noting the site fell within Newry City centre's development limits and was mainly residential in nature. He stated the current brownfield site which housed two factory buildings was an exception making it suitable for housing and the proposed development's footprint was smaller than the existing factories. He stated the plan aligned with PPS7, safeguarding the residential character by replacing the factories with housing. Mr Young highlighted that there was strong local support and the project included a public footpath for safe pedestrian access between Newry and Ballyholland. He stated that any

business it could not be considered an established group of buildings associated with the farm. She highlighted that this was a significant factor in the assessment, as the presence of an established grouping was often crucial in evaluating applications for development. She added that the application was located outside any designated settlement limits and was situated within an Area of Outstanding Natural Beauty.

Speaking rights:

In Support:

Declan Rooney spoke on behalf of the agents and disagreed with the Department's decision that the proposed dwelling lacked a visual connection to existing farm buildings, citing a distance of 90 meters. He stated that the Department's assessment overlooked buildings in the northern yard, where the nearest building was actually just 31 meters away. He stated that visual linkage involved context, not just distance and highlighted paragraph 5.41 of CTY 10 noted that the site appeared interconnected with the buildings from surrounding viewpoints, with minimal separation. He stated that from Rathfriland Road and Slievenaboley Road, the proximity and topography linked the site and farm buildings, meeting Policy CTY10 (c) and Policy CTY13 (g) and that building in the farmyard or to the east/south was impractical due to existing planning permission and challenging topography. He therefore stated that the proposed site, just 31 meters from the nearest building, was the most suitable for visual integration.

Mr Rooney stated the refusal based on Policies CTY13 and CTY14, could be addressed at a later date as this was outline permission and the site's lower elevation ensured that the dwelling would not be prominent as it blended with existing buildings. He added that, from Rathfriland Road, the site's elevation further reduced visibility, complying with Policy CTY13 (a) and Policy CTY1.

Councillor Tinnelly asked about the structure that Ms McAlarney referred to as a shipping container and sought clarification from the agent. Mr Rooney clarified that the structure was a prefabricated building that had been in place for 25 years.

Councillor McAteer inquired about the ownership details for the property at 46 Slievenaboley Road and asked whether the property would be considered in the assessment if occupied by the applicant.

Mr Peter Rooney responded stating the question was irrelevant as the property was not in the ownership of the application and had not been raised by either party in relation to the application.

Councillor Hanna sought clarification around the prefabricated building and Ms McAlarney confirmed that, in her opinion, it was not a building.

Councillor Hanna proposed a site visit and this this was seconded by Councillor McAteer

After discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer it was agreed to defer planning application LA07/2023/3065/O to allow for a site visit.

P/081/2024 **HISTORIC ACTION SHEET**

Read: Historic action sheet for agreement (**Copy circulated**)

AGREED: It was agreed on the proposal of Councillor Campbell, seconded by Councillor Rice, to note the historic action sheet.

There being no further business the meeting ended at 12.07pm.

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 16% of decisions overturned

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 2 October 2024

The following planning applications listed on the agenda, have received no representations or requests for speaking rights. Unless a Member wishes to have these applications presented and discussed, the Planning Committee will be asked to approve the officer's recommendation and the applications will be taken as "read" without the need for a presentation. If a Member would like to have a presentation and discussion on any of the applications listed below, they will be deferred to the next Committee Meeting for a full presentation:

- **LA07/2023/2210/F** - 25 Knockchree Avenue Magheramurphy Kilkeel -Demolition of no. 25 Knockchree Avenue, Kilkeel, BT34 4BP and erection of 5 no. detached two-storey dwellings with associated site works
APPROVAL
- **LA07/2023/3001/F** - 58 Warrenpoint Road, Rostrevor, Newry, BT34 3EB - Replacement Dwelling and 3 no. ancillary outbuildings and all associated site works
APPROVAL

-0-0-0-0-0-0-



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/3129/F

Date Received: 11/08/2023

Proposal: Proposed single social housing dwelling.

Location: Land directly adjacent to 11 Lismore Park, Crossmaglen, Newry.

Site Characteristics & Area Characteristics:

The application site is located within the settlement limits of Crossmaglen as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site is a rectangular portion of land located on the edge of the public road and adjacent to existing two-storey semi-detached properties. The site is an area of grass land within a larger area of open space, the area of open space wraps around existing properties and includes a small playground set to the south of the application site. The site slopes gently from its boundary with No 11 to the south, the site is open with no defined boundaries except the existing timber fence and small wall running along the shared boundary with No 11.

The site is located within a residential area where house types are made up of two-storey semi-detached properties and single storey semi-detached properties, the area includes the existing open space made up of open grass areas and the small, enclosed playground.



Site History:

LA07/2017/0417/PAD - Complex Needs Dwelling - Lismore Park, Crossmaglen.

LA07/2021/2130/PAD - Bespoke complex needs unit - Lands at Lismore Park, Crossmaglen.

As part of the previous PAD applications Northern Ireland Housing Executive were advised that there would likely be a presumption against the proposed development as the existing open space performs a significant recreational role for the local community. It was also stated that the proposed single dwelling would not bring "substantial community benefits" that decisively outweigh the loss of open space.

Planning Policies & Material Considerations:

The following policies will form the basis of the policy consideration for this application;

- Banbridge Newry Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland.
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 7 - Quality Residential Environments.
- Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas.
- Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 12.

Published Guidance

Creating Places

Living Places - An Urban Stewardship and Design Guide for Northern Ireland

DCAN 8 – 'Housing in Existing Urban Areas'

DCAN 15 Vehicular Access Standards

Parking Standards

Consultations:

DFI Roads – Following the submission of amended drawings Roads have no objection to this application subject to conditions.

NI Water – NIW stated in their response that there are no objections subject to suggested conditions being included on any approval.

DFI Rivers – No objections raised to the proposal.

NI Housing Executive – The response stated that giving social housing need in Crossmaglen NIHE consider there is a need for this proposed accommodation.

Objections & Representations:

The proposal was advertised in local press on 13/09/2023, ten (10) neighbouring properties were notified on 29/11/2023. No objections have been submitted, seventy-nine (79) representations of support have been submitted, these representations outline their support for the proposal and feel the proposed dwelling would improve the living circumstances of the family.

Information has also been provided by Occupational Therapy, a local doctor and a consultant, this information contains confidential information and as such has not been made public, it is noted that the information received is in support of the application.

Consideration and Assessment:

The Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is within the settlement limits of Crossmaglen within the Banbridge/ Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement (SPPS)

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

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming, its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

Paragraph 4.7 continues that the networks or green spaces provide a wide range of environmental benefits and can provide opportunities for social interaction by serving as a focal point for recreation and community activities.

Para 4.8 then highlights that the protection of existing, and provision of new, quality open space within or close to settlements play a vital role in promoting healthy living and tackling inequality through facilitating play, sporting activities, passive activity an interaction with others.

Paragraph 6.201 indicates that one of the regional strategic objectives for open space is "to safeguard existing open space and sites identified for future such provision".

While the area is not zoned for open space in the Banbridge / Newry and Mourne Area Plan 2015, the site and adjacent lands are currently an area of well-maintained open green space, therefore PPS8 Policy OS 1 needs to be considered.

Proposal

The agent submitted an initial supporting statement which outlines that the site is currently used as open space and is under the ownership of NIHE with the intention to transfer the site to Rural Housing Association to develop a 4-person 3-bedroom complex needs dwelling which is required to provide suitable living accommodation for a young person with ongoing medical needs. The statement outlines that an Occupational Therapist report has been included in which the requirements for the proposed dwelling are outlined including the need for all facilities to be on one level with ramped access to the property.

Also submitted are letters from a Doctor and Consultant treating the young person, these letters outline the ongoing health issues and lend their support to the application as in their view suitable accommodation is much needed and approval of this application would help to provide a more suitable living arrangement that will allow for the best care to be available.

The submitted statement contains consideration against PPS8 in which the agent outlines the reasons they feel the proposal is in line with policy, the agent has detailed the level of open space that would be removed by the proposed development.

Open Space Analysis

The lands required are located within an area of open space. In order to quantify the loss of open space the calculations have been devised below:

LANDUSE	AREA HECTARES	PERCENTAGE
Overall existing open space area	1.11	100%
Development area	0.05	4.5%
Open space retained after development	1.06	95.5%

There will be a reduction of 4.5% of the overall open space within the area.

The Rural Housing Association provided details of a Community Consultation that was carried out, the process consisted of a letter drop to 58 residents in Lismore Park and Lisbeg Park area. It is stated that the letter drop exceeded the suggested 90m radius to ensure as many residents were made aware of the proposal.

A presentation was uploaded to the Rural Housing Association website which residents were directed to, of the 58 households consulted no direct comments were received. Elected councillors were contacted and informed with two offering their support.

PPS 8 - Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation
PPS 8 sets out policies for the protection of open space. PPS 8 states that Open Space is essential in any community and refers to the positive contribution it makes to amenity, recreation, nature conservation, biodiversity, and the quality of the residential environment. It further states that Open Space and the use of such space contributes to the health and quality of life for all. Policy OS1 of PPS8 states that development will

not be permitted that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of open space will apply irrespective of its physical condition and appearance. Annex A of PPS8 provides the definition stating that "open space is taken to mean all open space of public value". The Annex also lists a broad range of types of open space that are of public value. This includes amenity green space (most commonly, but not exclusively in housing areas).

The SPPS recognises that supporting the delivery of homes to meet the full range of housing needs helps achieve the core planning principle to improve health and well-being, however, PPS 8 policy OS 1 is clear in that that development that would result in the loss of existing open space will not be permitted. Policy OS 1 also states that an exception to the presumption against the loss of existing Open Space will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the Open Space. While the supporting evidence provided by the agent, occupational therapist, doctor and consultant demonstrates that there is a need to deliver this bespoke complex needs unit, and while the Planning Authority is sympathetic to the situation, given that the proposal will provide one dwelling it is not seen that it would bring substantial community benefits, and on this basis the proposal would involve the loss of existing open space. The proposal would be considered piecemeal development that would in this case erode a small portion of the open space provision but which would set a precedent that over time would lead to further erosion of the open space provision. The annex in PPS 8, indicates that the functions of open space include visual amenity, even without public access, people enjoying having open space near to them to provide outlook, variety in the urban scene, or as a positive element in the landscape.

Within para 5.2 of the associated Justification and Amplification it highlights that there is growing concern at the loss of open space to alternative uses. The use of land as open space, however, is no less important than other uses and the Department therefore attaches great importance to its retention, for once built on is almost certainly lost to the community forever. Accordingly the Department operates a general presumption against the loss of open space to competing land uses.

Annex C of PPS 8 – is titled 'Key Bodies which make a valuable contribution to the development of Open Space, Sport and Outdoor Recreation', which makes reference to NIHE. Paragraph C12 makes reference that there are some Housing Executive estates, usually dating from the 1960's and 1970's, where the design has resulted in large areas of ill defined open space - typically taking up to 60% of the estate. Many of these areas have become problematic and difficult to manage. Para C13 goes on to state that 'In such cases it is considered that there can often be substantial community benefit in permitting the appropriate redevelopment of a part of the open space provision where this forms part of a package of measures aimed at restructuring the remaining areas and improving the overall estate layout.' It is considered that this would not apply in this case given that the current open space would be considered appropriate to the size of the surrounding residential area and no other package of measures have been put forward to warrant its loss.

In this case, the proposal would therefore be contrary to policy OS 1 of PPS 8 as the proposal would involve the replacement of an area of open space with a dwelling.

Notwithstanding the above and in the interests of completeness, the proposal requires to be assessed under Policy PPS 7.

Planning Policy Statement 7 – Quality Residential Environments

Decisions regarding planning applications in settlement limits are assessed against PPS 7. Planning permission will only be granted for a new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

All proposals for residential development must conform to the criteria noted in the policy QD 1 – Quality in New Residential Development:

a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaces areas.

The surrounding context includes various architectural styles, designs and appearances. The development on balance respects the surrounding context and is appropriate when considered alongside existing buildings. The proposal is considered to be of an acceptable design and will not be inappropriate given the differing house types in the area. The proposed dwelling is single storey in design will be orientated with its gable facing the public road. Although the dwelling does not match existing properties in the area consideration is given to this being a property designed to meet certain requirements and as such the differing appearance is not considered such that it will offend the overall character of the wider area.

b) Features of archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.

No features within the vicinity which require protection.

c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

The site layout shows the level of proposed private amenity space (140 sqm), it is considered that an adequate level of private open space is provided with areas of open space shown to the front and rear of the proposed dwelling. It is also considered that the proposal will not impact on the amenity space of the adjacent property No 11.

d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

The proposal is within a small settlement and is for one dwelling, this criterion is considered n/a.

e) A movement pattern is 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;

This is not applicable for single dwellings however the proposed site will be within walking distance to a local bus stop.

f) Adequate and appropriate provision is made for parking;

The site layout plan shows provision for parking spaces within the curtilage, there are sufficient access and turning arrangements on site. DFI Roads has no objections to the access arrangements.

g) The design of the development draws upon the best local traditions of form, materials and detailing;

The proposal is for a modest single storey dwelling which is quite simple in its form and appearance, although positioned adjacent to semi-detached two-storey properties there are existing single storey properties located in the vicinity of the site on the opposite side of the road. On balance the design is considered acceptable in terms of its simple form and materials which are seen as in keeping with the surrounding properties, materials include red brick which will be in keeping with elements of adjacent properties.

h) 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 proposed development will not create conflict with adjacent land uses as these are predominantly residential. The layout and orientation of the proposal is consistent with adjacent buildings, the proposed dwelling has been set in line with the frontage of No 11.

There are no issues of overshadowing or dominance on surrounding buildings given the design of the dwelling. The proposal includes one ground floor window facing the gable of No 11, this window will serve a bathroom and will not lead to any loss of privacy or overlooking.

There are no issues with regards to harming surrounding residential amenity or privacy.

i) The development is designed to deter crime and promote personal safety.

As the proposal is for one dwelling, it is not essential that the development is designed to deter crime and promote personal safety however the dwelling will be located close to other properties.

On balance the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas and accords with criteria a -i of PPS 7.

Access

DFI Roads raised no concerns with the application in terms of access and parking, as such the proposal is considered to be in line with the policy requirements set out in PPS3 and DCAN15.

Recommendation: Refusal

Reason for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy OS 1 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation, in that the development, if permitted, would result in the loss of open space and it has not been demonstrated that the proposal is an exception to the policy in that; it has not been clearly shown that the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.

Case Officer: Wayne Donaldson **Date:** 26/07/2024

Authorised Officer: Maria Fitzpatrick **Date:** 02/08/2024

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/3186/F	Target Date:
Proposal: Proposed new dwelling and detached garage with associated hard and soft landscaping	Location: Lands Adjacent to 127A Shore Road Kilclief Strangford Down BT30 7NP
Applicant Name and Address: Alan Humphries 62 Antrim Street Lisburn BT28 1AU	Agent Name and Address: John Lavery OS6, Sketrick House Jubilee Road Newtownards BT23 4YH
Date of last Neighbour Notification:	5 th June 2024
Date of Press Advertisement:	6 March 2024
ES Requested: No	
Consultations: See Report	
Representations: See report	
Letters of Support	
Letters of Objection	7
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at lands Adjacent to 127A Shore Road Kilclief.



Date of Site Visit: 5th April 2024

Characteristics of the Site and Area

The site is rectangular shaped roadside plot with its eastern boundary located along Shore Road and the coast of Strangford Lough beyond. The site is accessed via an existing field gate located along its eastern boundary. The roadside boundary is defined by a post and wire fence and hedge and bank adjacent to a grass verge. The northern portion of the site separates the site (post and wire fence) with the recently constructed No 121. Which is orientated in a north-south direction and which comprises a single storey element linked to an adjoining two storey element. To its north lies No. 119 Shore Road, a single storey detached dwelling. The southern boundary is defined by a 1m high wall and post and wire fence and by mature trees and hedging along its western boundary. To the south of the site lies No. 127a Shore Road, a detached two storey dwelling with detached garage to its rear. Beyond No. 127a, lies No. 127 Shore Road, a single storey detached cottage and No. 127b, a detached single storey dwelling with an adjoining detached stone building. Single detached dwellings of various scale and design and associated curtilages lie further to the south of No. 127b Shore Road.

There is a very gradual incline in ground levels moving east to west, which increases in height towards No 117A, which is a two storey dwelling set back and on higher ground than the site. The western boundary remains undefined.

The dwellings all front onto Shore road which has a predominantly straight alignment along this frontage. Strangford Lough lies on the opposite side of the Shore Road to the dwellings. Shore Road is generally open in its aspect and character by reason of its position alongside Strangford Lough. There is limited roadside vegetation, hedges and trees along Shore Road within the vicinity of the site.

Description of Proposal

Proposed new dwelling and detached garage with associated hard and soft landscaping

Planning Assessment of Policy and Other Material Considerations

The site is located within the rural area, as identified in the Ards and Down Area Plan 2015.

The proposal has been assessed against the following policies and plans:

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

PLANNING HISTORY

Planning

Application Number: R/1991/0972

Decision: Permission Refused

Proposal: Change of use from outbuilding to dwelling

Application Number: R/1997/0230

Decision: Withdrawal

Proposal: Demolition of outbuilding and erection of dwelling

Proposal: Dwelling 127 Shore Road Kilclief Strangford

Application Number: R/1997/0901

Decision: Permission Granted

Decision Date: 13 February 1998

Proposal: Replacement dwelling

Application Number: LA07/2018/1345/O

Decision: Permission Granted

Decision Date: 22 January 2019

Proposal: 2 Infill dwellings
(Amended site location plan received)

Application Number: LA07/2020/0921/F
Decision: Permission Refused
Decision Date: 19 July 2021
Appeal 2021/A0122 : Dismissed 20/11/2022

Proposal: Dwelling and garage
Application Number: LA07/2021/1920/O
Decision: Permission Granted
Decision Date: 16 February 2022
Proposal: Infill dwelling and garage with associated siteworks

Objections & Representations

In line with statutory requirements neighbours have been notified on 24/02/2024 and 22/03/2024 and again with amended plans on 05/06/2024. The application was advertised in the Down Recorder on 06/03/2024.

Seven letters of objection were received. The main points of the letters relate to:

- Strangford and Ballyhornan are occupied only part of the time and are the largest houses in this category
- The style of recent (extensive) new builds is inappropriate and of the same banal minimalist type
- The proposed development appears to hem in/overlook existing well maintained and permanently occupied traditional houses.
- There is clearly a temptation for landowners to asset strip by selling off parcels for this sort of development; this is to the detriment of existing permanent householders, and the Council should not be encouraging it.
- The sheer size of the building, overwhelming and dominating adjoining properties.
- The potential loss of privacy.
- The area is AONB and should be protected
- No objections in principle to residential use of this site, even a modern house design would be acceptable subject to it being to an appropriate scale, for and character and considerate to its neighbours and surroundings.
- Side patio that faces into adjacent yard - privacy may be severely diminished.
- Native species hedgerow facing the road being removed to be replaced by a rendered 1.2m wall. This does not seem in keeping with the new build to the left or other walls surrounding most of the houses/residential units that have been on the shoreline for many years.
- There is little hedgerow on this shoreline catering for the small birds and other small creatures – therefore taking this away is impactful - what would be done to compensate for this loss to the wildlife.

- There appears to be a lot of glass open spaces facing into 127A - the lack of privacy is concern.
- The proposal in terms of scale or impact on the landscape does not reflect the scale or scope of the outline planning.
- The proposed patios and windows will look directly into the neighbours property and it could be argued that this this will lead to a daily situation that uncomfortable and unsympathetic.
- The apparent fashion of building to the limit of the site... means that all sounds made by the property will be heard by the next house and vice versa.
- The installation of four Velux roof windows on the new house is encroaching on our privacy and natural light. These windows directly overlook our property and compromise our previous level of privacy
- Large Patio Area: The construction of a large patio area, despite the building of a stone wall, is encroaching on their(objectors) space. They believe that this additional patio is unnecessary, considering the ample access to the garden provided by large front and back patio doors.
- 10m Classic Garage: The proposed large garage appears to be designed in a way that suggests potential conversion to ancillary living space in the future. This raises concerns about the impact on the mature trees in the vicinity. The construction and potential future use of the garage could lead to disturbance or removal of these valuable trees, affecting the local ecosystem. The garage needs be reduced in size by at least 50% to minimize the impact on the mature trees and the surrounding environment.
- Proposal for the garage will need to ensure trees are not felled.
- The new plans favour No 121 with the reduction of window and glass panels on the side of the house facing 121 ensuring their privacy is further protected. This does not appear to be the case on the 127 adjacent side as the patio area where privacy remains non-existent.

This is just as a summary of the main issues within the letters, they have all been read in full and are available to view on the planning portal.

Consultations

NI water – No objections

DFI Roads – No objections subject to conditions

NIEA Water management – No objections – refer to standing advice

NIEA – Natural Environment Division (NED) – no objections refer to standing advice

Shared Environmental Services – No objections

Dfi Rivers – No objections

Consideration and Assessment:

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area Plan 2015.

It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted. Policy CTY 1 of Planning Policy Statement 21 Identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

Policy CTY8- Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Permission was granted under L07/2019/1670/O for two infill dwellings on 5th May 2020 with 12 conditions including time, access, landscaping amongst other including a ridge height restriction of 6.5m. As this application is for full planning permission it would be necessary to revisit the principle. In the interim of outline planning permission being granted, the dwelling to the north of the site has been built and occupied under LA07/2021/0022/RM.

It is deemed that the proposal still meets with the infill policy, therefore the site can accommodate a dwelling whilst respecting the existing development pattern along the frontage. The proposal complies with this test of Policy CTY8.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and CTY 14 Rural Character.

Concerns were raised with the agent with regard to the overall scale, massing, design ridge height and eaves of the building and the level of glazing and use of materials which were not considered to be acceptable. The agent has amended the plans whereby the the overall massing has been reduced by lowering both the single storey living block and the 1.5 storey sleeping block and reducing the size of their footprints. The ridge height of the sleeping block is now 6.5m above FFL as per the outline planning permission.

The garage has been moved to the rear of the site and rotated so that it is not read in conjunction with the dwelling house. It doesn't project beyond the side of the dwellinghouse and therefore not visible from the road. This has also allowed the agent to move the house more centrally on the site creating greater separation distances to the side boundaries. The floor level is 5.20 aligns with the recently constructed adjacent house/garage to the north of the site. The materials have been amended to be largely render with slate roofs. The first floor balcony has been removed and the amount of glazing has been reduced.

This assessment is therefore based on these amended plans.

Policy CTY 13 - Integration and Design of Buildings in the Countryside

Design and Scale

The design of the dwelling shall be assessed against CTY13 criteria (a)-(g) from Planning Policy Statement 21 which requires that the new dwelling be visually integrated into the surrounding landscape and be of an appropriate design.

Design: The dwelling presents to the road frontage as two elements part single storey (living block) and part two storey dwelling (sleeping block) with a variable ridge height of 5.2m and 6.5m and connected via a flat roof link.



PROPOSED FRONT ELEVATION - FACING EAST (LOUGHSIDE)

The dwelling will have smooth rendered walls painted with the a stone garden wall. Windows/Doors: Black coloured aluminium. There will be a pitched slate roof, with black aluminium rainwater goods. The link connecting the two elements of the dwelling together will have timber clad walls with a flat roof of single ply membrane with zinc fascia with rainwater goods being concealed. The garage includes painted smooth rendered walls, with black aluminium windows/doors with a pitched roof comprising corrugated metal cladding with black aluminium RWGs.

Following the amendments whereby the glazing has been reduced, the footprint reduced in scale it is considered that the design, materials and finishes would all be deemed suitable given the immediate context.

Siting & Levels: The levels on the site are acceptable and there is sufficient private amenity space within the curtilage.

Landscaping: The site plan identifies a copse of trees to the rear of the site which will remain as existing and not impacted by the proposal. A new 1200mm high post and wire fence with native species hedgerow is proposed along the northern boundary where a close boarded fence had been proposed previously. The southern boundary will remain with existing native species hedgerow to be retained. There is a single semi mature ash tree to be retained, as are all the other more juvenile trees forming the copse to be retained. The ecologist has indicated the hedge along the eastern (frontage) boundary to be species poor with scattered scrub. The principle of a wall along the frontage of the site would be acceptable in principle given that walls (including render, stone and painted roughcast render) along the frontage are a feature in the immediate vicinity. The agent has reduced this rendered wall from 2m down to 1.2m which would be acceptable. The objector's concerns are not determining in this case.

Garage: The amended plans show the garage position has been relocated to the rear of the site where it was previously located along the side of the dwelling which added to

the overall concerns regarding massing. The garage while it is larger than a single car garage has minimal public views. Materials and finishes to the garage are considered acceptable. The trees to the rear are not impacted by the proposal. A condition regarding the domestic use of the building should be added to any planning approval.

It is considered that the proposal meets requirements of Policy CTY 13 of PPS21.

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable. Given that the site represents a gap site within an otherwise substantial and continuously built-up frontage and in complying with this element of Policy CTY8, it follows that a development site that is accepted as 'infill' opportunity could not be considered unacceptable in terms of build-up, ribboning or rural character.

CTY 16 - Development Relying on Non-Mains Sewerage

The sewerage treatment plant is proposed and is located to the front of the dwelling. Planning approval does not negate the need for other consents outside of the planning process and would be subject to a consent to discharge from DAERA

Access, Movement and Parking

DFI Roads have offered no objections to this proposal. It is also considered that sufficient provision has been made parking and turning within the site. The proposal complies with AMP 2 and AMP 7 of PPS 3.

Impact on Residential Amenity

The objector at No 127A has raised concerns about overlooking and loss of privacy with regard to velux windows and a patio area. On the elevation closest to their boundary, this element is single storey with roof lights serving what would be a vaulted ceiling in this part of the building with no upper floor accommodation along this boundary. Given the positioning of the patio doors along this boundary with no other windows and a proposed privacy stone wall between the patio doors at ground level and the party boundary party boundary, there is no direct overlooking. The privacy walls will ensure privacy is protected for both existing and proposed occupants. There is a 5m separation of this side elevation to the party boundary and a further 6.5m to the dwelling at No 127A. The retention and enhancement of the existing planting will help to mitigate against any loss of privacy. It is considered that these side to side gable separation distances are of a sufficient distance to ensure that there no adverse impact on the neighbouring objector's property. It is worth noting that the objector's own property is also in close proximity to the common boundary. In terms of overshadowing and loss of light, there will now be a dwelling where there was previously an undeveloped agricultural field, so there may be some impact, however, the test is whether it would have a significant

adverse impact on neighbouring properties. In this case given the dwelling now complies with the outline condition in terms of ridge height restriction and that this side elevation is on the lower side of this with a ridge height of 5.2m, and that the principle of a dwelling has already be established, this is deemed to be acceptable. In this case, determining weight is not attached to the objector's concerns.

Natural Heritage

In relation to designated sites under Policy NH1, Shared Environmental Services were consulted : Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 10/04/2024. This found that the project would not be likely to have a significant effect on any European site. The proposal complies with policy NH1.

In relation to NH 5 Habitats, Species or Features of Natural Heritage Importance, NIEA were consulted NED acknowledges receipt of Biodiversity Checklist, representation letters and site layout drawing and refers the Planning Authority to the DAERA Standing Advice – NED – Single Dwellings, should any specific concerns be raised NED is content to be re-consulted with detailed description of issues. There are no further issues identified and therefore the proposal complies with NH 5 of PPS 2.

As the site lies within AONB, then Policy NH 6 is applicable. This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. It also states that "new buildings should respect local architectural styles and patterns. There are a variety of different house styles and designs in the immediate vicinity and following the amendments the proposal would comply with NH 6 of PPS 2.

Flood Risk

The application was assessed against the policies FLD 1 – 5 in PPS 15 – Planning and Flood Risk. DfI Rivers were consulted and have no objections. The proposal complies with FLD 1-5 of PPS 15.

Conclusion

All material considerations have been considered as part of the assessment including the objector's concerns and positive consultee responses and it is deemed that on balance it is concluded that the proposal is acceptable to prevailing policy requirements discussed above, subject to the attached conditions below being met.

As per the Scheme of Delegation, as the applications has attracted six or more material planning objections from different addresses and the recommendation is for approval then the application will be presented to the Planning Committee.

Recommendation:

Approval

The plans to which this approval relate include:

site location plan - 0923 - 04

Existing and proposed site layout – 0923 - 01(D)

Proposed floor Plans - 0923 - 02(D)

Proposed Elevations - 0923 - 03(E)

Proposed Contextual Elevations - 0923 - 05(A)

Conditions:

1. As required by Section 61 of the Planning (Northern Ireland) Act 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 take place in strict accordance with the following approved plans: **0923 – 04, 0923 - 01(D), 0923 - 02(D), 0923 - 03(E), 0923 - 05(A).**

Reason: To define the planning permission and for the avoidance of doubt.

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing **0923 - 01(D)**, **prior to the commencement of any other development** hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. The existing natural screenings of this site, as indicated on the approved **plan 0923 - 01(D)**, shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 28 days.

Reason: To ensure the maintenance of screening to the site.

6. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development.

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

7. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

8. During the first available planting season after development has commenced, planting shall be carried out in accordance with plan **0923 - 01(D)**.

Reason: To ensure the amenity afforded by hedges is maintained.

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

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

10. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no internal or external alterations shall take place to any garage, which would preclude its use for housing motor vehicles without the prior written approval of the Local Planning Authority.

Informatives

1.	Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer located at Newcastle Road Seaforde. A monetary deposit will be required to cover works on the public road. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.	
2.	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.	
3.	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.	
Neighbour Notification Checked		Yes
Summary of Recommendation – Approval subject to conditions		
Case Officer Signature: C Moane		Date: 03 September 2024
Appointed Officer: A.McAlarney		Date: 05 September 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Lands adjacent to 127A Shore Road, Kilclief

36

PLANNING COMMITTEE – SUPPORTING INFORMATION

Application Reference:	LA07/2023/3186/F
Proposal:	Proposed new dwelling and detached garage with associated hard and soft landscaping
Location:	Lands adjacent to 127A Shore Road, Kilclief, Strangford, BT30 7NP
Agent:	BGA Architects
Applicant:	Mr Alan Humphries

1. Local Authority Planning Department are satisfied with proposal and have recommended **approval** of the scheme.
2. The proposal **fully** complies with the conditions of the previously approved outline planning permission, planning ref LA07/2021/1920/O granted 16 February 2022.
3. The proposal complies with CTY 8 – Ribbon Development, CTY13 – Integration and Design of Buildings in the Countryside, CTY14 – Rural Character & CTY16- Development replying on Non-Mains Sewerage of PPS21. Local authority planning department satisfied with proposal.
4. All statutory bodies have been consulted and offered no objections to the proposal. The proposal complies with NH1 – Shared Environmental Services, NH5 – Habitats, Species or Features of Natural Heritage Importance & NH6 – Area of Outstanding Natural Beauty. Local authority planning department satisfied with proposal.
5. Windows have been positioned so there is no overlooking of neighbouring properties. Local planning authority are content with proposal.
6. Adequate separation distances have been provided to neighbouring properties. Local planning authority are content with proposal.
7. Existing planting will be retained/enhanced to help mitigate against any loss of privacy.
8. Planning Permission should be granted for the proposed dwelling as it is of high quality design inside and out providing a modern contemporary dwelling. The proposed dwelling is of high quality design inside and out providing a modern contemporary family dwelling. It is inspired by the traditional countryside forms and will integrate well with the traditional style and materials of the local buildings and landscape surroundings. The design will advance the rural design and quality of the local countryside and further afield.

Regards,

John Lavery RSUA President | RIBA | ARB | BArch | BSc (Hons)

Managing Director

Lands adjacent to 127A Shore Road, Kikief



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1683/F

Date Received: October 2022

Proposal: Erection of 3 glamping pods with associated access, parking, turning, recycling/waste and cycle store and landscaping

Location: Site adjacent to 16 Kilfeaghan Road
Rostrevor
Co Down
BT34 3AW

Site Characteristics & Area Characteristics:

The site is located within the rural countryside outside any settlement development limits as defined by the Banbridge, Newry and Mourne Area Plan 2015. The site is within Mourne Area of Outstanding Natural Beauty. A Site of Local Nature Conservation Importance (NC 03/12) and an Area of Special Scientific Interest (ASSI) is approx. 260m east of the site. The site is north of Kilfeaghan Dolmen, a regionally important monument in State Care.

The red line boundary comprises a private laneway off Killowen Road and a sloping agricultural field. The field is enclosed by hedgerow along all boundaries. A watercourse flows along the western boundary. The watercourse is hydrologically linked to Carlingford Lough RAMSAR site, SPA and ASSI. The field slopes upwards in a north-westerly direction.

The surrounding area is rural in character with agricultural grassland, single dwellings and farm holdings comprising the locality.



Site location map



Application site

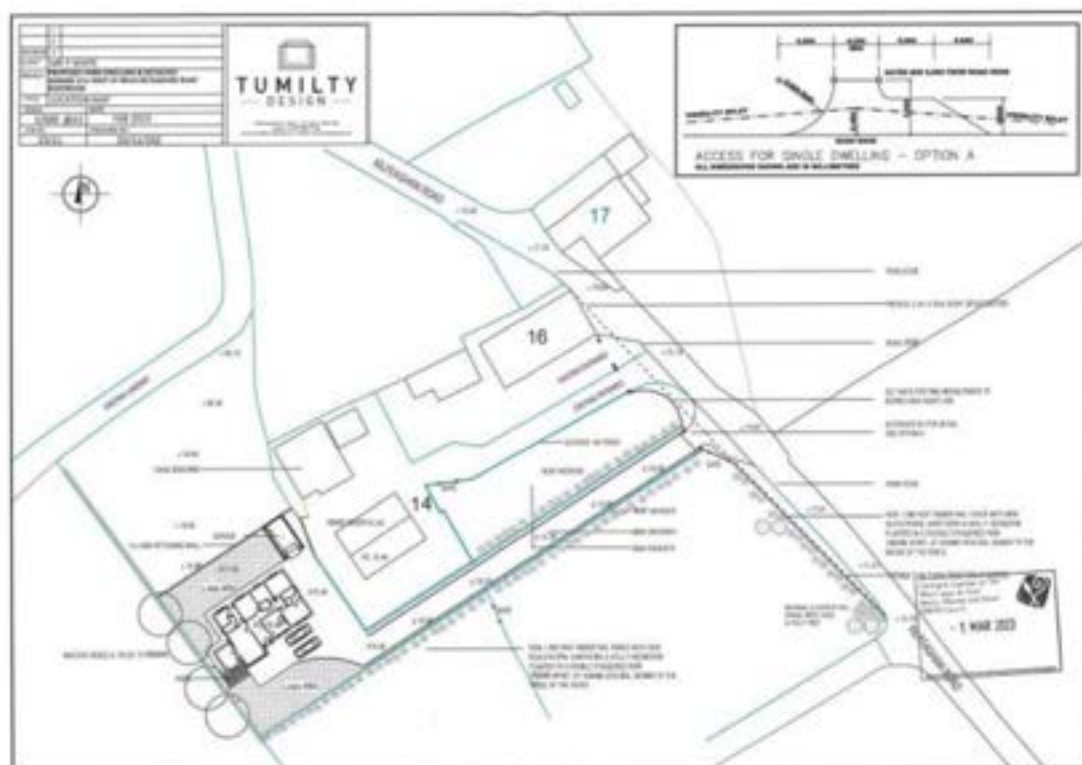


Application site

Site History:

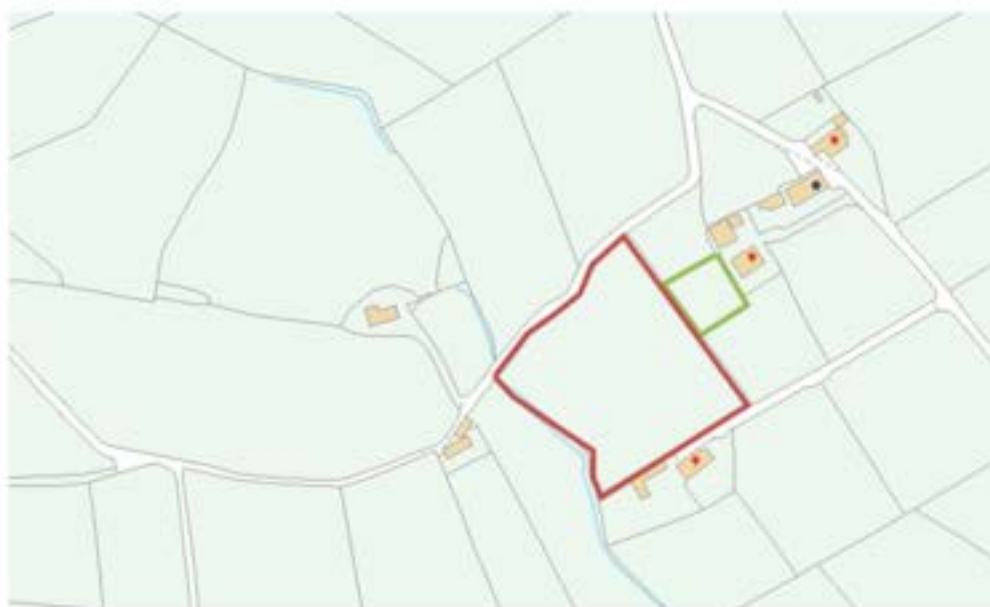
There is no planning history on this site.

There is a planning application under consideration for the erection of a farm dwelling on lands east of the application site (LA07/2023/2391/F). The proposed site layout for the farm dwelling is shown below.



Proposed site layout – LA07/2023/2391/F

The aerial below shows LA07/2022/1683/F outlined in red and LA07/2023/2391/F outlined in green.



The nearest proposed pod is approximately 58m from the common boundary to the east. The potential impact on amenity as a result from the proposed pods on existing and proposed dwellings will be discussed in further detail below.

Planning Policies & Material Considerations:

This planning application has been assessed under:

- The Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archeology and the Built Heritage
- PPS 16 – Tourism
- PPS 21 – Sustainable Development in the Countryside
- DCAN 15 – Vehicular Access Standards
- Building on Tradition, A Design Guide for Rural Northern Ireland

Consultations:

- DfI Roads - No objections to this proposal on the basis that Planning are satisfied that this proposal will not lead to intensification. The A2 Killowen Road is a Protected Traffic route and Planning must be satisfied that this proposal is an exception to the policy.
- Environmental Health - No objections in principle (with recommendations regarding WWTP and drainage).
- NIEA NED – requested the submission of a Biodiversity Checklist is with the potential for a Preliminary Ecological Appraisal. A Checklist and PEA prepared by ATEC NI was submitted and concluded that with the exception of hedgerow vegetation, no other NI Priority Habitats were identified within the site.

The PEA determined that:

- the proposal will result in the loss of species poor grassland assessed as having 'Low' ecological value.
- the proposed development will involve the clearance of some hedgerow vegetation along the roadside boundary in order to provide new access to the site. Any clearance of hedgerow vegetation should be replaced with new, like-for-like hedgerow.
- the stream that flows along the western site boundary could provide hydrological connection to Carlingford Lough and associated designations. In the absence of mitigation, there is the potential for degradation of the adjacent aquatic habitat due to contaminated run-off or sediment resulting during the construction and operational phases of the development. Therefore, mitigation measures are recommended and include a 5m buffer to be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the adjacent stream.
- the proposed development is unlikely to have an impact of foraging,

commuting or roosting bats.

- the hedgerow vegetation would be suitable for nesting birds. Therefore, in order to avoid potential offences through killing/injury of nesting birds and/or their young and/or the destruction/damage of their active nests, any necessary clearance of vegetation should be undertaken outside the bird nesting season, which runs from 1st March to 31st August inclusive.
- the future development of the site is unlikely to have an impact on badgers or otters as no evidence of badger or otter activity was identified within the survey area during the current investigation.
- no areas of standing water or suitable habitat for smooth newts were identified within the application site. Therefore, the potential impact of the development on smooth newts was assessed as 'Low'.

Given the results of the PEA which was carried out by a suitably qualified ecologist, no further consultation with NIEA NED was required. Appropriate mitigation measures can be conditioned, if approval was to be granted.

- NIEA WMU - content with the proposal subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice
- SES – Due to the scale/nature of the proposed development and the hydrological distance from Carlingford Lough SPA/Ramsar, a Test of Likely Significance (ToLS) has concluded no likely significant effect on any European site.
Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 23/11/2023. This found that the project would not be likely to have a significant effect on any European site.
- HED Historic Monuments – The proposed scheme is north of Kilfeaghan Dolmen, a regionally important monument in State Care. Due to the nature of the development and the existing dwellings to the south of the application site, HED (Historic Monuments) is content the proposal will not have an adverse impact upon the setting of the monument.
- NI Water – recommended approval.

Objections & Representations

Neighbour notification letters were issued on 10th November 2022. Due to an extended red line and an amended proposal (reduced scheme – three pods proposed instead of six), further neighbour notifications were issued on 22nd January 2024.

The application was initially advertised in the local press on 9th November 2022. The application was readvertised on 7th February 2024 given the amended scheme.

Objections have been received from the following persons:

- Patrick Brown MLA
- Colin McGrath MLA
- Paul White, 47 Kilfeaghan Road
- Annalene White, 14 Kilfeaghan Rd
- Paul Monaghan obo Teresa Campbell, 12 Kilfeaghan Road
- Paul Brennan, 25 Kilfeaghan Road
- Richard Houston, 182 Killowen Road
- Thomas Murphy, 21 Kilfeaghan Road
- DND Law obo Anne Theresa Campbell and Sasan Faramarzi, 12 Kilfeaghan Road

The points made within the letters of objection are summarised below:

- Road safety
- Visual impact - proposal of this nature is out of keeping/out of scale with the area and would detract from the rural character and alienate the AONB
- Proposal would appear as prominent feature, no integration
- Loss of amenity - potential increase noise levels, litter, odour, loss of privacy, light pollution, security, effluence, contamination, anti-social behaviour, impact on water supply
- LA07/2018/0778/F – a recent refusal
- Contrary to Policy COU 1
- No need for proposal at this location
- Environmental impact on AONB and ASSI
- Disruption to farming activity
- Rostrevor designated as Conservation Area
- No permission for lands for sightlines
- No notification of application (No. 21 Kilfeaghan Road)
- Health and safety concerns

Concerns regarding disruption to farming activity/health and safety resulting from increased vehicular movements using the laneway were relayed to the Planning Department. Concerns were also raised in respect to general road safety. DfI Roads have been consulted and offered no objections to this proposal on the basis that Planning are satisfied that this proposal will not lead to intensification. DfI Roads reminded Planning that the A2 Killowen Road is a Protected Traffic route and Planning must be satisfied that this proposal is an exception to the policy. This will be discussed in further detail under PPS 3. No additional lands are required for sightlines as improved visibility splays have not been requested by DfI Roads.

The visual impact of the proposal in terms of character, prominence and integration will also be discussed under the applicable policies of PPS 16 and PPS 2. The application site is not within a Special Countryside Area, therefore Policy COU 1 is not applicable. The impact on amenity of existing residents will also be discussed under PPS 16 below. Environmental Health Department, who would be most competent on residential amenity matters, offered no objections to the proposal.

The principle of development and the acceptability of the proposed development on the site will be discussed under PPS 16.

A Biodiversity Checklist and PEA have been submitted. The PEA concluded that, following mitigation measures, unacceptable impact on priority habitats and species is unlikely as a result of the proposed works. SES have concluded that there is no likely significant effect on any European site as a result of the proposed works.

The application site is not within a designated Conservation Area.

The Department is required to serve notice of the application to any identified occupier on neighbouring land in accordance with Article 8(2) of the GDPO. Neighbouring land means land which directly adjoins the application site, or which would adjoin it but for an entry or a road less than 20m in width. Identified occupier means the occupier of premises within a 90-metre radius of the boundary of the application site. As the red line does not extend towards No. 21 and the curtilage of No. 21 does not directly adjoin the application site, neighbour notification for this address was not required.

LA07/2018/0778/F relates to lands 220 metres South-East of No. 47 Kilfeaghan Road for the erection of 2 self-catering cottages within a Special Countryside Area, and therefore the refusal does not stand on all fours with the proposed development currently under consideration.

Note: Phone calls were received from neighbouring residents questioning why several letters of objection had not been published online. Upon review of the file, hard copies of the letters referred to by the callers had not been received by the Planning Department. To maintain fairness and transparency, the residents were advised that the application would not be moved forward before a certain date (February 2024) to allow for the submission of said letters. Two further letters were received following those phone calls.

Proposal:

The proposal is for the erection of 3 No. glamping pods with associated access, parking, turning, recycling/waste and cycle store and landscaping. The pods will measure 6m by 4m and will be 3m in height. A covered deck area will be provided to the side of the pods. The pods will be finished in timber cladding with a timber roof. Five parking spaces will be provided (one for disabled parking).

The pathway leading from the parking area to the pods will be fitted with eco grid mesh with a grass finish. Eco grid mesh with a gravel finish will be used for the access and car park. The existing agricultural access along the northern boundary will be retained. A new access into the site will be created. A new timber and post fence will define the boundaries with a beech, hawthorn & holly hedgerow planted in a double staggered row 200mm apart, at 450mm spacing, 500mm to the inside of the fence. Shrubs and trees are to be planted sporadically throughout the site. Six light bollards are shown on the site plan leading from the car park to the pods. The proposal is shown below:



Proposed site plan



Proposed pods

Assessment

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the rural countryside outside any development limits.

Strategic Planning Policy Statement

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. This policy document sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy. During this transitional period planning authorities will apply the SPPS and retained policy documents.

The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high-quality tourism developments in appropriate locations within the built and natural environment. Para 6.259 of SPPS states that "there will be a general presumption in favour of tourism development within settlements, subject to meeting normal planning requirements." As there is no significant change to the policy requirements for tourist proposals within settlement limits following the publication of the SPPS and it is arguably less prescriptive, the retained policies within PPS 21 and PPS 16 as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Planning Policy Statement 21

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for tourism development in accordance with the TOU policies of the PSRNI. However, those policies have since been superseded by the provisions of Planning Policy Statement 16 – Tourism (PPS16). It follows that if the development complies with the relevant provisions of PPS16 it will comply with Policy CTY1 of PPS21.

Planning Policy Statement 16

Policy TSM 6 - New and Extended Holiday Parks in the Countryside is applicable.

"Planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development. The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context."

The policy outlines criteria (a)-(g) that must be met in order for planning permission to be granted.

(a) The site is located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;

The elevated nature of the application site is noted. Critical views of the site are from Newry Road traveling in a westerly direction, Killowen Road travelling in an easterly direction and travelling towards along Kilfeaghan Road in a northerly direction towards the application site.

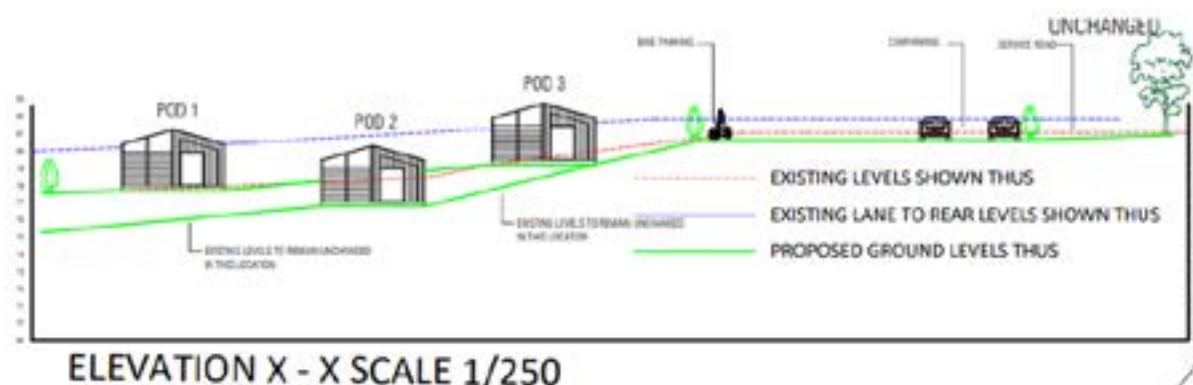
Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. Whilst not specifically referring to glamping pods, the document sets out how best to integrate a building into its surrounds.

The views from Killowen Road and Newry Road are long distance. The pods will be clustered amongst existing properties. The rising lands to the northwest (Knockshree) provides a backdrop which aids integration and ensures that the pods will not appear as prominent features in the landscape. A landscaping plan has been submitted and includes a native species hedgerow along the new boundaries as well as sporadic shrub and tree planting within the site itself. The existing boundaries are to be retained (with the exception of a small portion of the roadside boundary to be removed to facilitate an access point). Given the open landscape, the sympathetic planting

scheme would allow the proposal to blend into the surrounding countryside rather than drawing attention to it.

The Planning Department is satisfied that the development would not have an unacceptable adverse impact on the visual amenity and rural character.

(b) *Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area; All existing boundaries are to be retained (except for a small portion of roadside boundary to be removed to create an access) and a new hedgerow planted to define the new curtilage. Sporadic planting of trees and shrubs is also proposed within the site. The placement of the pods on the plot is dictated by the contours as shown by the cross section below.*



The pods will also be sited to cluster amongst existing buildings. The rising lands to the northwest provides sufficient integration, acting as a natural backdrop for the pods. The informal layout of the pods softens the impact of the development. The use of eco grid mesh for the pathways, access and car park also softens the visual impact of the development whereby there will be no expansive areas of hardstanding.

(c) *Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;*

Each pod has full use of the site owing to the informal layout.

(d) *The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;*

The layout of the pods is informal, separated by appropriate landscaping which avoids the creation of 'regimented' rows of units that typically results in a detrimental visual impact.

(e) *The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas,*

walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;

The pods are of a modest size and the proposed timber cladding is also deemed acceptable for the rural location and use. The existing laneway is to be used to provide access off Killowen Road. The proposed car parking area is to be surfaced using 'Eco Grid' which is a grass protection/reinforcement system. This is considered acceptable given the rural character of the area as opposed to hard surfacing/tarmacking. The proposed path leading to the pods will also be laid with 'Eco Grid'. No walls are proposed. A new timber and post fence will define the boundaries with a beech, hawthorn & holly hedgerow planted in a double staggered row 200mm apart, at 450mm spacing, 500mm to the inside of the fence. Shrubs and trees are to be planted sporadically throughout the site. Six low level light bollards are shown on the site plan leading from the car park to the pods. I am satisfied that the overall proposal is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing.

(f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;

Extensive consultation has been carried out with NIEA, SES and HED.

NIEA NED requested the submission of a Biodiversity Checklist is with the potential for a Preliminary Ecological Appraisal. A Checklist and PEA prepared by ATEC NI was submitted and concluded that with the exception of hedgerow vegetation, no other NI Priority Habitats were identified within the site.

The PEA determined that:

- the proposal will result in the loss of species poor grassland assessed as having 'Low' ecological value.
- the proposed development will involve the clearance of some hedgerow vegetation along the roadside boundary in order to provide new access to the site. Any clearance of hedgerow vegetation should be replaced with new, like-for-like hedgerow.
- the stream that flows along the western site boundary could provide hydrological connection to Carlingford Lough and associated designations. In the absence of mitigation, there is the potential for degradation of the adjacent aquatic habitat due to contaminated run-off or sediment resulting during the construction and operational phases of the development. Therefore, mitigation measures are recommended and include a 5m buffer to be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the adjacent stream.
- the proposed development is unlikely to have an impact of foraging, commuting or roosting bats.
- the hedgerow vegetation would be suitable for nesting birds. Therefore, in order to avoid potential offences through killing/injury of nesting birds and/or their young and/or the destruction/damage of their active nests, any necessary clearance of vegetation should be undertaken outside the bird

nesting season, which runs from 1st March to 31st August inclusive.

- the future development of the site is unlikely to have an impact on badgers or otters as no evidence of badger or otter activity was identified within the survey area during the current investigation.
- no areas of standing water or suitable habitat for smooth newts were identified within the application site. Therefore, the potential impact of the development on smooth newts was assessed as 'Low'.

Given the results of the PEA which was carried out by a suitably qualified ecologist, no further consultation with NIEA NED was required. Appropriate mitigation measures can be conditioned, if approval was to be granted.

NIEA WMU are content with the proposal subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice.

SES advised that due to the scale/nature of the proposed development and the hydrological distance from Carlingford Lough SPA/Ramsar, a Test of Likely Significance (ToLS) has concluded no likely significant effect on any European site. Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 23/11/2023. This found that the project would not be likely to have a significant effect on any European site.

HED Historic Monuments advised that the proposed scheme is north of Kilfeaghan Dolmen, a regionally important monument in State Care. Due to the nature of the development and the existing dwellings to the south of the application site, HED (Historic Monuments) is content the proposal will not have an adverse impact upon the setting of the monument.

(g) Mains water supply and sewerage services must be utilised where available and practicable.

The P1 form indicates that mains water supply is to be used. A package treatment plant will be used to dispose of foul sewage. A no. of objections have been received in regards to concerns over effluence, contamination and possible impact on water supply. NI Water were consulted and have no objections. Environmental Health offered no objections in principle (with recommendations regarding WWTP and drainage). NIEA WMU also offered no objections subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice. A condition will be attached to ensure the relevant consents are granted prior to development commencing on site.

I am satisfied the proposal complies with Policy TSM 6 of PPS 16. I am satisfied that the site has the capacity to absorb the proposed development to ensure visual

integration into the landscape and to avoid detrimental impact upon environmentally sensitive sites.

TSM7 is also applicable to the application. The following design and general criteria must be met:

Design Criteria

- a) *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;*

The movement pattern will support walking and cycling as far as possible. Parking provision has been made for disabled users as well as the provision of a flat pathway leading directly to the pods from the car park.

- b) *the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;*

The informal layout and clustered siting, retention of vegetation and use of appropriate and environmentally sensitive materials ensures that the proposal is of high quality and assists the promotion of sustainability and biodiversity.

- c) *appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;*

All existing vegetation is to be retained (with the exception of a small portion of the northern boundary to provide vehicular access) and new hedgerows planted to further aid integration and provide a means of enclosure. The compensation planting will create new habitats to compensate for impacted habitat through the removal of the small portion of hedgerow, ensuring that biological communities are able to relocate to a suitable nearby location. Landscaping can be controlled by way of condition, prior to the use of any pods, if approval was to be granted.

- d) *utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;*

The P1 form indicates that surface water will be disposed of through the use of SuDs.

- e) *is designed to deter crime and promote personal safety;*

The pods are sited to cluster with one another and no pod is sited in isolation.

- f) *development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.*

N/A

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

General Criteria

- g) *it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;*
The predominant land use is agricultural with a number of dispersed dwellings and farm holdings. The modest nature of the proposal and use of appropriate materials ensures that the proposal will be compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area.
- h) *it does not harm the amenities of nearby residents;*
Several letters of objections have been submitted by neighbouring residents outlining concerns including noise levels, odour, loss of privacy, light pollution, security and anti-social behaviour. There are properties to the east, south and north-west of the application site. There is an application under consideration for the erection of a farm dwelling on lands abutting the glamping site to the east.

The western boundary of No. 14 Killeaghan Road is approx. 26m from the eastern boundary of the application site. This is shown below.



Eastern boundary of application site and No. 14

The car parking area is approx. 68m from the western boundary whilst the closest pod is approx. 90m from that boundary.

There is a planning application currently under consideration for a farm dwelling on lands directly east of the application site, in between the application site and No. 14 as shown above.

The separation distance between the proposed car parking area and the new dwelling is approx. 37m and the distance between the closest pod and the new dwelling is approx. 60m.

The existing intervening field boundary is to remain, whilst a new hedgerow is to be planted in between the new pods and the intervening field boundary which would act as a potential sound barrier as well as a natural screen to protect the privacy of No. 14 and the new dwelling under consideration.

No. 16 Kilfeaghan Road is to the north-east of No. 14 and therefore the pods will be sited further away than the distances outlined above.

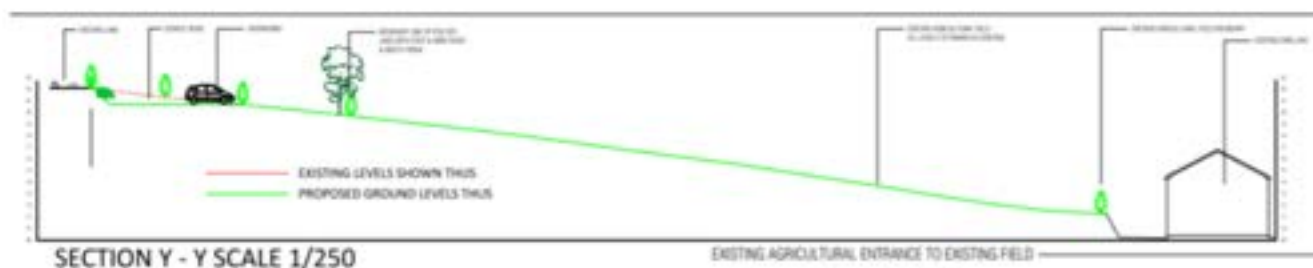
No. 12 Kilfeaghan Road abuts the application site to the south and is shown below.



Southern boundary of application site and No. 12

The 'new' southern boundary of the proposed holiday park, at its closest point is approx. 40m from No. 12. The closest pod is approx. 55m from the northern boundary of No. 12 whilst the car park is approx. 75m from that same boundary. Again, the existing field boundary is to remain untouched (common boundary between field and No. 12), whilst a new hedgerow is to be planted in between

the new pods and the intervening field boundary which would act as a potential sound barrier as well as a natural screen to protect the privacy of No. 12. Section Y-Y below also shows No. 12 at a lower level than the pods, which would provide further screening.



There is an existing dwelling approx. 54m northwest of the application site. The nearest pod is approx. 60m from the dwelling to the northwest. The existing roadside hedgerow is to be retained with additional beech hedge planting. The dwelling to the northwest is at a higher level than the application site.

Given the separation distances between the proposed development and the nearest neighbouring properties (both existing and proposed) outlined above; alongside sufficient planting (both existing and proposed), I am satisfied that the proposed development will not impact the amenity of the nearest neighbouring properties in terms of overlooking, loss of privacy, overshadowing or loss of light to any unacceptable level.

In terms of potential noise impact and anti-social behaviour, the modest scale of the park is noted whereby three no. 1 bedroom pods are proposed. The maximum no. of visitors at the site at any one time is 6 adults and the size and layout of the proposed holiday park would not lend itself to large groups of over six people. Environmental Health have been consulted and have no objections in principle (with recommendations regarding WWTP and drainage).

Whilst the separation distances and intervening vegetation which acts as a sound barrier are satisfactory in preventing unacceptable amenity impacts, the Department considers a condition requiring a management plan to be submitted and implemented necessary to ensure that the proposed holiday park is managed effectively to minimise noise and disturbance to existing residents on a permanent basis.

Low level lighting bollards alike to domestic lighting are proposed and are not considered to impact neighbouring residents in terms of light pollution. No floodlighting is proposed.

New boundaries will be planted to enclose the new holiday park. The new boundaries will help prevent any visitors from unknowingly trespassing into neighbouring property. In any case, trespassing is a matter outside of planning and should be referred to the relevant authority.

Adequate bin storage has been provided within the curtilage of the holiday park which will prevent littering.

The P1 form indicates that mains water supply is to be used. A package treatment plant will be used to dispose of foul sewage. A no. of objections have been received in regards to concerns over effluence, contamination, odour and possible impact on water supply. NI Water were consulted and have no objections. Environmental Health offered no objections in principle (with recommendations regarding WWTP and drainage). NIEA WMU also offered no objections subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice. A condition will be attached to ensure the relevant consents are granted prior to development commencing on site.

- i) *it does not adversely affect features of the natural or built heritage;*
Extensive consultation has been carried out with NIEA, SES and HED and has been discussed in detail above.
- j) *it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;*
- k) The P1 form indicates that mains water supply is to be used. A package treatment plant will be used to dispose of foul sewage. A no. of objections have been received in regards to concerns over effluence, contamination, odour and possible impact on water supply. NI Water were consulted and have no objections. Environmental Health offered no objections in principle (with recommendations regarding WWTP and drainage). NIEA WMU also offered no objections subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice. A condition will be attached to ensure the relevant consents are granted prior to development commencing on site.
- l) *access arrangements must be in accordance with the Department's published guidance;*
- m) *access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;*
- n) *the existing road network can safely handle any extra vehicular traffic the proposal will generate;*
- o) *access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.*

DfI Roads have been consulted and offered no objections to this proposal on the basis that Planning are satisfied that this proposal will not lead to intensification. DfI Roads reminded Planning that the A2 Killowen Road is a Protected Traffic route and Planning must be satisfied that this proposal is an exception to the policy. A number of objections have been raised in relation to road safety.

The proposal meets the requirements of Policy TSM 6 and thus the principle of development can be established. The existing laneway onto the Protected Route is being used to service the pods as required by Annex 1 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking.

No additional lands are required for sightlines as improved visibility splays have not been requested by DfI Roads.

In terms of intensification, the proposal is for 3 no. 1 bed pods. A maximum of 6 persons can visit the site at any one time. It is likely that the maximum no. of vehicles visiting the site at any one time is 3. The applicant has advised that as the pods will be generally seasonal, 3 to 4 traffic movements per day will be generated between March and September and between 1 to 2 per week over the winter months. The applicant has advised that the site will not be serviced by a postman, delivery vans and given the tourism use, there will be no school runs taking place from the pods. The applicant has stated that the use of the site would entail less vehicular movements than a dwelling.

Visibility splays are historically in place at the bottom of the laneway at the junction with Killowen Road.

Whilst the Planning Department acknowledges that the proposal will result in more vehicular movements on the laneway, given the modest scale of the development and the movements outlined above, the Department is satisfied with the comments from DfI Roads.

- p) *it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided.*

N/A

I am satisfied the proposal complies with Policy TSM 7.

Planning Policy Statement 3

DfI Roads have been consulted and offered no objections to this proposal on the basis that Planning are satisfied that this proposal will not lead to intensification. DfI Roads reminded Planning that the A2 Killowen Road is a Protected Traffic route and Planning must be satisfied that this proposal is an exception to the policy. A number of objections have been raised in relation to road safety.

The proposal meets the requirements of Policy TSM 6 and thus the principle of development can be established. The existing laneway onto the Protected Route is being used to service the pods as required by Annex 1 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking.

No additional lands are required for sightlines as improved visibility splays have not been requested by DfI Roads.

In terms of intensification, the proposal is for 3 no. 1 bed pods. A maximum of 6 persons can visit the site at any one time. It is likely that the maximum no. of vehicles

visiting the site at any one time is 3. The applicant has advised that as the pods will be generally seasonal, 3 to 4 traffic movements per day will be generated between March and September and between 1 to 2 per week over the winter months. The applicant has advised that the site will not be serviced by a postman, delivery vans and given the tourism use, there will be no school runs taking place from the pods. The applicant has stated that the use of the site would entail less vehicular movements than a dwelling.

Visibility splays are historically in place at the bottom of the laneway at the junction with Killowen Road.

Whilst the Planning Department acknowledges that the proposal will result in more vehicular movements on the laneway, given the modest scale of the development and the movements outlined above, the Department is satisfied with the comments from DfI Roads.

Planning Policy Statement 2

The site is within Mourne Area of Outstanding Natural Beauty. A Site of Local Nature Conservation Importance (NC 03/12) and an Area of Special Scientific Interest (ASSI) is approx. 260m east of the site. A watercourse flows along the western boundary. The watercourse is hydrologically linked to Carlingford Lough RAMSAR site, SPA and ASSI.

Policy NH6 of PPS 2 requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.

The elevated nature of the application site is noted. Critical views of the site are from Newry Road traveling in a westerly direction, Killowen Road travelling in an easterly direction and travelling along Kilfeaghan Road in a northerly direction towards the application site.

The views from Killowen Road and Newry Road are long distance. The pods will be clustered amongst existing properties. The rising lands to the northwest (Knockshree) provides a backdrop which aids integration and ensures that the pods will not appear as prominent features in the landscape. A landscaping plan has been submitted and includes a native species hedgerow along the new boundaries as well as sporadic shrub and tree planting within the site itself. The existing boundaries are to be retained (with the exception of a small portion of the roadside boundary to be removed to facilitate an access point). Given the open landscape, the sympathetic planting scheme would allow the proposal to blend into the surrounding countryside rather than drawing attention to it. The modest size and scale are noted as well as the use of timber which is appropriate in this rural location.

Policies NH 2 and 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law.

Extensive consultation has been carried out with NIEA and SES. NIEA NED requested the submission of a Biodiversity Checklist is with the potential for a Preliminary Ecological Appraisal. A Checklist and PEA prepared by ATEC NI was submitted and concluded that with the exception of hedgerow vegetation, no other NI Priority Habitats were identified within the site.

The PEA determined that through the implementation of appropriate mitigation measures, the proposed development is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance.

NIEA WMU are content with the proposal subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice.

SES advised that due to the scale/nature of the proposed development and the hydrological distance from Carlingford Lough SPA/Ramsar, a Test of Likely Significance (ToLS) has concluded no likely significant effect on any European site. Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 23/11/2023. This found that the project would not be likely to have a significant effect on any European site.

Planning Policy Statement 6

The site is north of Kilfeaghan Dolmen, a regionally important monument in State Care. Due to the nature of the development and the existing dwellings to the south of the application site, HED (Historic Monuments) is content the proposal will not have an adverse impact upon the setting of the monument.

Planning Policy Statement 15

The application site is not within a flood plain. A watercourse runs along the western boundary of the application site. A 5m strip has been kept clear along the western boundary to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners. The retention of the strip can be controlled by condition. The development does not exceed any of the thresholds listed within Policy FLD 3, therefore a Drainage Assessment is not required. The proposal does not involve the artificial modification of a watercourse. The development is not within the potential flood inundation area of a "controlled reservoir" shown on the Strategic Flood Map. The proposal complies with Policies FLD 1-5 of PPS 15.

Other Material Considerations

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Recommendation: Approval

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 23/57/101A, 23/57/102B, 220434-01-09, 220434-01-10, 220434-01-08 and 220434-01-15.

Reason: To define the planning permission and for the avoidance of doubt.

3. The accommodation hereby permitted shall be used as short-term holiday accommodation only and shall not be occupied by any one individual, family or group for a period exceeding 28 days in any calendar year. The owner/operator shall maintain an up-to-date register which includes the names of all occupiers of the holiday accommodation, their home addresses and the dates of arrival and departure. The register shall be made available to the Local Planning Authority upon request.

Reason: To ensure that the building is used for holiday accommodation only.

4. All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No. 23/57/102B and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the operation of the site. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

5. A plan for the management of the accommodation hereby approved shall be submitted to the Planning Authority prior to the operation of the holiday park now approved, and subsequently agreed in writing. This plan shall outline the procedures in place to manage potential issues arising from occupant behaviour, including noise. The approved plan shall be implemented prior to the operation of the holiday park.

Reason: To protect the amenity of neighbouring residents.

6. No development should take place until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To protect the environment and to ensure protection to the aquatic environment.

7. A suitable buffer of 5m shall be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the adjacent stream along the western boundary of the site. All surface water run-off during the construction and operational phase shall be directed away from the stream.

Reason: To prevent any foul discharges entering any adjacent watercourse.

8. The storm drainage of the site, during site clearance, construction and operational phases of the development shall be designed to the principles of Sustainable Drainage Systems (SuDS).

Reason: In order to minimize the polluting effects of storm water on waterways.

9. A 5m wide working strip adjacent the watercourse along the western boundary of the site shall be permanently retained as shaded in pink on Drawing No. 23/57/102B. No buildings or other structures shall be erected within the area shaded purple.

Reason: To facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners.

10. The low level lighting hereby approval shall be in accordance with the document "Proposed Lighting Brochure." The location of the lighting bollards shall be positioned as shown on approved drawing no. 23/57/102B.

Reason: To protect the amenity of neighbouring residents.

Informatives:

- The applicant must ensure their Drainage Field has been correctly designed and installed to meet BS 6297:2007+A1:2008 code of practice for the design and installation of drainage fields for use in wastewater treatment.
- Drainage fields can only be used where soil conditions are suitable and there is sufficient ground space to accommodate the infiltration trenches. The drainage field is to be inspected on a regular basis to check that it is not waterlogged, or effluent is not backing up. All upstream systems will require regular maintenance and desludging to ensure the drainage field is running efficiently.
- The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The Department has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in the The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. Responsibility for the access way and parking areas rests solely with the developer.
- The applicant should comply with all the relevant NIEA Standing Advice documents and Guidance for Pollution Prevention (GPPs) in order to minimise the impact of the project on the environment. Paying particular attention to:
 - Understanding your environmental responsibilities – good environmental practices: GPP 1
 - Use and design of oil separators in surface water drainage systems: GPP 3
 - Treatment and disposal of wastewater where there is no connection to the public foul sewer: GPP 4
 - Works and maintenance in or near water: GPP 5
 - Working at construction and demolition sites: GPP6
 - Safe storage and disposal of used oils: GPP 8
 - Dewatering underground ducts and chambers: GPP 20
 - Pollution incident response planning: GPP 21
 - Dealing with spills: GPP 22
 - Safe Storage of Drums and Intermediate Bulk Containers (IBCs): GPP 26
 - Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010
 - CIRIA guidance documentation C532 'Control of water pollution from construction sites: guidance for consultants and contractors.
 - The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.
 - The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice Discharges to the Water Environment.
 - The applicant must refer and adhere to DAERA Standing Advice Sustainable Drainage Systems

The applicant should note that the above list is not exhaustive.

- NIEA Standing Advice can be viewed at:
<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effectwater-environment-including-groundwater-and-fisheries>
- Guidance for Pollution Prevention (GPPs) documents can be obtained at:
<https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gppdocuments/>
- CIRIA Guidance can be obtained here:
https://www.ciria.org/ci/Civil_infrastructure/CIRIA_guidance.aspx
- The contractor / person carrying out the works is responsible for ensuring that any and all required mitigation measures are in place and ultimately under the Water (Northern Ireland) Order 1999 is liable for any discharge or deposit, whether knowingly or otherwise, of any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.
- The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.
- Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
- The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
- In order to avoid potential offences through killing/injury of nesting birds and/or their young and/or the destruction/damage of their active nests, any necessary clearance of vegetation should be undertaken outside the bird nesting season, which runs from 1st March to 31st August inclusive. Should this prove impracticable/impossible, then any such works scheduled within the bird nesting season should be preceded by a pre-work nesting inspection and/or breeding bird survey by a suitably experienced ecologist. In the event that an active nest is discovered at any stage during the works, works in that area should cease immediately and an exclusion zone of at least 5m observed until all young have fledged.

Case Officer Signature: Eadaoin Farrell

Date: 28.08.24

Appointed Officer Signature: M Keane

Date: 28-08-24

NMDDC Planning Committee Meeting – 02-10-24 - Written Submission

Ref: LAO7/2022/1683/F
Applicant: Tom & Janette Franklin

As the applicant/agent for the proposed planning application above, I would like to provide some further background to the Planning Committee regarding our proposal.

This site in Kilfeaghan has particular poignancy for my family as it is the area in which my father grew up in and where his family came from; their homestead if you like. It was always his intention to build our family home on this site and raise a family there. As it turned out he had to settle for building our home nearby on the same stretch of road.

It wasn't until he tragically died of a heart attack, leaving my mother with 3 young children to bring up on her own, that she decided to move us back to Warrenpoint where she would be closer to her own family. I was only a couple of months old at the time, and although I grew up not knowing my father and very little about our family heritage in Kilfeaghan, we've always had a strong connection to the area and visited regularly.

As I've grown older, I've come to learn more about my father's family, their homes and the land in Kilfeaghan. I've passed this onto my daughters and want them to know their family history and who their grandfather was and where people came from.

This proposal will afford my family the opportunity to keep a strong connection and bond with Kilfeaghan and the area and in some ways fulfil a desire of my fathers in that he wanted us to live in an area where we would wake up to the stunning landscape and vistas of Carlingford Lough at the foot of Knockshee. If our proposal is successful maybe others will get to benefit fully from this and appreciate what we have on our doorstep by visiting and enjoying short stays in our proposed lodges.

On the actual proposal itself, it has always been our intention to cause as little disturbance or distress to the local area and its residents as possible and instead to provide a subtle and appropriate facility to allow others to enjoy all that the area has to offer.

We believe the proposal will be in keeping with the character of the area; one which will integrate into the landscape and in keeping with the surroundings. It has always been our intention to fully respect both the landscape and its residents at all times and we will ensure that is the case should the proposal be successful.

We believe that throughout the planning application process, we have fully complied with the relevant policies involved and met the required standards of various parties along the way. We have shown a willingness and flexibility to make many amendments to the proposal from what was originally proposed, and we are very willing to work with all concerned parties to make this work for everyone going forward.

Tom & Janette Franklin



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2210/F

Date Received: 07.02.2023

Proposal: Demolition of no. 25 Knockchree Avenue, Kilkeel, BT34 4BP and erection of 5 no. detached two-storey dwellings with associated site works

Location: 25 KNOCKCHREE AVENUE, MAGHERAMURPHY, KILKEEL, DOWN, BT34 4BP

1.0 Site Characteristics and Area Characteristics

The application site is located within the settlement development limits of Kilkeel as defined in the Banbridge, Newry and Mourne Area Plan 2015. The application site has been screened for both natural and historic environment designations the following are noted on and adjacent to the application site:

- Settlement Development Limit of Kilkeel
- Mourne Area of Outstanding Natural Beauty
- NIEA Seascape Area Mourne Coast
- Adjacent to Kilkeel Area of Townscape character
- Adjacent to Area of Archaeological Potential
- Within proximity to listed buildings: HB16/03/012, HB16/03/013 & HB16/03/014

The application site is rectangular in shape taking in the dwelling to the front of the site as well as a large enclosed garden space to the rear of the application site. The application site is surrounded by a mix of land uses to include community/school, a bar/restaurant as well as residential uses. The application site to the rear is overgrown and the dwelling itself does not appear to be currently lived in.

Image 1 Photograph of the Application Site

The application is for the demolition of number 25 Knockchree Avenue Kilkeel and erection of 5no detached two-storey dwellings with associated site works.

Image 2 Extract from the Proposed Site Layout

2.0 Planning Policies and Material Considerations

This planning application has been assessed against the following policies:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- PPS 2 Natural Heritage
- PPS 3 Access, Movement and Parking

- PPS 6 Planning, Archaeology and the Built Heritage
- PPS 7 Quality Residential Environment
- Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas
- PPS 8 Open Space, Sport and Outdoor Recreation
- PPS 12- Housing in Settlements
- Supplementary Guidance to include:
 - Creating Places
 - Development Control Advice Note (DCAN) 8 – Housing in Existing Urban Areas
 - Development Control Advice Note (DCAN) 15 – Vehicular Access Standards
 - Parking Standards

3.0 Site History

There is one previous application on the site:

LA07/2021/0152/F for Erect 7 no 2 storey town houses with associated site works at 25 Knockchree Avenue, Kilkeel – Refusal

Within the surrounds there is various permissions for housing, the creche and numerous alterations to the Kilmorey Arms Hotel.

4.0 Consultations

The following were consulted in relation to the proposed application:

- NI Water – Initially responded with no objection however, an email was issued to request re-consultation as this response was in error. NI Water have since recommended refusal to the proposal on the basis of capacity. The Agent submitted further information as evidence that a wastewater impact assessment has been submitted to NI Water. This is satisfactory to the Planning Department that engagement has been undertaken and therefore conditions can be added negatively.
- DFI Roads – Initially responded requesting amendments to the layout in line with the DFI Roads Design Guidelines. The Agent submitted multiple amendments following a number of re-consultations DFI Roads requested that Private Streets Determination Drawings were submitted. Following receipt of these DFI Roads had no objection to the proposal as presented and attached conditions.
- DFI Rivers – Initially set out the criteria upon which a drainage assessment would be required to be undertaken. The Agent responded

with the measurements to include roads, footpaths, driveways and house footprints which was measured to be 990.32m² thus under the 1000m² threshold. DFI Rivers were re-consulted and set out that there was no objections to the proposal as presented.

DFI Rivers have set out that there may be requirement for a schedule 6 consent this is attached as an informative to the main application.

- Historic Environment Division – No objections to the proposal as presented
- Environmental Health Division – Initially responded setting out that advice should be sought from an acoustic consultant and provide a noise impact assessment. Following receipt of a noise report Environmental Health were re-consulted and advised of a condition to be attached to any decision notice on the application site in order to protect residential amenity
- Natural Environment Division – A biodiversity checklist was submitted alongside the application. NIEA were consulted to provide guidance on the biodiversity checklist and referred it back to the Planning Department. Having consulted NIEA and reviewing the checklist as well as a site visit the Planning Department have no reason to disagree with the biodiversity checklist submitted.

5.0 Objections and Representations

21 neighbours were notified as part of this application via post on the 24th April 2023. The application was advertised in the local press on the 8th March 2023. No representations have been received to date (30.08.2024).

Minor revisions were made to the scheme however It was not considered necessary to re NN due to the minor nature of these revisions.

6.0 Assessment:

Proposed Development

The development proposes to demolish the existing dwelling on the site and erect 5 detached dwellings on the application site with house type A having a proposed ridge height of 8m and house type B, B1 and H having a proposed ridge height of 7.5m.

The site is to be accessed off the Knockchree Road whereby each dwelling would have its own parking.

The dwellings have a mix of finishes; with the house to the front projection of the Knockchree Road finished with full smooth cement render and the other 4 houses having a stone finish to their fronts. Other finishes include:

- Roof – Dark Grey plain concrete tiles
- Walls – Smooth cement render painted off white
- Windows – White PVC sliding sash effect
- Doors – Painted panelled external doors

- Gutters and Downpipes – Black aluminium

Image 2 Extract from Site Layout



Image 4 Extract from Proposed House Type A



Image 5 Extract from Proposed House Type B



Image 6 Extract from Proposed House Type B1**Image 7 Extract from Proposed House Type B (Handed)****Banbridge/ Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is located within the settlement development limit of Kilkeel. The application site is located within the following designations:

- Settlement Development Limit of Kilkeel
- Mourne Area of Outstanding Natural Beauty
- NIEA Seascape Area Mourne Coast
- Adjacent to Kilkeel Area of Townscape character
- Adjacent to Area of Archaeological Potential

Regional Development Strategy 2035

The RDS 2035 provides overarching strategic planning framework to facilitate and guide the public, private and community sectors by providing long term policy direction with a spatial perspective. Section two society is relevant to the proposal.

RG7: Support Urban and Rural Renaissance

RG7 sets out that *regeneration is necessary to create a more accessible, vibrant city and town centres which offer people more local choice for shopping, social activity and recreation. Paragraph 3.14 further sets out how development should be innovative ways to bring forward under-utilised land and buildings particularly for mixed use development. There should be a focus on integrating new schemes within the existing townscape ...*

RG8: Manage Housing Growth to achieve Sustainable Patterns of Residential Development

RG8 sets out that *the emphasis is on managing housing growth to ensure that there continues to be a focus on developing more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.*

It is considered that the principle of residential development is in general conformity of the RDS.

Strategic Planning Policy Statement 2015

The SPPS was adopted in September 2015 consolidating all the separate Planning Policy Statements (PPSs) into one document setting out strategic planning policy. Paragraph 1.12 of the SPPS sets out that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of that set out within the SPPS thus the SPPS afforded greater weight. However, should the SPPS be silent or less descriptive than the retained policies then the retained policies will take priority.

With regards to housing paragraph 6.133 sets out *good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities. Paragraph 6.136 further sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.*

The SPPS also addresses housing in settlements; it reiterates the Planning Control Principles set out within PPS 12 (as well as PPS 7) to include:

- **Increased housing density without town cramming**
- **Sustainable forms of development**
- **Good Design**

- **Balanced Communities**

In addition the density of the development is considered to be respectful of the wider area, the density of adjacent housing developments such as Finlieve Place, Spelga place and Donard Place have been noted. It is worth noting that there is a variety of uses to include bars/restaurants, community uses, as well as a variety of housing such as terrace, detached and semi-detached dwellings.

It is considered that the proposal is compliant with both the SPPS and PPS 12 in this instance.

PPS 2 Natural Heritage

Policy NH6 – Areas of Outstanding Natural Beauty

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

a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and

b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) the proposal respects:

- *local architectural styles and patterns;*
- *traditional boundary details, by retaining features such as hedges, walls, trees and gates; and*
- *local materials, design and colour.*

The application site is located within the settlement limit of Killeel. The site is further located within a built-up area along Knockree Avenue which is densely populated. The application site currently incorporates a dwelling to the front and large rear garden area. It is considered that the proposed development has a siting and scale that is sympathetic to the character of the area with the main dwelling sited to the roadside and the other 4 dwellings of a smaller scale and form and set behind the main dwelling. It is considered that the proposal as presented does respect and conserve features of importance and would not be out of character with the surrounding area.

The applicant has submitted a biodiversity checklist upon which the Planning Department have no reason to disagree with and nothing further is required in this regard.

The proposal is therefore considered to be compliant with the policies set out within PPS 2 Natural Heritage.

PPS 3 Access Movement and Parking

Policy AMP 2 Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development.*
- the character of existing development.*
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement.*
- the location and number of existing accesses; and*
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.*

The application proposes a singular shared vehicular access to serve the 5 dwellings with off street parking provided for each dwelling. It is considered that there is currently an access which served the existing dwelling on site and whilst the proposal is for 5 dwellings the proposal brings the access up to required standards as well as providing sufficient parking and turning for the proposed dwellings. The access is considered to respect the character of the existing development as there is no additional access points being created as a result of the proposal. It is considered that the proposal does allow for the creation of a high-quality environment.

Knockchree Avenue is not a protected route and therefore does not conflict with criterion b. DFI Roads were consulted with regards to the proposed development and following a number of amendments to the proposal remain contented with the application as presented.

PPS 6 Planning Archaeology and Built Heritage

Policy BH11 Development affecting the setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

(a) the detailed design respects the listed building in terms of scale, height, massing and alignment;

(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

(c) the nature of the use proposed respects the character of the setting of the building.

The application site is within proximity/abutting the boundary with the Kilmorey Arms Hotel which is a grade B2 listed building (HB16/03/012). It is noted that the application site is within a built up area with a variety of uses within the surrounds. It is further noted that a dwelling and garden has been present for a number of years within the site and this application is for a redevelopment of the application site with 5 dwellings. When considering the application with the policies set out above it is noted that the proposal does respect the listed building and is located to the rear of the building which adjoins the car park for the hotel currently thus not impacting the setting of said building. Furthermore, the proposed dwellings have been sited and utilise materials found within the surrounds. It is considered that the design, siting and nature of the proposal is considered sympathetic to the listed building and would not be considered to demonstrably impact it nor its setting.

Historic Environment Division were consulted with regards to the proposal and set out that the listed building continues to have sufficient presence in the centre of Kilkeel to remain unaffected by the development of the scale proposed at the application site. It is therefore considered that the proposal satisfies the requirements of the SPPS paragraph 6.12 and PPS 6 BH11 as presented.

PPS 7 - Policy QD1 Quality New Residential Developments

DCAN 8 Housing in Existing Urban Areas

DCAN 8 sets out A design-led approach to housing in existing urban areas will help to safeguard urban and environmental quality. However, it is essential that proposals for housing, particularly in established residential areas, demonstrate that they have fully appreciated the context, leading to a design which reinforces local characteristics, while preserving the residential amenity of the area and respecting the privacy of existing residents.

Paragraph 1.4 of PPS 7 sets out the promotion of more housing in urban areas should not be allowed to result in town cramming or damage to areas of distinctive townscape character. In established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 sets out that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. All proposals for residential development will be expected to conform to all of the following criteria:

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

Having conducted a site visit and desk-based study it is considered that the development proposed respects the surrounding context and is entirely appropriate to the character and topography of the site. It is considered that when reviewed the densities of the proposal is similar to that of surrounding housing developments and plot sizes are further similar to those found within the surrounds. The surrounding residential area are made up of a mix of terraced,

semi-detached and detached dwellings. An existing access is proposed to be altered in order to provide safe access to the 5 dwellings proposed.

There are four different house types proposed; however, the houses all display similar characteristics and have similar finishes. It is considered that the size, scale and form of the proposed dwellings would not detract from the surrounds upon which there is currently a variety of house types and finishes.

House Type A faces onto Knockchree Avenue and is a detached dwelling with an 8m Ridge Height. The dwelling is double fronted has parking to the rear and private amenity space to the side elevation. It is considered that given the surrounding land uses and what is currently on site that the proposal fronting the road is appropriate and enhances the street scene.

The other 4 dwellings follow to the rear of house type A and work in an inverted L shape. All dwellings have off street parking and private amenity space to the rear of the properties.

In terms of landscaping there is new tree planting proposed and areas of managed landscaping. It is considered that all boundaries proposed are appropriate. It is considered that the proposal complies with criterion A.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

The application site is located within an area of outstanding beauty. The site has been screened for any archaeological or built heritage features within the immediate vicinity of the application site. As set out above the application site is within proximity to the Kilmorey Arms which is a listed building.

Historic Environment Division were consulted in relation to the proposal and commented that the proposal satisfies the policy requirements of the SPPS paragraph 6.12 as well as PPS 6 BH11.

Policy NH6 of PPS 2 also applies however, when assessing and reviewing the site it is considered that the proposal is located within a built up urban environment with a variety of uses as well as a mixture of house types and finishes that when assessing against the above policy the Planning Department would consider that the proposal does not offend NH 6 of PPS 2.

It is therefore considered that the proposal complies with criterion B.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

The proposal is for the erection of 5 dwellings. With regards to open space policy OS 2 of PPS 8 applies. However, the policy sets out that ... *the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.*

Given the fact that all 5 dwellings have their own private amenity space and the proposals location within the settlement limit of Kilkeel and within proximity to public open space and resources it is considered that the proposal is compliant with criterion c.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

Given the location and size of the site this is not considered necessary as part of this proposal. Having reviewed the wider area it is noted that the proposal is within proximity to childcare/school facilities, medical centres as well as shops and restaurants.

(e) a movement pattern is 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 is located within the settlement limits of Kilkeel and is therefore located within a densely residential area. The proposal incorporates a footpath which links to the proposed dwellings to the footpath on Knockchree Avenue from there, there is adequate public footpath links to the town centre. The proposal given its location offers good transport links to the surrounds as well as neighbourhood facilities. The relatively flat nature of the site ensures that the needs of those with mobility issues who are impaired are met. No further traffic calming measures are required.

(f) adequate and appropriate provision is made for parking;

The dwellings have the following bedrooms:

- One four bed dwelling
- Four three bed dwellings

Therefore, when reviewing the parking standards there is an anticipated need of 12.75 spaces. The proposed layout has 15 spaces contained within the site layout.

DFI Roads were consulted in relation to the proposed development and provided no objections following a number of revisions to the proposed layout and access. It is considered that the parking requirements have been met. The proposal complies with criterion f.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

As set out above the surrounds have a mix of uses as well as dwellings which have a variety of finishes and styles. The proposed house types are considered to be acceptable in terms of size, layout, appearance, scale, form and materials. It is considered that when reviewing the surrounding area as well as the proposal the proposed development is in keeping and is respectful to the surrounding area. Criterion g is met.

(h) 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; and

The application site abuts a nursery school to one side, the kilmorey arms hotel to the other side and the ambulance station to the rear. These are non-residential uses and therefore it is considered that the land uses would not cause overlooking/conflict with these surrounding land uses.

There is a variety of boundary treatments to include walls and fencing. It is considered that these boundaries will aid and alleviate any perceived negative impacts in terms of overlooking and disturbance.

Following consultation with Environmental Health Division a noise impact assessment was undertaken. Following on Environmental Health recommended specific measures to ensure that the residential amenity of those who will be living within the proposed dwellings would not be affected to a demonstrable level.

It is considered that the proposed dwellings would be considered to comply with criterion H subject to conditions.

(i) the development is designed to deter crime and promote personal safety.

The proposed development is located within a densely populated area with a variety of land uses that operate at varying times. The proposed boundaries are considered adequate to deter crime and promote personal safety. There are a number of pedestrian access/routes, cycling and parking provision overlooked to the front of dwellings which provides a suitable level of observation. Further measures can be put in place to deter crime and promote personal safety such as alarm systems and security cameras.

PPS 7 Addendum Safeguarding the Character of Established Residential Areas – Policy LC 1 Protecting Local Character, Environmental Quality and Residential Amenity

Planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area;

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

The application site comprises land within the development limit which is densely populated with residential development but also comprises a mix of land uses. It is considered that the addition of 5no dwellings in this location would not be considered to create a higher density nor would it be considered to be out of character within the established area. It is considered that the plot sizes, house

types, form, appearance and pattern are all in keeping with the existing character and adjacent housing developments. The size of the proposed dwellings complies with the size standards set out in Annex A. It is considered that the proposal is compliant to Policy LC 1.

PPS 8 Open Space, Sport and Outdoor Recreation

Policy OS2 Public Open Space in New Residential Development

The policy sets out ... the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.

Having account that the proposal is for 5 dwellings the provision of open space on this occasion is not applicable. Each of the units are served with their own private amenity space to the rear/side of each dwelling. These gardens are considered acceptable and in accordance with guidance of creating places.

Recommendation:

Having account for the nature and location of the proposal it is considered that housing on the site is an appropriate use, It is considered that the proposal would not have a demonstrable impact on any natural/historic environment designations nor features and therefore approval is recommended subject to conditions.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:

Reason: to define the planning permission and for the avoidance of doubt.

3. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council.

Reason: To ensure the appropriate foul and surface water drainage of the site.

4. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by the Planning Condition above, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

5. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out during the first available planting season following the occupation of any dwelling hereby approved.

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

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

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

7. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 23-071-A10d Dated 6th June 2024

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

8. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 23-071-A10d Dated 6th June 2024 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

10. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per dwelling.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

- 11.5. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

12. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 23-071-A10d bearing the date stamp 7th June 2024. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

13. The design of the residential development shall include ALL necessary noise mitigation measures to ensure that internal noise levels within habitable rooms shall not exceed:

(a) 35dB LAeq,16 hr between 07.00hrs and 23.00hrs within any habitable room, if required with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.

(b) 30 dB LAeq,8hr within bedrooms between 23.00hrs and 07.00hrs, if required with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.

(c) 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms, if required with the windows closed and alternative means of ventilation provided in accordance with current Building Control Regulations requirements.

Reason: In the interest of residential amenity

Informatives:

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. The Private Streets (Northern Ireland) Order 1980 and the Private Streets (Amendment) (Northern Ireland) Order 1992. Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

4. Separate approval must be received from Department for Infrastructure in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.
5. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Department for Infrastructure Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact Department for Infrastructure, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 1980
6. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
7. The Road drainage works for this development are to be agreed with DfI Roads Private Streets section prior to commencement
8. Street furniture to be placed to the back of footway.
9. Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of Rivers Agency. This should be obtained from our Eastern Regional Office, Ravarnet House, Altona Road, Largymore, Lisburn. BT27 5QB

Case Officer Signature: Roisin Bird

Date: 30.08.2024

Appointed Officer Signature: M Keane

Date: 30-08-24



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference:

LA07/2023/3001/F

Date Valid:

July 2023

Proposal:

Replacement dwelling and 3 no. ancillary outbuildings and all associated site works

Location:

58 Warrenpoint Road, Rostrevor, Newry, BT34 3EB

Site Characteristics & Area Characteristics:

The site is located just outside the development limits of Rostrevor as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is within Mournes Area of Outstanding Natural Beauty, adjacent to Carlingford Lough ASSI and a Local Landscape Policy Area (RR 09). Ross Monument (HB16/06/056) which is a Grade A listed monument is located northeast of the site.

The site outlined in red comprises a large, 2 storey detached dwelling, swimming pool and small boiler house. Historical maps show a dwelling on this plot (Seapoint Cottage) from at least 1834, however the Historic Buildings' database states that the building has lost a substantial amount of original fabric due to the replacement of windows and doors and that the building was much altered and extended. The building is therefore not listed nor of any historical or architectural interest.

The topography of the site is relatively flat with the exception of the southwestern portion of the site which is stepped downwards towards the shoreline. The site is heavily vegetated with a mix of trees, shrubs and lawns. The roadside boundary is defined by a stone wall with mature trees planted behind. The east and western boundaries are defined by mature hedging and vegetation whilst the southern boundary is undefined.

The dwelling is accessed off Warrenpoint Road which is a Protected Route via a gated entrance and meandering driveway.

The surrounding area comprises large, detached dwellings set on large plots. House types are varied in terms of size, scale and design. Given the plots location between the settlements of Warrenpoint and Rostrevor, the area is semi-suburban in nature.



Site location map



Application dwelling



Application dwelling



Application dwelling



Application dwelling

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 15: Planning and Flood Risk
- PPS 21: Sustainable Development in the Countryside
- Marine UK Policy Statement
- Draft Marine Plan for Northern Ireland
- DCAN 15: Parking Requirements
- Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Site History:

- P/1992/0148 – Extension and improvements to dwelling – Permission granted 1992
- P/1999/1072/A41 - Extension to dwelling – Permitted development 1999
- P/2004/3335/F - Erection of New Boundary Wall and Entrance Gates along Road Frontage – Permission granted 2005

Consultations:

- **DfI Roads** – If the proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing access, DfI Roads has no further objection to this application. DfI Roads pointed out that the existing vehicular access to the dwelling is sub-standard and that, in the applicant's interests and that of other road users, measures should be taken to provide acceptable visibility. DfI Roads also stated that the A2 is a Protected Traffic route and Planning must be satisfied that this proposal is an exception to the policy. Following a site visit, the Planning Department is satisfied that the dwelling to be replaced could be reasonably occupied at present, therefore there is no intensification to the existing access. Further consultation with DfI Roads is not required.
- **NI Water** – Recommended approval.
- **Loughs Agency** – **No objection in principle to the proposed development.**
- **HED** – Historic Monuments is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works for an archaeological watching brief. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. HED Historic Buildings considers the proposal satisfies the policy requirements of SPSS 6.12 and BH11 PPS6, without conditions.
- **SES** - Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the following mitigation measures being conditioned in any approval:
 1. A clearly defined buffer of at least 10 m must be maintained between the location of all construction works including refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the southern edge of the red line boundary.
 2. No development, demolition, earth moving shall take place, nor material or machinery brought onto site, until protective silt fencing has been erected between the construction site and the adjacent watercourse. The fencing must be suitable to prevent egress of water from the construction site into the watercourse. This protective fencing to be fully maintained for the duration of the construction period.

- **NIEA** - NED acknowledged the NI Biodiversity Checklist and Preliminary Ecological Appraisal and Bat Survey Report. The PEA confirmed the potential presence of bat roosts within the dwelling on the site. The PEA confirmed the absence of bat roosts in trees, invasive species and otters on the site. The BRS confirmed the absence of bat roosts in the dwelling on site. NED offered no objections to the proposed development subject to recommendations regarding designated and protected sites, habitats and species.
NIEA Marine and Fisheries Division - The proposal is situated in close proximity to the coastline. Given its location, NIEA have concerns that this proposal may be impacted by climate change, sea level rise, and coastal erosion in the future. The red line boundary for this application is located directly adjacent to the coastline. Northern Ireland Historical Shoreline Analysis Survey indicates that this section of coastline has historically been eroding at a rate of between 0.02 – 0.04m per year. As highlighted above, climate change and sea level rise may lead to increases in the rates of erosion, therefore increasing the level of risk faced by this section of coastline. Therefore, given the proximity of this proposal to the coastline NIEA advise that it may be at risk in the future from the impacts of erosion. Furthermore, NIEA advise that the results of the 'Coastal Bedrock Geology' project which was undertaken by the GSNI indicate that the bedrock along this section of coastline consists of 'sandstone' which is soft and therefore susceptible to the impacts of erosion.
NIEA also advise that after assessing aerial orthophotos of this section of coastline that it appears to be artificially held. The imagery available appears to show that this site is protected by a sea wall; the need for this coastal defence would suggest that this section of coastline has been vulnerable to the impacts of erosion in the past and is therefore something that should be taken into consideration.

Objections & Representations:

Six neighbouring addresses were issued notification letters on 14th February 2024. The application was advertised in the local press on 21st August 2023. No representations received to date (30.08.24).

Assessment

Proposal

The application seeks full permission for the erection of a replacement dwelling and 3no. ancillary outbuildings – water equipment store, bike store/greenhouse and a gym/garden room. The footprint of the new dwelling is set over the footprint of the existing dwelling. The two storey dwelling has been designed in a contemporary style using high quality materials including natural stone, smooth render, vertical timber cladding, with dark grey aluminium windows and zinc canopies. The dwelling comprises a flat roof and is approximately 6.4m in height. The proposed outbuildings are ancillary to the main dwelling house and are sited within the domestic curtilage and accessed by the existing driveway. The materials of the ancillary outbuildings

includes vertical timber cladding walls and vertical timber cladding roofing along with dark grey aluminium windows.

The proposal is shown below.



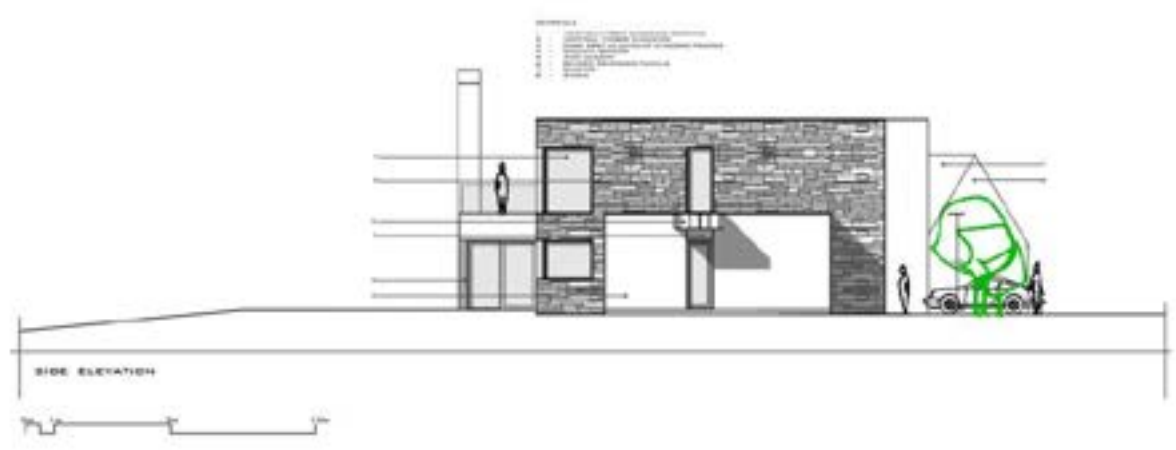
Proposed site plan



Front elevation



Side elevation

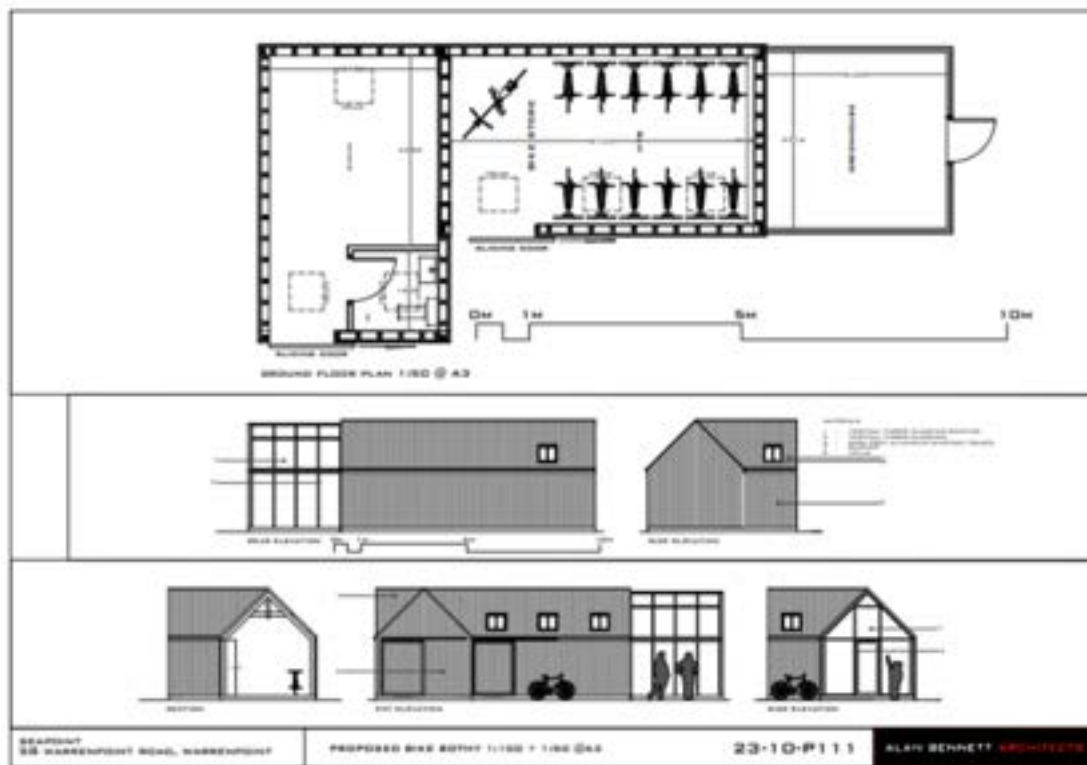


Side elevation



REAR ELEVATION

Rear elevation



Bike store/green house

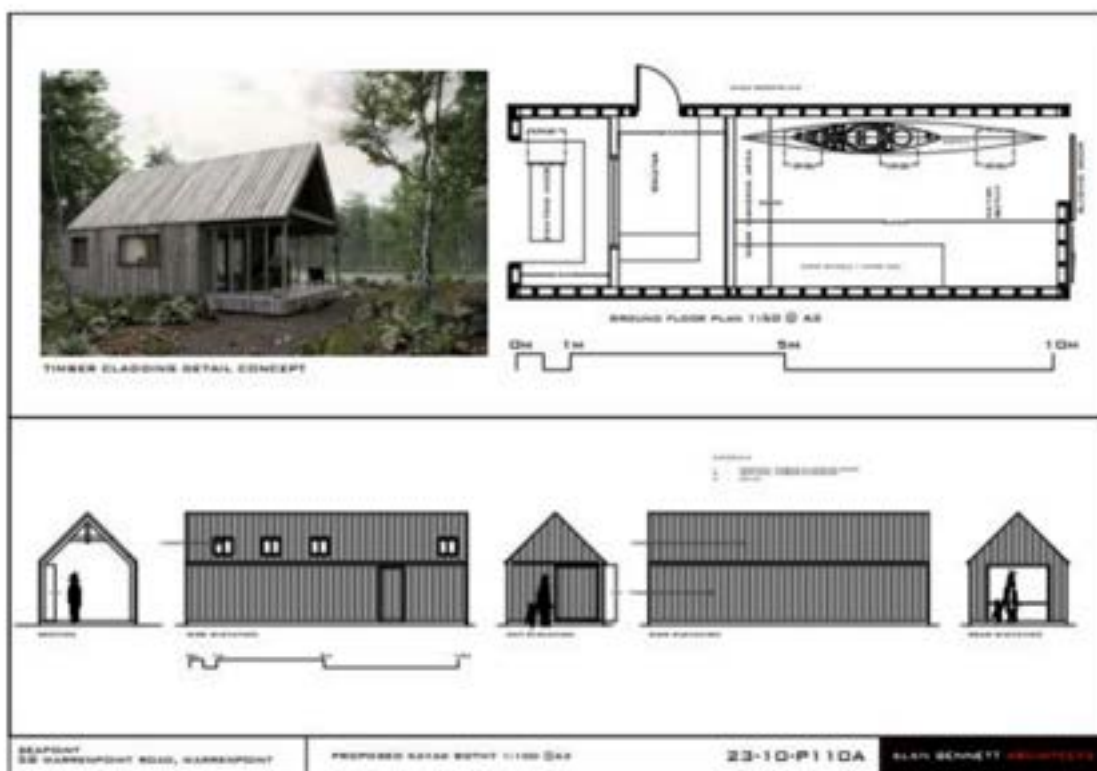
BEARPOINT
 88 WARRENPOINT ROAD, WARRENPOINT

PROPOSED BIKE BOUTIQ 11.100 x 1.100 @A3

23-10-P111 ALAN BENNETT ARCHITECTS



Garden room/gym



Boat store

Principle of Development

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

There is little change in the SPPS from that of the policies within PPS 21 and it is arguably less prescriptive, therefore PPS 21: Sustainable Development in the Countryside will provide the material considerations for this application.

The principle of development is established under PPS 21: Sustainable Development in the Countryside, Policy CTY 3 – Replacement Dwellings. This policy provides the criteria to be met in order to grant permission for a replacement dwelling.

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

External photos of the subject building are shown above. The Department is content that all external structural walls are substantially intact. The building to be replaced exhibits the essential characteristics of a dwelling given the domestic openings and chimneys in place. I am satisfied that the existing structure exhibits the essential characteristics of a dwelling for the purposes of this policy.

The Policy goes on to provide guidance regarding non-listed vernacular dwellings and advises that:

“The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Proposals involving the replacement of such dwellings will be assessed as follows:

- if the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.*

- if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.”*

The characteristics of the existing dwelling are noted. Annex 2 of PPS 21 provides guidance on what constitutes a rural vernacular dwelling. Historical maps show a dwelling on this plot (Seapoint Cottage) from at least 1834, however the Historic Buildings' database states that the building has lost a substantial amount of original fabric due to the replacement of windows and doors and that the building was much

altered and extended. The building is therefore not listed nor of any historical or architectural interest. As such the Department is content with the demolition of this building.

The proposed dwelling should be sited within the established curtilage of the existing building unless...the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling.

The proposed dwelling is to be sited over the footprint of the existing dwelling. The proposed 3 no. ancillary buildings are sited within the established curtilage. The established curtilage is to remain as it.

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

As referred to by NIEA, the application site is located within the Carlingford Lough Regional Seascape Character Area (RSCA). In accordance with the UK Marine Policy Statement 2.6.5.3 and 4, for any development proposed within or relatively close to nationally designated areas the public authority should have regard to the specific statutory purposes of the designated areas. The design of a development should be taken into account as an aid to mitigation.

Strategic Planning Policy Statement section 6.48 states that 'where development is permitted in sensitive locations, particularly in the undeveloped coast, it will be incumbent upon the planning authority to mitigate any adverse impacts through the use of appropriate conditions. In particular, conditions should be used to minimise adverse visual impact through careful siting, design and landscaping of the proposal while ensuring that building design is of high quality and appropriate to the coastal setting. Conditions should also be employed to ensure that development proposals retain or enhance existing public access to the coast and significant public views of the coast.'

Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Supplementary guidance on the assessment of Replacement Dwellings is contained in section 05.

Para 5.2.1 of BoT states that *"the replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. **Replacement dwellings should not be of an excessive size in comparison to the original building** or be located a significant distance away from the original footprint unless there are clear and evident benefits."* Para 5.4.0 goes on to state that *"**replacement projects** will tend to be **most successful** where they **defer to the form and shape of the building they are replacing.**"*

Building on Tradition also provides design elements that should be avoided for development in the countryside which include complex roof shapes, complex house shapes, large scale, ridge lines that are excessively high relative to the eaves, mix of gable widths and chimney breasts that project from gables.

The proposed house type is shown above.

The Design and Access Statement states that the design approach is to create a high-quality modern family home which seeks to be sympathetic to the special character of the Mourne AONB and respect the surrounding residential context by protecting the residential amenity of existing dwellings. The surrounding area comprises a variety and mix of house styles and whilst the dwellings are all detached, they are of differing scale and mass. The new dwelling will be oriented to maximise morning, daytime, and evening sunlight, and seeks to maximise views across Carlingford Lough. The footprint of the existing dwelling is set on a generous plot and sits central within the site.

CGI has been provided and is shown below.



CGI 1



CGI 2



CGI 3



CGI 4

Viewpoints of the dwelling are from Seaview, Warrenpoint Road and Shore Road. There are also transboundary views of the site from Omeath. The plot can also be viewed from various spots along the coastline. The retention of the existing mature landscaping maintains the natural screening of the site when travelling along Warrenpoint Road, Seaview and Shore Road. The views from Omeath are long distant and softened by existing landscaping and the rising topography.

The area is characterised by dwellings of varying designs, masses and scales comprising differing roof shapes, strong chimneys and extensive glazing. A range of materials and colour palettes have been used for the adjacent properties.

An overlay drawing has been provided. The red line indicates the dwelling to be demolished.



The proposed dwelling, whilst not a house type traditionally found within the rural countryside given the flat roof design, extensive glazing and external chimney breasts, would not have a visual impact significantly greater than the existing building given the complex shape and scale of the existing dwelling due to several extensions and alterations. The proposed dwelling alongside the demolition of the existing, in a way, simplifies the development occupying the site.

The Department is satisfied that the design and size of the new dwelling would not have a visual impact significantly greater than the existing building and is considered acceptable. The design is of high quality comprising high quality materials. The development retains existing public access to the coast and significant public views of the coast. The associated ancillary outbuildings will also read together with the dwelling proposed.

All necessary services must be available or can be provided without significant adverse impact on the environment or character of the locality.

Access to the public road must not prejudice road safety or significantly inconvenience the flow of traffic.

Dfl Roads were consulted and advised that if the dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing access, DFI Roads has no further objection to this application. Following a site visit, the Planning Department is satisfied that the dwelling to be replaced could be reasonably occupied at present. No works to the existing access are required.

Amenity

The nearest dwellings are Nos. 56 Warrenpoint Road to the SE and 60 to the NW. The proposed dwelling (single storey projection serving a utility room, shower room, pantry and boot room) is approx. 10m from the common boundary with No. 56. The two storey section is approx. 16m from the common boundary. An upper floor gable window facing No. 16 is proposed. However, the separation distance is sufficient to negate any amenity concerns in terms of overlooking. The separation distance between the dwelling and common boundary is also sufficient to prevent any unacceptable loss of light or overshadowing of No. 56. The boat store is to be sited along the common boundary with No. 56. The low ridge height and existing mature vegetation which is to be retained along this boundary ensures that the siting of this outbuilding in this position would not impact the amenity of the neighbouring dwelling.

The new dwelling is approx. 37m from the common boundary with No. 60. The garden room is approx. 24m from this boundary and the bike store is sited 2m from the common boundary. The distance between the dwelling and the common boundary is sufficient to prevent any unacceptable impact on No. 60 in terms of overlooking, loss of light or overshadowing. The low ridge height of the two outbuildings and existing mature vegetation that is to be retained, is sufficient to negate any amenity concerns.

No objections or representations have been received.

Policy CTY 13 and CTY 14 and CTY 16

New dwellings in the countryside must be able to visually integrate into the surrounding landscape and be of an appropriate design. New dwellings in the countryside must also not cause a detrimental change to, or further erode the rural character of an area. For the reasons outlined above as per CTY 3, the Department is satisfied that the new dwelling would not appear as prominent in the landscape and would not rely on new landscaping for integration. The existing vegetation is to be retained. The proposals comprise an in-situ replacement with associated outbuildings. The proposed dwelling occupies a slightly smaller footprint than the existing whilst the proposed ridge height is similar to the existing. Views of the site are limited and long distant, with the exception of direct views of the site from the shoreline. Nonetheless, the varied house types along this stretch of road between Warrenpoint and Rostrevor means that the proposed house will not look out of place or conspicuous at this location. The proposal also involves the erection of 3 no. outbuildings which does seem to be a high no. of outbuildings serving a dwellinghouse; however, the large plot is able to accommodate the proposed no. of outbuildings without harming the character of the area or resulting in 'cramming'. The siting of the bike store is to the front of the dwellinghouse. Whilst the siting of ancillary buildings to the rear of the host dwelling is favourable, given the inconsistent building line, limited views from Warrenpoint Road due to the mature

nature screening and generous plot size, the siting in this position would not harm the character of the area, nor compete with the host dwelling.

CTY 16 ensures that new developments will not create or add to a pollution problem. A package treatment plant is proposed. There is ample land within the red line boundary and within the proposed curtilage to accommodate this tank and associated soak aways. This proposal is not contrary to CTY 16. A Consent to Discharge condition will also be attached, if approval was to be granted. Replacement dwellings are also subject to relevant consents regardless of if the existing dwelling can be occupied or not.

Accessibility & Transportation

DfI Roads were consulted and advised that if the dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing access, DFI Roads has no further objection to this application. Following a site visit, the Planning Department is satisfied that the dwelling to be replaced could be reasonably occupied at present. No works to the existing access are required.

PPS 2: Natural Heritage

As highlighted within paragraph 6.50 of the SPPS, there is a legislative requirement under Section 58 of the Marine and Coastal Access Act 2009 and Section 8 of the Marine Act (NI) 2013 that all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine Policy Statement (MPS) or Marine Plan once adopted, unless relevant considerations indicate otherwise.

The MPS was jointly adopted by the UK Administrations. It provides the high level policy context within which national and sub-national Marine Plans will be developed, implemented, monitored, amended and is to ensure appropriate consistency in marine planning across the UK marine area. In relation to climate change adaption and mitigation, paragraph 2.6.7.4 states that inappropriate types of development are not permitted in those areas most vulnerable to coastal change, or to flooding from coastal waters. Marine plan authorities should be satisfied that activities and developments will themselves be resilient to risks of coastal change and flooding and will not have an unacceptable impact on coastal change. Development will need to be safe over its planned lifetime and not cause or exacerbate flood and coastal erosion risk elsewhere (paragraph 2.6.8.5). Interruption or changes to the supply of sediment due to infrastructure is said to have the potential to affect physical habitats along the coast or in estuaries (paragraph 2.6.8.3). A precautionary and risk-based approach, in accordance with the sustainable development policies of the UK Administrations, should be taken in terms of understanding emerging evidence on coastal processes (paragraph 2.6.8.4). 10. The MPS advises (paragraph 2.6.7.9) that the assessment of a proposal should be made in consultation with the relevant statutory agencies.

Northern Ireland's draft Marine Plan is a material consideration which provides a framework of policies to be considered by public authorities taking decisions which affect or might affect the marine area through decision making processes. Paragraph 18 of the draft plan states that it has been developed to support and complement other existing legislation, policies, plans and strategies; these include the Regional Development Strategy (RDS), the SPPS and other planning policies. It also takes into account local development plans, the Floods Directive and Flood Risk Management Plans. Paragraph 100 highlights that increased temperatures, sea level rise and extreme weather events increase the risk of coastal erosion and flooding and should be taken into account by proposers and public authorities. Proposals should be located and designed to cope with current and future conditions. Care is also to be taken to ensure that proposals do not adversely impact on natural ecosystems. Proposers should ensure that proposals do not cause or exacerbate flood risk or coastal change elsewhere (paragraph 117) and it is important to minimise and/or mitigate potential changes to coastal processes (paragraph 118) which, for the purpose of this policy includes sediment transport, coastal change (erosion and accretion) and inundation of the land by the sea (coastal flooding). If it is not possible to avoid, minimise and/or mitigate any adverse impact, a proposal will only be allowed where the public benefit clearly outweighs the adverse impact. Like the MPS, paragraph 119 of the draft Marine Plan states that public authorities will apply a precautionary approach in assessing proposals including when considering the impacts of proposals on national and international natural heritage resources (paragraph 228). Public authorities should only authorise a proposal if they are satisfied that there are no unacceptable adverse impacts on coastal processes and that the decision is consistent with requirements under UK and EU legislation and the UK's obligations under international law.

The draft plan (paragraph 225) highlights that the various legislative duties: the Wildlife and Natural Environment Act 2011 places a statutory duty on public bodies to further the conservation of biodiversity; the Environment (NI) Order 2002 puts in place a general duty on public bodies to further the conservation and enhancement of ASSI features in their existing functions; and the Marine Act (NI) 2013 places a general duty on public authorities to exercise their function in a way which the authorities consider best furthers the conservation objectives for the Marine Conservation Zone. Internationally designated areas (Ramsar and European), are afforded the highest form of statutory protection and a proposal that could adversely affect the integrity of such areas may only be allowed by a public authority in exceptional circumstances as laid down in the appropriate legislation (paragraph 233). Public authorities must only authorise proposals where they are not likely to have an adverse effect on the integrity of MCZs, ASSI and Nature Reserves, including the value of the area to the habitat network or feature of interest (paragraph 234).

PPS 2 sets out the Department's planning policies for the conservation, protection and enhancement of our natural heritage.

Policies NH 2 and 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law.

The site is adjacent to Carlingford Lough ASSI.

Consultation with NIEA NED and SES were carried out. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the following mitigation measures being conditioned in any approval:

1. A clearly defined buffer of at least 10 m must be maintained between the location of all construction works including refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the southern edge of the red line boundary.
2. No development, demolition, earth moving shall take place, nor material or machinery brought onto site, until protective silt fencing has been erected between the construction site and the adjacent watercourse. The fencing must be suitable to prevent egress of water from the construction site into the watercourse. This protective fencing to be fully maintained for the duration of the construction period.

NED acknowledged the NI Biodiversity Checklist and Preliminary Ecological Appraisal and Bat Survey Report. The PEA confirmed the potential presence of bat roosts within the dwelling on the site. The PEA confirmed the absence of bat roosts in trees, invasive species and otters on the site. The BRS confirmed the absence of bat roosts in the dwelling on site. NED offered no objections to the proposed development subject to recommendations regarding designated and protected sites, habitats and species.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It is not considered that the proposal will have a likely significant effect on this site or any other European Sites.

Policy NH6 of PPS 2 requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife.

The proposed dwelling occupies a slightly smaller footprint than the existing whilst the proposed ridge height is similar to the existing. Views of the site are limited and long distant, with the exception of direct views of the site from the shoreline. Nonetheless, the varied house types along this stretch of road between Warrenpoint and Rostrevor means that the proposed house will not look out of place or conspicuous at this location. The proposed dwelling, whilst not a house type traditionally found within the rural countryside given the flat roof design, extensive glazing and external chimney breasts, would not have a visual impact significantly greater than the existing building given the complex shape and scale of the existing dwelling due to several extensions and alterations. The proposed dwelling alongside the demolition of the existing, in a way, simplifies the development occupying the site. The design is of high quality comprising high quality materials.

Given its location, NIEA have concerns that this proposal may be impacted by climate change, sea level rise, and coastal erosion in the future. The red line boundary for this application is located directly adjacent to the coastline. Northern Ireland Historical Shoreline Analysis Survey indicates that this section of coastline has historically been eroding at a rate of between 0.02 – 0.04m per year. As highlighted above, climate change and sea level rise may lead to increases in the rates of erosion, therefore increasing the level of risk faced by this section of coastline.

Therefore, given the proximity of this proposal to the coastline NIEA advise that it may be at risk in the future from the impacts of erosion. Furthermore, NIEA advise that the results of the 'Coastal Bedrock Geology' project which was undertaken by the GSNi indicate that the bedrock along this section of coastline consists of 'sandstone' which is soft and therefore susceptible to the impacts of erosion.

NIEA also advise that after assessing aerial orthophotos of this section of coastline that it appears to be artificially held. The imagery available appears to show that this site is protected by a sea wall; the need for this coastal defence would suggest that this section of coastline has been vulnerable to the impacts of erosion in the past and is therefore something that should be taken into consideration.

The Planning Department have considered the comments from NIEA. Various factors have also been taken into account:

- The proposal is for a replacement dwelling whereby the existing dwelling could be occupied at present with little to no modifications.
- It is an on-site in-situ replacement with the existing access to be retained.
- The new dwelling will not be sited any closer to the coast than the existing.

After taking all of the above into consideration, the Planning Department are of the opinion that the proposal is at no greater risk than the existing dwelling as there is no intensification. Whilst the Department acknowledges the siting of 1 no. ancillary building (boat store) closer to the coast than existing buildings on the plot,

consideration must be given to the permitted development rights afforded to house holders for the erection of outbuildings.

PPS 6: Planning, Archaeology and the Built Heritage

Ross Monument (HB16/06/056) which is a Grade A listed monument is located northeast of the site. The site outlined in red comprises a large, 2 storey detached dwelling, swimming pool and small boiler house. Historical maps show a dwelling on this plot (Seapoint Cottage) from at least 1834, however the Historic Buildings' database states that the building has lost a substantial amount of original fabric due to the replacement of windows and doors and that the building was much altered and extended. The building is therefore not listed nor of any historical or architectural interest. Historic Monuments is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works for an archaeological watching brief. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. HED Historic Buildings considers the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, without conditions.

PPS 15: Planning and Flood Risk

The application site is not within a flood plain. The site abuts a sea wall. No development has been sited within at least 5m from the sea wall. The wall is to be retained as is. The development does not exceed any of the thresholds listed within Policy FLD 3, therefore a Drainage Assessment is not required. The proposal does not involve the artificial modification of a watercourse. The development is not within the potential flood inundation area of a "controlled reservoir" shown on the Strategic Flood Map. The proposal complies with Policies FLD 1-5 of PPS 15.

Summary

Taking into account the above, the erection of a replacement dwelling is considered acceptable. The house type is also considered acceptable in this location, given the range of development adjacent the site owing to the suburban character of the area.

Recommendation: Approval

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: P100, P103A, 231020 Rev 01, P111, P105,

P106A, P104, P112, P01A, P109A, P107A, P108, 231021, 231023, and 231022.

Reason: To define the planning permission and for the avoidance of doubt.

3. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing buildings, coloured green on the approved drawing no. P100 is demolished, all rubble and foundations have been removed.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

4. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside.

5. A clearly defined buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse bordering the southern edge of the red line boundary.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site

6. No development, demolition, earth moving shall take place, nor material or machinery brought onto site, until protective silt fencing has been erected between the construction site and the adjacent watercourse. The fencing must be suitable to prevent egress of water from the construction site into the watercourse. This protective fencing shall be fully maintained for the duration of the construction period.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site

7. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

8. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition No. 7.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

9. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition no. 7. These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated, and the excavation archive is prepared to a suitable standard for deposition.

10. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

11. All chemical and oil storage on the site shall be adequately contained in accordance with the appropriate British Standards.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

12. All work methods and materials shall not impinge upon any nearby watercourses.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

13. A Final Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority 8 weeks prior to the commencement of works. The mitigation provided within the CEMP shall be adhered to during the construction phase.

Reason: To ensure the protection of aquatic environment.

Informatives:

1. 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.
2. 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.
3. **EXISTING WATER AND SEWER INFRASTRUCTURE**
 - The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property.
 - It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
 - House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
 - Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc.
 - It is the responsibility of the house builder/builder/developer to establish if existing public watermains, foul/storm sewers, together with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing

- public water and sewerage infrastructure, a Pre Development Enquiry (PDE) would require to be submitted. There is a charge for this service.
- If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.
 - Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank. If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team. Copies of our Application Forms can be obtained by contact the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopers.asp and Forms.
4. A formal statutory 'Consent to Discharge of Effluent' will be required from the Water Management Unit of the Northern Ireland Environment Agency under the provisions of the Water (NI) Order 1999 in respect of the discharge of foul effluent from a septic tank. Development must not commence until the above consent has been obtained. An application form can be obtained by applying to Water Management Unit, Calvert House, 17 Antrim Road, Lisburn, Co. Antrim, BT28 3AL, or on the website www.doeni.gov.uk/niea/water-home/regulation_of_discharges_industrial.htm. The septic tank should be located at least 15 metres away from the dwelling to minimise potential for odour nuisance. The applicant must ensure that sufficient land will be available in the final development to accommodate the septic tank and effectual effluent dispersal system. To achieve this, the applicant should engage the services of a suitably qualified person.
5. Bats.
- The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat.
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection.
 - c) Deliberately to disturb such an animal in such a way as to be likely to.
 - i. affect the local distribution or abundance of the species to which it belongs.
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young or
 - iii. Impair its ability to hibernate or migrate.
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or

- e) To damage or destroy a breeding site or resting place of such an animal. If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

6. Birds

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1 or
- obstruct or prevent any wild bird from using its nest or
- take or destroy an egg of any wild bird or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31st August, unless pre-clearance surveys show an absence of breeding birds

7. The applicant should be made aware some elements of this project may be subject to licensing under the Marine and Coastal Access Act 2009. Any work in, on or over the sea or below the Mean High Water Spring Tide Mark may require a marine licence and the applicant should contact the team for further guidance at: Marine Licensing Team DAERA Marine and Fisheries Division 1st Floor, Klondyke Building Gasworks Business Park Cromac Avenue Belfast BT7 2JA Tel: 028 90569247 marinelicensingteam@daera-ni.gov.uk
8. The applicant should be aware that it is an offence under the Marine and Coastal Access Act 2009 to carry out a licensable marine activity except in accordance with a marine licence granted by the DAERA Marine and Fisheries Division. Conviction of such an offence may incur a fine of up to £50,000 and/or two years imprisonment.
9. MAT would direct the applicant toward DAERA standing advice and the Guidance for Pollution Prevention (GPPs), particularly works and maintenance in or near water (GPP5) <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-haveeffect-water-environment-including-groundwater-and-fisheries>
<https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/guidance-for-pollution-prevention-gpps-full-list>
10. As the proposal states the use of a package treatment plant to dispose of foul sewage, the applicant should ensure that there is no detrimental effect on the quality of the Shellfish Water Protected Area by way of effluent discharge.

11. The applicant should be made aware that Carlingford Lough supports commercial fisheries and aquaculture interests. Pollution, resulting from demolition/construction operations, in the marine environment has the potential to cause adverse impact to these interests. The applicant must ensure adequate and appropriate pollution mitigation is in place prior to commencing any demolition/construction operations.
12. The applicant is reminded of Section 47 of the Fisheries Act (NI) 1966, which covers the applicant's responsibilities relating to penalties for pollution and the consequences of causing or permitting the release of any deleterious material into any waters.
13. **European and National Marine Protected Areas**
The applicant's attention is drawn to the fact that the proposal is in close proximity to the boundary of several Marine Protected Areas and precautions should be taken to ensure the integrity of these areas will not be damaged by the proposal's activities. Any activity occurring within the designated site but outside the proposed red line boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.
14. **Marine National Protected Species – Seals**
The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly disturb, capture, injure a Harbour seal (*Phoca vitulina*) or Grey seal (*Halichoerus grypus*).
It is also an offence to intentionally or recklessly;
 - disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,
 - damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,
 - damages or destroys anything which conceals or protects any such structure; or Marine and Fisheries Division Response
 - to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.
 Where impact cannot be avoided or mitigated, a licence may be required for operations and DAERA Marine Wildlife Team should be consulted.
The Wildlife (Northern Ireland) Order 1985:
<http://www.legislation.gov.uk/nisi/1985/171/part/II/crossheading/protection-of-otheranimals>
15. **Marine Nationally Protected Species – Northern Ireland Priority Species**
The applicant's attention is drawn to Section 3(3) of the Wildlife and Natural Environment Act (Northern Ireland 2011) which refers to the consideration of the Biodiversity lists (i.e. Northern Ireland Priority Habitats and Species):
3 — (1) The Department must publish a list of the species of flora and fauna and types of habitat which in the Department's opinion are of principal importance for the purpose of conserving biodiversity.
(2) The Department must—
(a) keep under review any list published under this section;

- (b) make such revisions of any such list as appear to the Department appropriate; and
- (c) publish any list so revised as soon as reasonably practicable after revising it.
- (3) Without prejudice to section 1(1) and (2), a public body must—
- (a) take such steps as appear to the body to be reasonably practicable to further the conservation of the species of flora and fauna and types of habitat included in any list published under this section; or
- (b) promote the taking by others of such steps.
- (4) In this section "public body" has the same meaning as in section 1. Wildlife and Natural Environment Act (Northern Ireland) 2011 (legislation.gov.uk)
16. The applicant's attention is drawn to the following links which provide standing advice to be considered:
- Planning in the Coastal Area
 - DAERA Standing Advice - WTR - Pollution Prevention Guidance - Sept 2022 Final.pdf (daera-ni.gov.uk)
 - Marine Wildlife Disturbance • Marine Map Viewer
 - Decisions affected by marine policy - authorisation decisions
 - DAERA Standing Advice - Marine Litter.pdf (daera-ni.gov.uk)

Case Officer Signature: Eadaoin Farrell

Date: 30.08.24

Appointed Officer Signature: M Keane

Date: 30-08-24



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2274/F

Date Received: March 2023

Proposal: Full planning permission is sought for a proposed new Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park

Location: Lands at Abbey Way car park, Abbey Way, Newry.

1.0. Site Characteristics & Area Characteristics:

- 1.1.** The application lands, outlined in red, comprise the grounds of the existing Abbey Way car park, which can be accessed from Abbey Way and Mill Street. This car park includes surface level parking and also a small, part 2 level, (multi-storey) element of parking. This car park and the extent of the application site extends from Abbey Way to adjoin a number of properties along several streets including Mill St, Hill St, John Mitchel Place, St Colman's Park, whereby the lands generally fall from Abbey Way towards the shopping area of Hill St, (See Appendix A, Extent of Application Boundary).
- 1.2.** This site is located in an area of high-density mixed uses with a variety of building types.

1.3. The entire site is located within the boundary of Newry Town Centre as designated within the Banbridge / Newry and Mourne Area Plan 2015. (Newry was formally designated a City in 2002; the provisions of the adopted Area Plan still apply). The site is outside the boundary of the Primary Retail Core and Frontage. It is within the boundary of the Conservation Area and is also within an Area of Archaeological Potential. Other designations including the Protected Route (Abbey Way) and its proximity to listed buildings, Newry River and a Local Landscape Policy Area, (LLPA) is also noted. (See Appendix B, Extract from Plan Map).

2.0. Site History:

2.1. A history search has been undertaken for the site and surroundings. The most recent and relevant history includes:

- **LA07/2023/2275/DCA-** Abbey Way car park, Abbey Way, Newry. Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park. Conservation Area Consent application- Pending- *Legislation requires that this application is dealt with by DFI. This DCA application remains on hold pending the outcome of this Full application. DFI will issue a Notice of Opinion, after this Full application has progressed through Planning Committee.*
- **LA07/2019/1722/PAD-** Abbey Way car park, Abbey Way, Newry. Civic Hub building accommodating council room, meetings rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park
- **LA07/2019/1736/PAN-** Abbey Way car park, Abbey Way, Newry Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park
- **LA07/2024/0301/F-** Cecil St, Newry. The site is to be developed as a carpark for 49 no. carpark spaces, Full, Pending.
- **LA07/2024/0602/F-** Lands 100m south of Flat 6, Block G Lindsay Walk and 80m east of 10A Lower Water Street. The site is to be developed as a carpark for 301 no. carpark spaces, Full, Pending

3.0. Planning Policies & Material Considerations:

3.1. The relevant planning policy context is provided by:

- Banbridge / Newry and Mourne Area Plan 2015

- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 4 – Planning and Economic Development
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS13 – Transportation and Land Use
- PPS 15 – (Revised) Planning and Flood Risk
- Planning Strategy for Rural Northern Ireland – PSRNI, Policies DES 2 and SP 8
- DCAN15 – Vehicular Access Standards
- Published Parking Standards
- Newry Conservation Area Guide

4.0. Consultations:

4.1. Consultation was undertaken with a number of statutory bodies during the assessment of the application. This included an initial round of consultations on the original proposal, in 2023, with NI Water (NIW), Department of Infrastructure Roads (DFI Roads), Department of Infrastructure Rivers (DFI Rivers), Environmental Health, NI Environment Agency (NIEA), Shared Environmental Services (SES) and Historic Environment Division (HED).

4.2. The responses are summarised below.

- *Environmental Health*- No objections in principle, subject to conditions.
- *Loughs Agency*- No objections in principle, subject to conditions.
- *Department for Infrastructure (DFI) Rivers*- No objections in principle. (FLD1, 2, 3, 4, 5 all satisfied). In respect of FLD3 having account the current ground conditions (car park/area of hard-standing), it is considered the proposals will not create any further hard-standing, thus there is no need for a detailed Drainage Assessment (DA). The content of the generic preliminary DA is noted.
- *NI Water*- Refusal recommended due to network capacity issues with the public foul sewer. The receiving WWTW has capacity. Applicant required to submit a Wastewater Impact Assessment.
- *Historic Environment Division (HED)*- Monuments and Buildings noted the previous Pre-Application Discussion (PAD) and offer no objections in principle.
- *Northern Ireland Environment Agency (NIEA)*- (MFD, WMU, RU and NED) offer no objections in principle, subject to conditions.
- *Shared Environmental Services (SES)*- no objections in principle, subject to conditions.
- *DFI Roads*- Initial holding reply, advising the application is unacceptable and suggested an office meeting. (Duly facilitated in Sept 2023).

4.3. Amended plans and further information, in response to the comments from DFI Roads and NI Water, were then submitted in 2024, which resulted in further consultation being undertaken with HED, DFI Roads and NIW. Design changes were also subsequently submitted by the applicant, which initiated a further formal consultation with HED. The responses are summarised below.

- *HED*- HED Buildings noted the design changes and sought further clarification and requested further information from the agent.
- *DFI Roads*- (Final response 21-08-24): No objections in principle subject to conditions, while registering a limited issue of concern regarding the level of detail submitted. A condition has been included to deal with this issue.
- *NI Water*- (Final response 29-05-24): No objections in principle subject to conditions.

4.4. Further information and changes to the design were then received in June 2024 in response to comments from HED.

HED- Final response (26-06-24): No objections subject to conditions. Historic Monuments Unit (HMU) previously offered no objection subject to conditions also.

5.0. Objections & Representations:

5.1. In line with statutory requirements, procedure and practice, neighbour notification (NN) and advertising was carried as part of the processing of this application.

5.2. An initial round of NN was undertaken in April 2023. Further rounds of NN were then undertaken in February and March 2024, on receipt of amended plans.

A final round of NN was undertaken in August 2024. No interested party has been prejudiced.

5.3. Details of the application were also advertised, in the local press in April 2023, in line with statutory requirements. As noted above, further rounds of NN were undertaken during the processing of the application, following receipt of amended plans, to ensure all those who had made representations on the

application were updated. It should also be noted that the amended details received did not make any changes to the proposal, in terms of proposal description or to the nature, and general size, scale and siting of the building. The discretion to re-advertise application details, during the course of an application, lies with the Planning Department, and, in the context of the above amendments and in line with normal practice, it was not considered necessary to readvertise details of this proposal.

- 5.4.** To date, approximately 2570 representations have been received in opposition to the proposals (16-09-24). Some 2530 of these representations were from the Church parishioners, which were based on 2 standard proforma letter templates.

All representations have been considered, in consultation with relevant statutory agencies, as part of the Planning Department's assessment of the application.

These included a number of matters which are not material planning considerations, for example, whether there was a need for the offices, querying why the council was building these offices, when it had existing offices in Downpatrick, cost to the ratepayer and the City Deal project team within Council. These are not relevant to the exercise of the Council's statutory obligations as a planning authority, which is to determine the application before it. Comment has also been made about the appropriateness of the council's planning department determining its own planning application. This is expressly provided for in planning legislation and happens throughout the UK. It is a matter for DFI to consider whether it wishes to call in the application.

The objections did however set out a number of material planning considerations, in addition to those matters, outside the remit of planning, referred to above. All matters raised have been listed purely for the purposes of completeness, below:

- Loss of parking (of existing spaces), unless alternative provision is made, and no provision of parking for staff,

- As a result, this will exacerbate already significant parking issues in Newry City Centre, which will deter shoppers and visitors and negatively impact on the local economy. Additionally, given one of the primary reasons for moving from Monaghan Row was to address the lack of parking, it is astounding council would actively pursue plans that will not only make these parking issues worse, but transport them to the heart of the city,
- Where will church parishioners/tourists/shoppers park if there is less parking space available. Newry has so little parking. Knock on effect to retailers and loss of trade if parking along Hill St, etc, is filled with church attendees. Tourists will no longer stop as cannot get parked,
- No consideration for the ageing population. The Cathedral has a capacity of 1000 people. Where is it expected these people will park. Weddings/funeral also raised,
- The cumulative net loss of public car parking is contrary to Policy AMP2 and AMP7 of PPS3,
- The proposal may breach the conditions of the approval for the health hub,
- The car parking surveys were carried out during the COVID pandemic, and are not reflective of normal conditions. As such the entire evidence base is compromised and not robust,
- The walking isochrones are unrealistic on the basis that this is N.I. where there are more wet days than dry. To suggest someone is going to walk 20min is not reality. It also fails to understand the rural hinterland whereby the private car is the predominant form of transport given public transport services are limited. Consequently, the modal split proposal is irrational,
- concerns around the emphasis on the modal split, and TRICS data given Newry's rural hinterland. The approach advocated is not based in the "real world" nor does it take account of the actual situation in Newry,
- Council offices can be built elsewhere outside the city centre for a cheaper price and less disruption to traffic,
- This application did not go through the proper channels and failed to speak to the people impacted,
- Rate payers did not ask for this new building but will have to pay for it. It is not for the people, rather is for Councillors. Impact on rates,

- Is there a need for this new building. It is not value for money. Since the pandemic most staff WFH or have limited time in office,
- The council already has a fit-for-purpose, modern civic centre at the Downshire in Downpatrick. It does not need a second HQ, and whilst there may be a need for new council offices in Newry, there is no need for plans of this scale which represent a clear duplication of services at a time when public sector budgets are already stretched,
- Size and Design concerns and its appropriateness in this setting, visual and physical impact on Cathedral/Listed Buildings and cityscape, and that the building bears no relationship with its surroundings. It will detract from key heritage buildings and will be a very prominent building, is unsympathetic to and will damage the distinctive character and heritage of the visual aesthetics of the area/town centre, being contrary to PPS6. The Cathedral is arguably the most historical and architecturally important building in Newry. The Cathedrals impact and historical context will be diminished by the building proposed,
- Design flaws and poor working conditions (with subterranean level),
- What is the economic rationale behind the development, the feasibility of the project, anticipated economic benefits. No evidence that a PACC and means of considering the entire strategy was ever carried out,
- The application is premature and insufficient info has been provided,
- For the public to have confidence in the impartiality of the decision and in the integrity of the planning system, this application should be called in by the Dept, as planners are now directly employed in the Council, and this will be seen as putting them in an invidious position,
- This application cannot be seen in isolation. It is part of the Newry Regeneration Project, which in turn is part of City Deal. Since first announced in 2015 the situation in town centres has changed, retail has collapsed while the demand for office space has also radically changed. This project is predicated on the need for new office space for staff and new office space for letting. In view of the fact that the future need for office space is not yet clear, this should be a material planning consideration,
- The site is within the floodplain and needs to be deemed an exception,
- No preliminary bat roost assessment has been carried out,

- Consultees are opposed to the proposals, namely DFI Rds and NI Water,
- Contrary to the grandiose and inflated claims within the Business Case for this project, it will in fact have an adverse economic impact in the long term on Newry City centre and is therefore contrary to PPS 4: Planning and Economic Development. This is in part reflected in fact that Newry BID, the largest organisation representing businesses in Newry, is currently lodged as an objector to this proposal,
- there is a lack of clarity over whether unoccupied office space in the hub will be rented out for bookings, generating an income for council whilst at the same time competing with, and potentially undercutting, the already fragile private office accommodation sector in Newry,
- It is inevitable that the council's attempts to centralise its administrative functions in Newry will lead to a pull factor away from the council's current HQ at the Downshire Civic centre in Downpatrick. This will, over time, result in more positions being located in Newry and a subsequent disincentive for the labour market in the Down District area to apply for these jobs. This is highly likely given Belfast has more employment opportunities and is both closer and more accessible from much of the greater Downpatrick area than Newry is,
- At one stage or another, the vast majority of councillors elected before the 2023 term will have in some capacity indicated their support or opposition to these plans. Numerous debates, discussions and votes have taken place regarding the Hub, and it is therefore highly unlikely that a planning committee consisting of elected members could make a transparent, unencumbered or impartial decision on its merits on planning grounds alone. The council must urgently clarify how this potential perceived conflict of interest will be addressed if councillors are to make the final decision on this application.
- The proposed 'civic and regional hub' forms part of the council's bid to the Belfast City Region Deal (BCRD), and should be called in by the Dept,
- This project has already been subject to an internal governance review, the results of which were not shared with the public or key stakeholders, which speaks for itself,
- The economic context has changed considerably since plans for this Civic Hub were first advanced, yet these plans have largely stayed the same. The council has abjectly failed to take into consideration changing dynamics within

the workforce, particularly the role of flexible working patterns such as working from home,

- The council has failed to properly consider the impact that the cost of this project will have on public finances in the face of rising inflation. This is particularly reckless when no external funding is being provided for this project and ratepayers will therefore be saddled with a bill for a project with no fixed cost,
- The council has failed to use the changing economic context as an opportunity to consider alternative sites, many of which have become available since the pandemic. Taking over an existing premises and retrofitting it would cost ratepayers far less and potentially deliver much greater regeneration value for Newry City centre. Efforts by a number of councillors to encourage council to consider alternative opportunities post-COVID have been ignored,
- In 2021 the council reluctantly agreed to do a public consultation on the civic hub project. The public's views were made abundantly clear, with the consultation receiving the highest number of responses (1,585) of any consultation in the council's history, as well as 6129 individual comments.
- The overwhelming majority of these responses were negative and questioned the value of and need for such a Hub, with 70% of respondents ranking it 5th out of 5th when given a choice of projects they would want to see prioritised in Newry. Despite this, council has opted to ignore these responses, and decided to instead proceed with a behind closed doors consultation process until they get the response they wanted.
- This approach flies in the face of community planning legislation, good governance and codesign principles. Council have made it clear they are unwilling to listen to what the vast majority of ratepayers actually want, and instead are intent on pushing forward an eye watering expensive capital project wanted only by a few members of management and some political parties. The question must be asked why this project has even been able to get this far in the first place,
- Lack of engagement from agent/Council with interested parties,
- Accuracy of info submitted contained within the Transport Assessment and Travel Plan regarding footways, cycle ways and parking,

- Inadequate cycle storage and active travel provision,
- The council already has a fit-for-purpose, modern civic centre at the Downshire in Downpatrick. It does not need a second HQ, and whilst there may be a need for new council offices in Newry, there is no need for plans of this scale which represent a clear duplication of services at a time when public sector budgets are already stretched,
- continued delusion that your building can be on site by mid 2024. Council are being misled that this building can be on site in the timescales identified, and recommend Council take independent advice,
- The likely planning delay that can be expected given the significant planning hurdles that now need to be overcome as the current assessment of a 9 month delay is not only unrealistic, but demonstrates the Project Delivery Team is not competent,
- Would having a retained Real Estate Advisory firm on the project (which by the way is standard practice when developing an office) have identified better alternative sites since the announcement of the project in 2016,
- Is the project exposed to greater delivery risk as a result of not having an independent project management consultancy to lead and deliver this project,
- Why it is deemed acceptable to demolish a building currently in use with a high embedded carbon content and which has many more years' life remaining in it either in current use or alternative use, when alternative brownfield sites exist within 300m of the selected Civic Centre site,
- Why is a 50,000sq foot building is being constructed when a building of 25,000sq foot 30,000 sq foot building will more than satisfy the Councils current and future needs,
- Has the construction cost inflation impact of a 2 year delay to this project been considered as the lack of Plan 'B' alternatives, which could offer savings in terms of cost, timeframe and better meet the councils project brief suggests this has not happened,
- Why the preferences of council employee survey regarding active travel plans and result of the public consultation undertaken in 2020/2021 been ignored,
- Why the prospect of a judicial review has been considered low risk and not factored into the project programme as a high risk issue,

- If you go straight to the heart of the issues with the proposed Civic Centre, it is the wrong sized building, in the wrong location, designed to suit pre covid working patterns, which is too expensive, will take too long to deliver and is not as good as it could have been if alternative plan "B" locations had been considered,
 - code of conduct of Councillors,
 - how the Council could possibly look to progress the appointment of a contractor on a scheme, which to date is fundamentally flawed and which has no planning permission (reference to newspaper article in Oct 2023). This rather suggests to the public that there is a preconceived outcome, which would engage aspects of apparent bias and predetermination of a planning application made by the Council, processed and determined by the Council,
 - It is remarkable that the Council are pursuing this vanity project given the Department of Economy has placed Netherleigh House on the market for sale (as per the attached), and the NIO have exited from Stormont House with Dundonald House is presently empty. The logic to raising this matter is that it enables the asset to be sold to the market given it is underutilised and in a drive to be more efficient and effective with public funds,
 - the Council are pursuing a brand new office building, when all of the market forces are indicated a hybrid working pattern continuing. The rationale behind this project is fundamentally flawed, notwithstanding the car parking surveys will never stack up, no matter how many times they are undertaken, given previous planning permissions in the area,
 - there has been a failure to meaningfully engage and consult with the church administration and wider community, whereby concerns have been ignored,
 - lack of re-neighbour notification and re-advertisement,
- 5.5. Following receipt of amended plans and further information a further round of NN was undertaken in August 2024 whereby a further representation was received from Canon Brown advising that he and the parishioners of Newry Parish remain opposed to the position of the building but not the concept of a civic centre. An alternative site was suggested.

- 5.6. The full content of representations received can be viewed online.
- 5.7. The planning matters raised are referenced and assessed throughout this report.
- 6.0. **Consideration and Assessment:**
- 6.1. As stated above, this is a full planning application for a proposed new Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation, with associated public realm works to part of existing surface car park. The proposal falls within the category of a Major planning application and this application was preceded by the submission of a formal Pre-Application Notice application, in line with prevailing requirements at that time.
- 6.2. A suite of various drawings was submitted, as part of this application, together with additional supporting documentation including, a Preliminary Acoustic Report, Archaeological Impact Assessment, Preliminary Drainage Assessment, Wastewater Assessment, Preliminary Flood Risk Assessment, Preliminary Ecological Appraisal, Transport Assessment, Travel Plan, Design and Access Statement with viewpoints, Preliminary Sources Study, Heritage Statement, Ground Investigation Reports and Risk Assessment.
- 6.3. The main planning issues to be considered, as part of the assessment of this application include: the principle of the proposed development in the context of relevant planning policy, including area plan designations; impact on the setting of Newry Conservation Area, listed buildings and heritage; design and integration; impact on amenity and road safety, including parking and access; and impact on protected sites and habitats.
- 6.4. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the Council has not yet adopted a local development plan.

- 6.5.** The entire site is located within the boundary of Newry Town Centre as designated within the Banbridge / Newry and Mourne Area Plan 2015 and is also within the boundary of the Newry Conservation Area and Area of Archaeological Potential. S104 (11) of the Planning Act applies. The site is outside the boundary of the Primary Retail Core and Frontage.
- 6.6.** This site is located within an area of mixed use. It is considered the proposed use of this site, as a Civic Centre, is appropriate, in land-use terms. It is appropriate to, and will compliment, the existing uses within the City Centre, and will assist in adding critical mass to support local businesses by attracting staff and visitors to the City Centre. The proposed use within Newry City Centre is considered appropriate to its primary role, as a City within the settlement hierarchy. It is considered it will have a positive impact and is in accordance with the terms of the Area Plan and relevant planning policy, including the SPPS and the associated town centre first approach. This is also in line with Policy PED1 of PPS4.

It is noted certain alternative sites were suggested by third parties in the representations received during the course of the application. The Planning Department can only assess the merits of the site proposed by this application.

Proposed Design and Layout.

- 6.7.** This proposal will see the existing surface level and multi-storey car park demolished/removed, to be replaced with a new Civic Centre building. (This building and site will be bounded by the existing road network of Abbey Way (to the east side) and Lower Water St (west side) to either side. The existing vehicular entrances onto Abbey Way will remain as per existing. Details of the site layout and contextual elevations are provided in Appendix C.
- 6.8.** This new Civic Centre will be broadly rectangular in shape, comprising 3 floors of accommodation, with a flat roof, and is designed to provide frontages on all sides.

- 6.9.** The proposed finishes include: expressed brick (to reflect the Cathedral), including brick piers, mounne granite stone colonnade and cladding, curtain walling with dull bronzed coloured frames (to match brick).
- 6.10.** The main entrance and reception area will be located on the north side. The floors of accommodation will include, but is not limited to, the following:-
- Ground floor- main entrance, foyer, and exhibition space, various meeting/ceremony rooms, toilets, open plan office, plant rooms, bike storage and bin storage.
 - First floor- open plan office, various meeting rooms, break-out areas, and toilets, (With a possible future bridge link to provide pedestrian access to Abbey Way).
 - Second floor- open plan office, various meeting rooms, council chamber, chair persons room, conference room, kitchen, and toilets.
- 6.11.** The site sections provided show the level of the site in relation to the level of Abbey Way to the east and Lower Water Street to the West.
- 6.12.** The proposed building is modern in appearance, designed to reflect its intended use as a civic hub and offices. In general, it is based on a simple rectangular form based on 2 blocks, one positioned above the other. The overall pattern of fenestration is based on well-proportioned openings, with appropriate rhythms, with a vertical emphasis.
- 6.13.** It is considered that the contemporary design approach will fit with the immediate context, based, as it is, on a variety of building styles. It is also considered that the inclusion of the flat roof will minimise the impact on significant adjacent buildings, including the Cathedral. It is also considered that the proposed design will preserve and enhance the overall townscape character, again mindful of the immediate context. In this regard, the city centre location, with the associated high-density development and mix of building sizes, styles, designs and use together with the appearance of the existing car park are noted. A number of adjacent sites are subject to ongoing development.

- 6.14.** The proposed ground floor level will sit below the road level along Abbey Way to the east, beyond which levels generally fall towards Newry River/Canal, to the west. It is considered that the proposed building will integrate within the overall topography of the site and its immediate context.
- 6.15.** While it is acknowledged the footprint is sizeable and will also be sited close to the adjacent road network, it is considered that the site can accommodate a development of this size, design, height, scale, massing, form, alignment and finishes and appearance, without appearing unduly prominent, and will enhance the townscape character of this part of the City which will, undoubtedly, benefit from the associated regeneration. In this context, the proposal is also considered to be in accordance with Policy DES 2 of the Planning Strategy for Rural Northern Ireland which requires that new development proposals should make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.
- 6.16.** The building has been designed to include large areas of glazing to allow light to penetrate within a large open plan office space, thereby ensuring natural light through the building. It is noted the ground floor gable, facing towards Abbey Wall, will face a retaining wall, however it is considered that the proposed layout and design will ensure sufficient space and natural light.

Planning Policy Statement 6 (PPS 6): Planning, Archaeology and the Built Heritage

- 6.17.** As previously noted, the application site is within the boundary of the Newry Conservation Area. Newry Conservation Area (CA) was originally designated in 1983, before being extended in 1992 and again in 2001. It is also adjacent to a number of listed buildings and within an Area of Archaeological Potential. The provisions of the SPPS and PPS6 apply.
- 6.18.** Para 6.29 of the SPPS states, in respect of conservation areas, that these are areas of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance. Policy BH 12 of PPS 6 which deals with 'New Development in a Conservation Area'

states, the Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where, amongst other things, (a) the development preserves or enhances the character and appearance of the area, (as also required by Article 104 of the Planning Act (Northern Ireland) 2011; (b) the development is in sympathy with the characteristic built form of the area; (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area; (e) important views within, into and out of the area are protected; and (g) the development conforms with the guidance set out in conservation area documents.

- 6.19.** The site lies towards the periphery of the CA boundary, along Abbey Way, which also includes the museum and lands towards Courtney Hill. Planning policy also requires that new developments do not impact on views within, into and out of the CA.
- 6.20.** The overall Design Concept, including supporting information and the character of the site and its surroundings have been considered, in detail, by the Planning Department, as part of its assessment of the application.
- 6.21.** The main elements of the proposed building design and layout are outlined in Paras 6.8 - Para 6.15. It is considered that the proposed building will preserve and enhance the character of this part of Newry Conservation Area, as required by planning policy and legislation.
- 6.22.** The Planning Department also consulted HED Monuments (HMU) and Buildings (HBU), as part of the assessment of the application. HED, HBU confirmed no objection, subject to planning conditions, based on amendments to the proposal, which addressed previous concerns about the impact of the proposal on adjacent listed buildings. It confirmed that the siting, and the concept of the size, design, height, scale, massing, form, alignment, finishes and appearance of the development proposed will not adversely affect the setting of any listed building. Its comments were made in relation to the requirements of paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and policy BH 11 (Development affecting the Setting of a

Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HMU noted the proposed development is within the Area of Archaeological Potential for Newry and in the environs of Bagnal's Castle (DOW 046:040), a regionally significant late medieval Scheduled Monument. The development area has previously been subject to targeted archaeological test-trenching as part of the PAD process. HED (Historic Monuments) confirmed it is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

- 6.23.** Policy BH14 of PPS 6 is also relevant in that it relates to demolition of an unlisted building in a Conservation Area. It states that the demolition of an unlisted building in a conservation area will only be permitted where the building makes no material contribution to the character or appearance of the area. It also states that where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.
- 6.24.** While it is noted there are no buildings on site at present, the proposed demolition of the multi storey car park structure within the Conservation Area is considered to require demolition consent. This is currently the subject of a Consent to Demolish application (DCA). This DCA application is a matter for DFI to determine and remains on hold pending the outcome of this full application. DFI will issue a Notice of Opinion, after this full application has progressed through Planning Committee.

The Planning Department has assessed the contribution the existing multi storey car park makes to the townscape character of this part of Newry and the Conservation Area in the context of this planning application. It is considered that this structure although sizeable and visible, does not make a material contribution to the character and appearance of the area due to its age,

construction, appearance and condition. In addition, as outlined above, it is considered that the replacement of the multi-storey structure with the Civic Hub building, considering the proposed design and layout, will preserve and enhance the character of the Conservation Area, as previously outlined.

- 6.25. Accordingly, it is considered this proposal does not offend Policy BH14 of PPS6 or the SPPS.

Impact on Residential Amenity

- 6.26. While it is noted the site is located within the boundary of the City Centre, it is noted there are residential properties in the vicinity of the site. It is considered the building proposed, together with ancillary works, are sited a sufficient distance from any private residential property to prevent any unacceptable loss of amenity in terms of overlooking, overshadowing, loss of light or dominant impact in this urban city centre setting.

Planning Policy Statement 2 (PPS 2): Natural Heritage

- 6.27. The application site is located beyond the boundary of an Area of Outstanding Natural Beauty which covers a portion of Newry City.
- 6.28. The proposals will not result in the loss or damage to trees or landscape features which contribute significantly to the local environmental quality or provide habitat. A Preliminary Ecological Appraisal was submitted which concluded the proposals would have negligible impact on any protected species, including Bats. No further information was required in this regard.
- 6.29. The proposal complies with the requirements of PPS2.

Planning Policy Statement 3 (PPS 3): Access, Movement and Parking, Policy AMP 1 and AMP 2.

- 6.30. As previously stated, the application site is effectively enclosed by the existing road network, comprising Abbey Way along the eastern boundary and the access road serving the existing multi storey car park. The existing vehicular entrance from Abbey Way is to be retained with a new road layout and access

onto Mill Street, (with no access from Mill Street permitted). DFI Roads has confirmed no objections to the proposed access arrangements, subject to planning conditions. The proposal complies with the provisions of Policy AMP 2.

- 6.31.** Policy AMP1 also seeks to ensure new developments take into account the needs of people with disability. Buildings which will be open to the public also need to be designed to provide suitable access for all (including visitors, customers and employees). The layout shows the proposed access arrangements, which include provision for disabled parking bays in close proximity to the entrance and a wide pedestrian circulation area in front of the entrance which is accessible and usable for all, with dropped kerbs and crossing points also provided. It is considered that the proposal complies with the provisions of Policy AMP 1.

Proposed Car Parking Provision.

- 6.32.** Policy AMP7 of Planning Policy Statement 3 (PPS 3) requires that development proposals provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards. The Parking Standards guidance document sets out the parking standards to have regard to in assessing proposals for new development.
- 6.33.** The Parking Standards guidance document indicates, based on the proposed level of floorspace, that in the region of some 220 parking spaces would be required to serve this proposed office building (approx. 230 when including the wedding suite). The proposals do not provide any specific on-site or in-curtilage parking. Future parking at the proposed Civic Hub site will operate on a 'first come, first served' basis, for both staff and members of the public, with parking charges applicable where they currently exist.
- 6.34.** The proposals submitted indicate that the building will accommodate a total of some 215 members of staff, who will be relocated from existing Council offices within Newry. The applicant has also confirmed that Newry Mourne &

Down District Council operates a hybrid (agile) working policy and will only provide desks for 162 staff (75%).

- 6.35.** A Transport Assessment (TA) and Travel Plan (TP) were submitted in support of the application. These were updated during the course of the application with final versions submitted in August 2024 (dated 31-07-24). Updated parking surveys were also undertaken in 2023 to reflect current trends since the pandemic. The Planning Department has no reason to question, and accepts, the content of both the TA and TP.
- 6.36.** The Transport Assessment (TA) also confirms future anticipated staffing numbers using the Civic Hub. It states that, because of the agile working policy, desks will be provided for 162 staff to work there on a daily basis (i.e. 75% of the 215 members of staff that will be based at the Hub). It is also stated that only 146 will travel by car.
- 6.37.** The Transport Assessment (TA) also states that current NMDDC staff who are currently located in Newry, at Monaghan Row and McGrath House, already occupy available public car park spaces within the city centre. While it is noted there is some on-site parking on Monaghan Row, the TA advises NMDDC staff who are currently located in Newry at Monaghan Row and McGrath House are already occupying up to 96 of the available public car park spaces in Newry, (76 spaces for staff at Monaghan Row and 20 for staff at McGrath House). This existing level of usage on city centre parking, should, it states, be factored into the anticipated car parking requirement for the Civic Hub. The anticipated future additional requirement could be reduced from 146 car parking spaces to 50.
- 6.38.** In support of the application, the TA also states that:
- the city centre location means the Hub will be accessible by all modes of transport including, fundamentally, active travel and public transport, given the close proximity to the bus station (5-minute walk);
 - the site is also well-situated to take advantage of the existing pedestrian and cycling network within Newry, with good accessibility to local bus services; and

- as part of the development proposals, an electric shuttle bus service is proposed between the existing and proposed areas of car parking available at the Leisure Centre, Cecil Street and the Civic Hub.

- 6.39.** The TP includes a number of measures, which are broadly broken up in to 5 main sections, and include, Information and Promotion, Walking, Cycling, Public transport, and Managing Car use.

The SPPS recognises that planning has a vital role for improving connectivity and promoting more sustainable patterns of transport and travel.

As part of the Council's strategy to address current and future parking demands in Newry City the Council has also submitted planning applications that propose to formalise the current unmarked 260 space car park at North Street (increasing capacity to 301 spaces) and plans to create a 49-space car park at Cecil Street (for use by NMDDC staff) as part of the Newry City Centre Regeneration.

- 6.40.** As stated, no parking is being provided for the proposed development, rather a case is made that the parking surveys undertaken, in 2023, demonstrate there is an abundance of parking provision which exceeds demand and that there is sufficient existing car parking capacity within Newry city centre at present; however further city centre provision is also being proposed along Cecil St and North St, via the 2 separate planning applications previously referred to as outlined in the TP.
- 6.41.** Other measures being proposed as part of the application include the provision of cycle parking spaces for staff and the public (including electric bikes and charging facilities). There will effectively be a number of methods of travel to access this site, given its central city centre location including by private vehicle, walking, cycling and public transport. While concern was raised, in the representations received, regarding the extent of the walking isochrones and local weather, walking is only 1 method of travel. It is also considered reasonable to anticipate a certain level of walking to office and civic buildings within a city centre.

- 6.42.** The Planning Department has assessed all of the supporting information, as part of its assessment of the application. It also consulted DFI Roads, as outlined above. DFI Roads has confirmed no objections to the proposal, based on the supporting information, subject to a number of planning conditions.
- 6.43.** It is considered that sufficient justification has been provided to support the scheme, including:
- the application site's city centre location, centrally located and easily accessible via several modes of transport, existing working practices and current parking patterns;
 - the supporting information, in relation to the level of existing and proposed car parking provision within the City Centre to serve the proposal, which has demonstrated there is sufficient provision of parking within the city centre to serve the development, while also providing further city centre parking provision; and
 - the measures outlined in the Transportation and Travel Plan.

In view of the above and all relevant factors, the proposal is considered to fit with the requirements of PPS3, Policy AMP 7, in relation to car parking provision, subject to appropriate conditions.

It is also noted that DFI Roads had raised the issue of car parking associated with existing committed developments. It has now confirmed no objections, based on all of the information submitted in support of the application including the TA and TP.

- 6.44.** The Planning Department has considered the nature of the planning conditions submitted by DFI Roads, in its final consultation response. It specified the requirement for a service bus every 20minutes from 08:00 to 18:00 for staff and members of the public.

The TP, submitted with the application, indicates this shuttle bus is to operate from 08:00-10:00 and 16:00-18:00 and is for staff only.

While the need for a service bus to link Cecil Street/Newry Leisure centre with the proposed Civic Hub, (as referenced in the TP) for staff and visitors to the

Civic Hub, for business, is accepted, the level of service, suggested by DfI Roads, is considered excessive and would not be sustainable. The frequency of the existing Translink town service times within the city centre is also noted.

It was considered that the wording of this condition required amendment, with a review period to be included also. Following further discussions with DfI Roads, it confirmed no objection, subject to the following amended planning condition.

A shuttle bus service, for both staff and members of the public specifically visiting the Civic Hub to access services, shall operate to and from the new Civic Hub to car parking at Cecil Street Leisure Centre **at 30 min intervals** between 0800 to 1000 and 1600 to 1800 and at hourly intervals between 1000 and 1600. This service shall be subject to review following 12 months, from the date the building hereby approved is occupied and with any proposed changes to be assessed and agreed by NM&DC Planning Department in consultation with DFI Roads.

- 6.45.** DFI Roads had also included planning condition in relation to the proposed 49 space car park at Cecil Street (for use by NMDDC staff), requiring that this is fully operational prior to the occupation of the proposed Civic Hub.

Notwithstanding that the supporting information submitted has demonstrated there is adequate parking capacity within the city centre to accommodate the development proposed, the final TP submitted includes a commitment to provide additional parking. It is considered this matter can be dealt with by way of a separate planning condition. DFI Roads has confirmed no objection to this approach, based on the following planning condition:

All active travel/travel measures outlined in the Travel Plan (dated 31-07-24), including Information and Promotion, Walking, Cycling, Public Transport, Managing Car Use and Staff Parking, shall be fulfilled in full prior to the occupation of any part of the building hereby approved. These measures shall continue and be fully complied with thereafter, unless otherwise agreed in writing in advance by the Council.

- 6.46. A number of objectors, including adjacent church members, have raised the issue of the loss of public car parking spaces, should the proposal go ahead, due to the demolition of the multi storey car park.
- 6.47. By way of background, there is currently a total of some 304 parking spaces on site at present including the multi storey car park, (196 spaces) and an area of surface level area of parking to the north, (108 spaces). There is also on-street carparking in the immediate vicinity of the site (30 spaces). This amounts to an overall total provision of 334 spaces on the site and its immediate vicinity.
- 6.48. The proposal will result in the loss of the multi storey car park, which amounts to some 196 spaces, (although the applicant has stated that the upper deck of the multi storey area of parking, comprising some 61 parking spaces, has been, closed for some time, is therefore out of use).
- 6.49. It is proposed to retain 138 of the existing car parking spaces within and adjacent to the planning application site, as indicated on the latest site layout plan, comprising 108 existing spaces on the existing surface level parking spaces to the north of the application site and the 30 on- street parking spaces. The proposals will therefore result in the loss of a total of 196 parking spaces, or 105 operational parking spaces in the city centre, (based on the applicant's contention that the upper deck of the multi-storey has not been operational for a significant period).
- 6.50. The Planning Department has fully considered this issue, as part of its assessment of the planning application. It is acknowledged that there will be a loss of existing spaces, as outlined above, and it fully appreciates the concerns expressed. On balance, however, it is considered, taking into account all relevant material considerations and the alternative existing and proposed car parking provision referred to above, that the loss of the car parking spaces would be insufficient to justify a refusal of this application.

PPS 15 – Planning and Flood Risk

- 6.51.** Consultation was undertaken with DfI Rivers. It confirmed no objection when considered against the provisions of FLD 1, '*Development in Fluvial and Coastal Flood Plains*', FLD 2 '*Protection of Flood Defence and Drainage Infrastructure*' and FLD 3, '*Development and Surface Water*' FLD4 - '*Artificial Modification of watercourses, and FLD5 - Development in Proximity to Reservoirs*' of PPS 15.

The representations received allege the site is within a flood plain. DFI Rivers has confirmed the site is not within the flood plain, and that the proposals do not offend PPS15.

NI Water and Shared Environmental Services (SES)

- 6.52.** NI Water initially responded recommending Refusal due to potential network capacity issues (public foul sewer). A Wastewater Assessment had been submitted with the application. Following a subsequent meeting with NIW officials in May 2024, NIW subsequently provided final comment in May 2024 confirming no objections subject to conditions, which will ensure any drainage proposals are laid correctly and in a timely manner. These conditions also allow for the existing structure to be removed, site cleared and construction to sub-floor level.
- 6.53.** SES was also consulted. It confirmed this planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project. The assessment which informed this response is attached at Annex D.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval regarding the method of sewage disposal, the wording of which overlaps and is covered by that proposed by NIW.

Environmental Impact Assessment (EIA)

- 6.54.** The proposal falls within Category 10(b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, whereby the site area exceeds 0.5 hectare. The site is not located within a designated area (e.g. AONB.) The Planning Department has however determined, through an EIA screening, that the proposal is not EIA development and an Environmental Statement is not required

Noise/Nuisance

- 6.55.** Consultation was undertaken with Environmental Health. Environmental Health offer no objections to the proposal subject to conditions.

Summary

- 6.56.** The level of representation and opposition to the proposals are noted, however it is considered the development proposed complies with all relevant planning policy. The application was subject to pre-application community consultation and officers are satisfied that the Applicant has complied with its statutory obligations in relation to consultation. Statutory consultees offer no objections subject to conditions.
- 6.57.** Accordingly, approval is recommended subject to the following planning conditions, (drafted below).

7.0. Recommendation: Approval

7.1. Draft Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby permitted shall take place in strict accordance with the following approved plans: Drawing No.s TBC.
3. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:
 - The identification and evaluation of archaeological remains within the site;
 - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - Preparation of the digital, documentary and material archive for deposition.Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.
4. All site works and development shall be in accordance with the programme of archaeological work approved under the condition above.
Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.
5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition above.
These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of

the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

6. No external brickwork or stonework shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.

The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.

The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external materials.

7. No windows, or external doors shall be installed unless in accordance with details that shall have first been submitted to and approved in writing by the Council. The details shall include their design, profile, materials, finish and colour, cills, head and reveals.

8. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recesses to the windows and external doors have been submitted to and approved in writing by the Council. The details shall include scaled section drawings. The development shall not be carried out unless in accordance with the details so approved.

9. No external roofing, including flashings, fascia boards and paving slabs, shall be constructed or applied unless in accordance with a written specification and a physical sample, details of which shall have first been submitted to and approved in writing by the Council.

The sample shall be provided on site and made available for inspection by the Council for the duration of the construction works.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of surrounding listed buildings. The long, low form of the building set at the base of a hill means it is prominent and therefore high-quality materials and detailing are important.

10. Prior to commencement of external landscaping, samples shall be submitted and approved in writing by the Council in respect of all external materials and finishes proposed, to include;

a) Retaining wall along Abbey Way

b) Paving slabs

c) Paving setts

d) Kerbs

e) Steps

f) Handrails and guardings

Reason: to ensure that the landscaping is of appropriate quality in the interests of maintaining the character and appearance of the setting of surrounding listed buildings

11. No external lighting shall be installed unless in accordance with details which shall have been submitted to and approved in writing by the Council. The details shall include the specification of the lighting including luminance levels (Lux) and the design and appearance of fixtures including columns, casings and brackets as applicable.

Reason: to ensure that the lighting does not disproportionately attract attention away from the Grade A listed St Patrick's Cathedral building and form a competing focus to it.

12. No drainage shall be laid until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services

(Northern Ireland) Order 2006.

13. No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water.

Reason: To ensure a practical solution to sewage disposal is possible at the site that will protect features of indirectly connected European Sites in Carlingford Lough from adverse effects.

14. The development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: To ensure a practical solution to sewage disposal from this site is possible

15. The vehicular accesses at mill street and abbey way, including visibility splays, forward sight distance and the crocodile teeth at mill street shall be provided in accordance with Drg No 19048-HAM-XX-XX-DR-A-1001-P5- Proposed Site Plan date published 25-06-24 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

16. The access gradient(s) to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

17. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing Drg No 19048-HAM-XX-XX-DR-A-1001-P5- Proposed Site Plan date published 25-06-24 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing, and traffic circulation within the site.

18. A shuttle bus service, for both staff and members of the public specifically visiting the Civic Hub to access services, shall operate to and from the new Civic Hub to car parking at Cecil Street Leisure Centre **at 30 min intervals** between 0800 to 1000 and 1600 to 1800 and at hourly intervals between 1000 and 1600. This service shall be subject to review following 12 months, from the date the building hereby approved is occupied and with any proposed changes to be assessed and agreed by NM&DC Planning Department in consultation with DFI Roads.

Reason: To ensure that adequate provision has been made for parking and traffic circulation.

19. All active travel/travel measures outlined in the Travel Plan (dated 31-07-24), including Information and Promotion, Walking, Cycling, Public Transport, Managing Car Use and Staff Parking, shall be fulfilled in full prior to the occupation of any part of the building hereby approved. These measures shall continue and be fully complied with thereafter, unless otherwise agreed in writing in advance by the Council.

Reason: To ensure the orderly development of the site.

20. All plant equipment on the roof shall be acoustically screened to ensure no noise disturbance to neighbouring residential accommodation.

Reason: In the interests of residential amenity.

21. Prior to any demolition and construction works commencing on site an operational plan shall be submitted to and approved in writing by Planning Office (for consultation with Environmental Health) which adequately deals with noise, vibration and dust, including hours of operation, dust suppression, monitoring of noise and vibration as per Acoustic Report.

Reason: To ensure the orderly development of the site.

22. in the event that any previously unknown contamination is discovered development on the site shall cease immediately pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of Planning Office (in consultation with Environmental Health at Newry, Mourne and Down District Council).

Reason: To ensure the orderly development of the site.

Case Officer Signature: M Keane

Date: 18 September 2024

Appointed Officer: P Rooney

Date: 18 September 2024

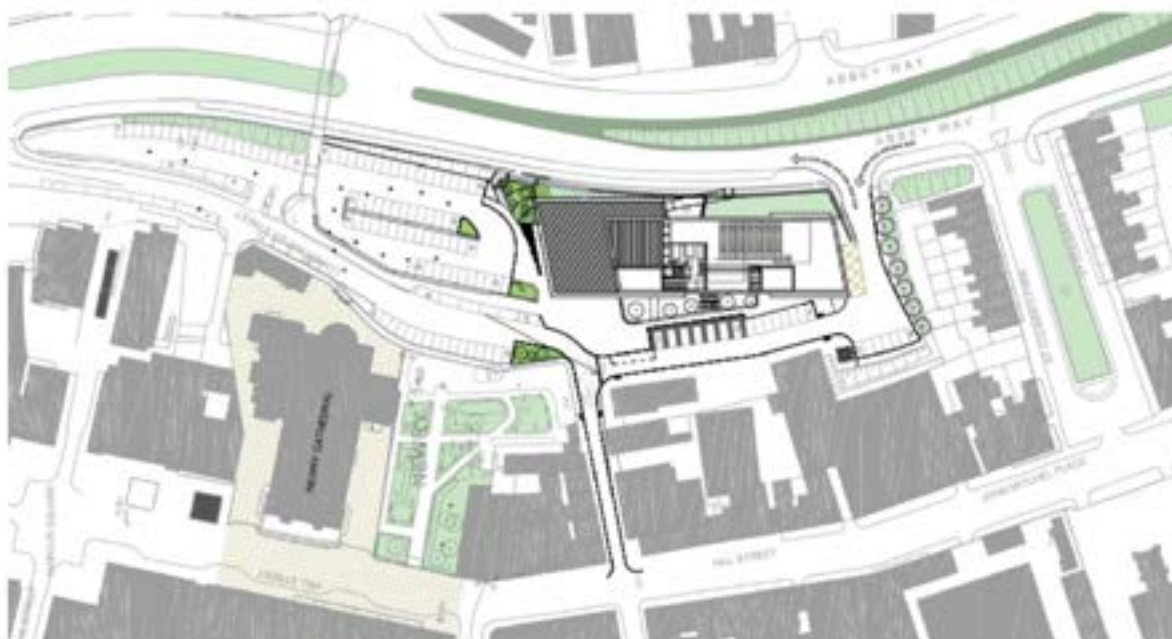
Appendix A. Extent of Application Boundary.



Appendix B. Development Plan Map Extract.

Appendix C. Site Layout and Contextual Elevations.

Proposed Site layout plan below



Contextual North & West elevations



Contextual South & East elevations



Contextual Elevation South 1:200 @ A1



Appendix D: Appropriate Assessment under Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

Ref – LA07/2023/2274/F – Lands at Abbey Way Car Park – Proposed Civic Hub

This proposal was submitted on 17/03/2023 by the NMDC and has been processed expediently by NMDC Planning Officials, who are in effect being asked to consider their CEOs proposal.

Conflicts of Interest

There are 12 members of the Planning Committee and that many of these members also sit on other Council Committees and have **expressed opinions and/or voted in other Committees on the matter of this proposal.**

Members would need to ensure that they declare any conflicts of interest, or they could stray into actual or apparent bias or be taken as having a predisposition or predetermined in support of the proposal. They must not allow a planning decision to be affected by any interest the Council may have in the outcome of the application. **They must approach a decision fairly, impartially and within a genuinely open mind.**

Re-Advertising

There is significant public interest in this proposal, given the wide-ranging impacts on Newry City Centre. Despite there being approx. 2,570 representations – 2,530 from the Cathedral parishioners, with 40no. other objectors. **The proposal was last advertised in April 2023, which is some 18 months ago.** In the intervening period there has been numerous additional supporting information.

Paragraph 2.8 of Development Management Practice Note (DMPN) 14 – Publicity & Neighbour Notification, notes as a rule, the application should be re-advertised taking account of the following factors:

- Duration of time of the application in the planning system and **level of public interest**
- Changes to the description or layout, design, number of buildings, access points, landscaping
- Where **significant additional and new information is provided in support of a proposal including traffic assessments**, retail impact assessments, concept statements, noise reports, contaminated land remediation measures, drainage assessments, ecological information
- **Specially where an amendment /additional information relates directly to the ground of objection**

Case law in ***British Telecommunications PLC v Gloucester City Council [2001]*** where Elias J, considered that *"I would add that the interests of the public must also be fully protected when an amendment is under consideration. They were, however, fully protected in this case by the detailed consultation that took place in respect of these amendments"*

It is not for the Case Officer to decide if any 3rd party has been prejudiced it is for them to assess the requirements for re-advertising based on the above criteria, which they have empathetically failed to undertake.

A New TA where there is a shortfall in car parking in Newry City Centre, which will impact businesses, residents, and users would engage the requirement to re-advertise, as per DMPN14, but that would involve in delay, and interrogation of the concerns raised, which the Council does not want.

Overdevelopment

Obvious indicators of overdevelopment of a proposed development site are when it is deficient in the quantum of a particular aspect. It is accepted that there is **insufficient car parking provision**.

The Church would also indicate that it detracts from the critical public viewpoints of the Cathedral and impacts on views within and outside the Conservation Area, due to the massing, scale and form proposed. **It could not reasonably be deemed to preserve or enhance the character of the area**, nor would it respect the characteristics of adjoining buildings.

SYSTRA Transport Assessment (TA) & Travel Plan (TP)

The TA has numerous errors in accuracy, approach and methodology. At the outset the **authors were surveying car parks during COVID**, which was against DFI Roads advice!!

This proposal is based on **4 days of car park surveys** Thurs 16th to Sunday 19th November 2023 – **2 weekdays and 1 weekend**, which is neither robust, nor acceptable.

The starting position on this application is the **net loss of 304 car parking spaces and 215 new staff**. There is an **automatic shortfall of 196 spaces based on TA figs (308-108)**. Despite the claims the top deck has been closed we have photographic evidence to demonstrate this is inaccurate.

Many of the assumptions in the TA are flawed and the cumulative shortfall in parking is higher due to these errors. There has been **double counted as they are included in the overall total of 1,779 spaces**. There is no explanation as to why DFI Roads has dropped from 401 to 120 spaces for the CTC sensitivity, and the claim the CTC only has a shortfall of 30 no spaces is fanciful. The **TRICS figures are grossly unrealistic and misleading, as the data input has no resemblance to Newry's population, rural hinterland, transport infrastructure nor number of staff**, it has been manipulated to reach a desired output, and the sites in Manchester, Derby, Dundee Merseyside, Tyne & Wear with populations >500k people within 5 miles aren't realistic. The dates chosen include COVID so again this undermines the assessment.

Predetermination of Schemes Under Consideration

The proposal relies upon on 2no. planning applications, which have not yet been determined, but the TA includes 90no. spaces, but these cannot be included. The Committee Report purports these are required to be conditioned by DFI Roads as part of this permission, which is impossible and erroneous.

Consultations

The Committee Report states at para 6.35 that the Planning Department has no reason to question, and accepts the content of the TA and TP. **In the application of *Clare McCann v Armagh City, Banbridge and Craigavon Borough Council (2022) NICA 60*** where the Appeal Court highlighted that there is a "disproportionate reliance on presumptively expert consultees" and that consultees "do not absolve planning officials and committees alike from their duty to carefully evaluate the evidence assembled"

In essence, planning officers and planning committee members should not take the advice of consultees as "gospel" but should actively interrogate and evaluate all the material assembled, which includes the applicants and 3rd party representations and evidence.

19048 Newry Civic & regional Hub – Planning Committee Meeting – 02.10.2024

Request for Speaking Rights

Mr. Graeme Ogle – Hamilton Architects
 Mr. Kieran Carlin – Carlin Planning

Project Overview:

- Newry City Centre Regeneration programme is supported by Belfast Region City Deal
- Newry Civic & Regional Hub is a project within the NCCR programme
- Rationalisation of the Council's estate and Centralisation of services
- Adapt to flexible working - open plan office working environment

City Centre first:

- RDS recognises the importance of accessible and vibrant city / town centres.
- SPPS:
 - Secure a town centres first approach for the location of future retailing and other main town centre use - 'business'.
 - sequential approach...when decision-taking.
 - enhance diversity – range of uses including business.
 - high quality design...sustainable, attractive, accessible and safe environments.
 - maintain and improve accessibility to and within the town centre.

Local Development Plan:

- **Newry City Centre**
 Uses include retail, office, commercial, employment, entertainment, cultural, social, religious, community, leisure, sport and transport buildings.

Car Parking:

Existing & Proposed:

- 138 existing car parking spaces retained immediately adjacent the Civic Hub

Policy:

- PPS3 – AMP 7 - reduced level of car parking provision may be acceptable in the following circumstances:
 - Transport Assessment - package of measures to promote alternative transport modes; or
 - highly accessible location well served by public transport; or
 - benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
 - where shared car parking is a viable option; or
 - where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

Justification for the approach to parking:

- Policy does not request the retention of existing car parks
- Over half of the existing public parking on the site has been retained
- City Centre – accessible location
- Package of measures – shuttle bus (conditioned)
- Capacity in nearby car parks:
 - Detailed city centre parking surveys were undertaken in **November 2023**, with 1,779 car parking spaces surveyed
 - Maximum surveyed occupancy across the city centre car parks was 60% (Thursday 11:00 – 12:00)
 - Maximum on-street parking occupancy was over 90% throughout Thursday and Friday daytime
 - Robustly demonstrates ample parking is available in the city centre
- Case Officers report provides a detailed analysis / balancing exercise

Drainage:

- Capacity issues across Northern Ireland
- Need for new solutions:
 - Stormwater contribution to the NIW foul/combined network downstream of the development must be removed
 - Foul and storm water networks are to be separated, and additional stormwater offsetting provided onsite
 - Detail agreed through the Discharge Consent process.
- Appropriate condition proposed – *“No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water”.*



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

1.0 Application Reference: LA07/2023/2193/F

2.0 Date Received: 19.01.23

3.0 Proposal: Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar Island, portion of Needham bridge, portion of East side of Newry Canal, area around Bank Parade and Kildare Street.

4.0 Location: 1 Town Hall, Bank Parade, Newry

5.0 Site Characteristics & Area Characteristics:

The site comprises 0.89ha of land of the existing Town Hall (Listed Building), a two-storey derelict building (No.2 Bank Parade) and Sean Hollywood Arts Centre (SHAC).

Whilst comprising of separate buildings with exception of No. 2 Bank Parade both the existing Town Hall and SHAC read as a collective visual entity when viewed from the immediate area.

The site is located to the SW of Sugar Island occupying a prominent location within Newry City. The existing Town Hall is built above and extends along the Clanrye River on a supported bridge arched structure.

The broader site extends to the W forming a triangular portion of open, disused land with pedestrian connection to the SW to Needham Bridge. Newry Canal and a Schedule Monument extends along the SW boundary with remnants of a stone wall/ wall of former buildings along this boundary.

The east of the site extends to Sugar Island Bridge, taking in Kildare Street to the South and Bank Parade to the north. By virtue of its location within the Conservation Area there are variety of trees within the vicinity which are afforded protection under a Tree Preservation Order (TPO).

Development within the vicinity include a mix of commercial properties located within 2 -4 storey high terraced buildings that extend along Kildare Street, Sugar Island, Trevor Hill and Hill Street.

The site is located within the settlement limits of Newry City, within the limits of Newry City Centre, Newry Conservation Area, Development Opportunity Site (NY84), Local Landscape Policy Area (LLPA - NY114), Disused Transport Route and is located within the confines of a listed buildings/ structures including Newry Town Hall, Armagh Down Bridge, Russian Trophy and Mc Cartan's shop including a Scheduled Monument (Newry Canal)

6.0 Site History:

6.1 Application site:

LA07/2023/2328/WPT – 1 Town Hall, Bank Parade. Carry out works to protected trees. *Current*

LA07/2023/2213/LBC – 1 Town Hall, Bank Parade. Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with Town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar Island, portion of Needham bridge, portion of East side of Newry canal, area around Bank Parade and Kildare Street. *Current*

LA07/2019/1652/PAD – Bank Parade. Demolition of 1A Sean Hollywood Arts Centre & 2 Bank Parade. Refurbishment and alterations to Newry Town Hall. New three-storey extension to Newry Town Hall comprising new theatre and associated ancillary spaces, new cafe and multi-function rooms. Public realm works to area enclosed by Newry Town Hall, Needham Bridge, Newry Canal and Newry River and Bank Parade. *Current*

LA07/2019/1552/PAN – Bank Parade. Demolition of 1A Sean Hollywood Arts Centre & 2 Bank Parade. Refurbishment and alterations to Newry Town Hall. New three-storey extension to Newry Town Hall comprising new theatre and associated ancillary spaces, new cafe and multi-function rooms. Public realm works to area enclosed by Newry Town Hall, Needham Bridge, Newry River and Bank Parade. *PAN Concluded (0.96ha)*

LA07/2017/1504/LBC – Newry Town Hall, Bank Parade. Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall. *Approved*

LA07/2017/1503/F – Newry Town Hall, Bank Parade. Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall with new galvanized steel staircase with timber cladding and to include alterations to existing footpath and access road. *Approved*

LA07/2016/1660/LBC – Newry Town Hall, Bank Parade. Internal refurbishment works to Newry Town Hall: refurbishment of existing auditorium, stage and back of stage areas, removal of existing control room, installation of new control room to accommodate sound and lighting desks and installation of new light fittings and support rigs. *Approved*

LA07/2015/0476/F – Newry Town Hall, Bank Parade. External refurbishment works to Newry Town Hall. Waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows. *Approved*

P/2015/0028/LBC – Newry Town Hall. external refurbishment works to Newry Town Hall: waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows. *Approved*

P/2012/0375/LDP – Proposed demolition of rear Leader Building. *Approved*

P/2006/2334/CA - No.2 and No.4 Bank Parade including the former Ross Thompson site, Bank Parade, Newry. Partial demolition of No 2 Bank Parade and demolition of No 4 Bank Parade to facilitate mixed use scheme (49 residential units, cafe, offices and associated works). *Approved*

P/2006/2322/F - No. 2 and No.4 Bank Parade, the Former Ross Thompson Site, Bank parade, Newry. Erection of Mixed-Use development (including 49 residential units, cafe and offices and associated works.) *Approved*

P/2006/2201/F - Newry Town Hall and Arts Centre, Bank Parade, Newry. Erection of bridge link between Town Hall and Arts Centre. Erection of staircase and enclosure to Town Hall. Remodelled facade and internal alterations to Arts Centre. *Approved*

P/2006/2161/LB - Newry Town Hall and Arts Centre, Bank Parade, Newry. Proposed bridge link between Town Hall and Arts Centre. Proposed demolition of existing external staircases and erection of new staircases and enclosure. *Approved*

P/2005/1560/LB – Newry town Hall, Bank Parade. Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar capings, and solar panel installation to roof. *Approved*

P/2005/1559/F – Newry Town Hall, Bank Parade. Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar capings and solar panel installation to roof. *Approved*

P/1992/1109 – Town Hall, Bank Parade. Renovations and alterations to Town Hall (Listed Building Consent). *Approved*

P/1992/1108 – Town Hall, Bank Parade. Alterations and renovations to Town Hall.

P/1992/0780 – Bank Parade. Retention of oil tank and bin store

P/1976/0806 – Bank Parade. Proposed Arts/ Culture Centre

6.2 Adjacent and NE of Site

LA07/2023/2992/F - Lands incorporating nos. 8- 18 Sugar Island and associated lands to the rear along with access to be provided via Bank Parade, Newry City. Proposed refurbishment, alterations and rear façade works to nos. 8-18 Sugar Island along with provision of a new lift and stair core to provide 1st and 2nd floor access to no. 16 & 18 Sugar Island. Provision of new office space at 1st and 2nd floor within nos. 16-18 Sugar Island. Façade and alteration works to no. 8 Sugar Island to provide a carriage arch. Demolition of existing outbuildings and perimeter walls to the rear of nos. 8-18 Sugar Island. The upgrade and widening of existing entrance from Bank Parade (which is to be facilitated via demolition of the Sean Hollywood Arts Centre as proposed by Newry, Mourne & Down District Council under application LA07/2023/2193/F). The provision of a drive-thru restaurant with associated site works to include for all hard and soft landscaping works. Provision of a bin storage area. (Additional plans and information). *Current*.

LA07/2023/2991/DCA - Lands incorporating nos. 8-18 Sugar Island and associated lands to the rear along with access to be provided via Bank Parade, Newry City Demolition of existing outbuildings and perimeter walls to the rear of nos. 8-18 Sugar Island. The upgrade and widening of existing entrance from Bank Parade (which is to be facilitated via demolition of the Sean Hollywood Arts Centre as proposed by Newry, Mourne and Down District Council under application LA07/2023/2193/F). *Current*

7.0 Consultations:

- **HED Monuments (13.09.24)** – Content subject to conditions (Engagement required directly with HED SMC team)
- **HED Buildings (Due 13.09.24)** – Reconsidered impact of the proposal on the listed building based on information uploaded Jun/ Aug/Sep 24 and advise that previous concerns have been addressed and conditions are requested to address outstanding information on the Town Hall and Atrium.
- **DEARA Natural Heritage (06.09.24)** - NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions.
- **DFI Roads** (Meeting held 16.09.24 agreed proposals in principle subject to minor amendment on the layout to include reinstatement to current road arrangements as on the ground and clarification of kerbs on Needham Bridge)

- **NIW (28.05.24)** – Approved with planning conditions
- **EH (15.03.23)** – No objection
- **SES (15.03.23)** - As the competent authority for this proposal, Newry, Mourne and Down District Council must itself undertake as much of the assessment process as required under Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
- **NIE (28.03.23)** – No objection
- **Rivers (03.05.24 and 13.09.24)**

The Planning Department via e-mail dated, 9th May 2023, that the application is deemed as 'Development Proposals of Overriding Regional or Sub-Regional Economic Importance' under the FLD 1 Exceptions.

Rivers Directorate also acknowledges receipt of the Flood Risk & Drainage Assessment from RPS dated January 2023 and Addendum to Flood Risk Assessment dated February 2024.

FLD1 – Rivers Directorate, while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions.

FLD2 - The site is bounded at the south-east by a watercourse (Newry River). Newry River also traverses the site between Bank Parade and Kildare Street. The site is bounded at the east by Newry Canal

The site is also bounded by numerous flood defences which are designated under the terms of the Drainage (Northern Ireland) Order 1973.

It is noted that the proposed development is in close proximity to the Newry Flood Alleviation Scheme, currently under construction. With regard to such respects the applicant is advised to liaise closely with the Department's Capital Projects Team.

Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance

FLD3 – Rivers Agency have reviewed the recently submitted Drainage Assessment and Micro Drainage Report (9th September 2024).

Rivers Directorate, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. Consequently, Rivers Directorate cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

FLD4 - Not applicable to this site

FLD5 - Rivers Directorate is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir Manager Status'. Consequently, Rivers Directorate has no reason to object to the proposal from a reservoir flood risk perspective.

Flood Risk in the Climate Change Scenario

Rivers Directorate advises the Planning Authority that, based on the most up to date modelling climate change flood maps, indicate that the vast majority of the site lies within the 1 in 100 year fluvial climate change flood plain (Q100CC) and the vast majority of the site lies within the 1 in 200 year coastal climate flood plain (T200CC).

Rivers Directorate considers that in accordance with the precautionary approach, that the vast majority of the development proposal, is at risk of potential flooding in the climate change scenario and, unless the Planning Authority considers it appropriate to apply the 'Exceptions' principle contained within FLD 1, that the proposal would be incompatible with the overall aim and thrust of regional strategic planning policy in relation to flood risk, i.e. to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. The Planning Authority is advised to consider this as a material consideration.

• NIEA (Oct 23)

Water Management – Potential to adversely affect surface water environment. Should approval be given this is subject to conditions and informatives.

Regulation Unit – No objection

• Fisheries (May 23) – Defer to the Loughs Agency and do not need to be reconsulted

• Loughs Agency (Apr 23) - Loughs Agency would like to outline the potential impacts from this development. Such impacts could include:

- Increases in silt and sediment loads resulting from construction works
- Point source pollution incidents during construction
- Overloading of existing WWTW infrastructure

The Loughs Agency requests that an outline or full Construction Environmental Management Plan (CEMP) is submitted outlining the mitigation measures, particularly during the construction phase, which will be undertaken to limit the impact of the proposed development on nearby watercourses. The proximity of this large development to Newry River requires careful mitigation measures.

8.0 Objections & Representations

- Application advertised March 23 and re-advertised following amended plans on September 24
- 116 Neighbour notifications issued March 23 and re-neighbour notified following amendments September 24
- 34 Objections have been received
- 2 Letters of support have been received

8.1 Issues Raised by objectors:

Development within the Conservation Area:

- Contradicts guidelines set for the Newry Conservation Area which explicitly restricts demolition unless demonstrated the structure detracts from the Conservation Area.

Proposals meet the requirements of planning policy in relation to demolition within the Conservation Area. This is further assessed under relevant policy PPS6, BH14 and Conservation Guidance considered.

- No. 2 Bank Parade contributes to the unique architectural and historic fabric and removal would undermine Newry Conservation Area.

No. 2 Bank Parade is not visually observed within the Conservation Area, it is unlisted, derelict and makes no valuable contribution to the area. Whilst the Planning Department acknowledge the HED comments in relation to this building. The removal of such would have no detrimental impact upon the setting or wider views, but rather its removal would assist with regeneration, improvement of the visual appearance of the Conservation Area and an improved theatre and conference facility which will benefit the wider community and local economy. Further consideration below within planning report.

Flooding:

- Proposed building is not only located in a flood plain plain but the existing building it is meant to replace was badly flooded on October 23.

As well as the proposed building being located in an area of high flood risk, it is not unreasonable to say it is also located in an area which is 'virtually certain' to experience flooding in the future.



- Public building with many activities at ground floor level it is reasonable to assume it is now an uninsurable structure and construction of new in current location will expose the rate payer to a higher level of financial risk associated with future flood damage.

- Why is the Council continuing to progress and amend a planning application for a building which was subject to the worst flooding in 50 years, submitting amendments after one week from the flood when the building hasn't had time to dry is beyond comprehension.

- Located in high risk flood area

The Planning Department acknowledge the location of the current facilities and redevelopment, the land uses are well established and are located within a flood risk area. Consideration of flood issues have been fully documented below under policy PPS15 in relation to future development taking account climate change.

Matters relating to insurance or financial risk is not within the remit of the Planning Department to comment.

Development proposals have been considered under PPS15, meeting the requirements of policy for the reasons set out.

Consultation issues:

- Amended plans are such a radical departure from the original proposals has happened with no consultation with Newry rate payers, local community or stakeholders.

The Planning Department have been engaged in a number of meetings and in consideration of consultation responses including all other material considerations, has resulted in changes of the design from the original submission. To inform the public on the most up-to-date drawings, neighbours have been re-notified and the proposal re-advertised.

Design

- Great to see that Newry is about to embrace a new architectural style for the district so that aspect of the design is pleasing to see.
- Don't like the front view. Keep Duffs elevation
- Retain the façade. The use of red brick to extend the town hall takes away from its beauty.

Matters relating to design have been fully considered within the context of the Listed Buildings, Conservation Area, Local Landscapae Policy Area as well as surrounding context. This has resulted in changes to overall design which is now considered acceptable. This is further assessed within the planning report.

Naming of Building

- I think it would be a disgrace if Sean Hollywood's name did not continue to be on the front of the new arts

Unfortunately this is not a matter for the Planning Department to comment.

Visual Arts

- No dedicated space for visual arts or exhibitions
- No workshop spaces to run courses for visual arts/ arts facilitation
- Removal of gallery/ arts exhibition and impact upon local schools who are encouraged to visit galleries to research local exhibitions and work with creative practioners.
- Newry should have a dedicated art space
- No dedicated gallery space in Newry which is a great loss for locals and the tourist industry in Newry area
- Sean Hollywood Arts Centre was the only dedicated visual arts space in the Newry area. To have no dedicated space. This is a missed opportunity to put Newry firmly on the map of a city embracing cultural and creative development as well as an insult to anyone interested or practising within the area of visual arts and creative industries.
- Object to the lack of a dedicated facility for the visual arts in the new plans for Newry Art Centre. It is recognised that Visual Art as a medium is life-enhancing as well as beneficial for mental well-being.
- Development plans worry me greatly that there is a missed opportunity for supporting the wider crafts, visual arts and creative industry opportunities within the building. I have had the privilege first hand to see the transformation production facilities and multi purpose gallery spaces can bring to the community.

The Planning Department can only assess the proposals before it and cannot insist on a particular use for this location, this is a matter for the developer.

Toilet Facilities:

- Lack of toilet facilities

There appear to be suitable facilities throughout the entire scheme and at all floor levels.

Demolition:

- Do not agree with demolition. The centre could have been adapted or extended to provide theatre space.
- Existing facade should be retained as it blends in with the streetscape.

Issues in relation to demolition have been fully considered under BH14, PPS6

Capacity:

- It is ridiculous that the city of Newry can't provide a theatre holding more than 255 people. The shows that go to Armagh, Omagh, Enniskillen etc will never come here. Ridiculous.

The Planning Department can only assess the proposals before it and cannot comment on capacity issues relating to this development, this is a matter for the developer.

8.2 SUPPORT

- Badly needed along with upgrades will bring this venue up to production industry standards.
- Excellent project which will transform Newry
- Will support the extensive arts population, tourism and provide a place to the community groups to flourish all whilst maintaining the integrity of history. This is a much better spend of money.

The Planning Department note the supporting comments.

9.0 Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge/ Newry and Mourne Area Plan 2015
- A Planning Strategy for Rural Northern Ireland (PSRNI)
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement & Parking

- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS 15 (Revised) - Planning and Flood Risk
- DCAN 10 (Revised) – Environmental Impact Assessment
- DCAN 15 - Vehicular Access Standards
- DOE Parking Standards
- Newry Conservation Area Guide (1983 and 1992) and Newry Conservation Area Extension (2001)
- Newry Conservation Area Map
- Third party representations / objections/ support

10.0 Development Management Regulations:

The development has been considered under The Planning (Development Management) Regulations (Northern Ireland) 2015 under Retailing, Community, Recreation and Culture development falling within Part 7 of the regulations. However, as the site is located within the city centre comprising an area of 0.89 ha and does not breach the thresholds of the regulations in which to be considered as a major application. On this basis the application has been assigned as a 'local' development.

11.0 Environmental Impact Screening

The proposals fall within the threshold of Category 10 (b) – Infrastructure Projects of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Planning Department has determined through EIA screening that there will be no likely significant environmental effects, and an Environment Statement is not required.

12.0 Habitats Regulation Assessment and Impact to European Sites

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

NIEA in their consultation response dated 6th September 2024 have advised that they have considered the impacts upon designated sites and have no concerns subject to conditions.

A Shadow Habitats Regulation Assessment was submitted 22.01.24 prepared by RPS on behalf of Newry, Mourne and Down District Council. The Stage 1 screening was completed taking account of impact to European sites within the projects zone of influence and subsequently concluded that 'the proposed project is not directly connected with or necessary to the management of any European site'. It also advised that the possibility of any likely significant Water Quality or Habitat deterioration could be discounted for Carlingford Lough SPA (NI), Carlingford Lough SPA (ROI) or Carlingford Shore SAC (ROI) without the requirement for any further evaluation or analysis. The report also states that all other likely significant effects can be excluded at the screening stage of the appraisal and therefore a Stage 2 appraisal in relation to implications of the project upon any European site is not required. This was further confirmed by an email from the agent dated 04.09.24.

13.0 Proposal

The proposal consists of demolition of Sean Hollywood Arts Centre and 2 Bank Parade and replacement with new four storey theatre and conference centre. Internal and external alterations to the Town Hall with extension to the building to form an Atrium connecting both the Town Hall and Arts Centre with associated public realm works to Sugar Island/ Neeham Bridge, along Newry Canal, Kildare Street/ Bank Parade and the Mall.

Arts Centre/2 Bank Parade:

The proposal consists of demolition of the existing Arts Centre and No. 2 Bank Parade (footprint approx. 743qm) and replaced by a four storey building to form the Theatre and Conference Centre (footprint approx. 1000.21sqm). Widening and resurfacing of the NE entrance from 4.6m to 5.02 m to allow improved access to new ground floor loading bay.

Replacement building is 4 storeys, with external cream brick finish and brick arches with brick vaulted soffits, brick detailing around arches. Full height glazed curtain walling with grey finishes frames, brick arches and brick detail around with Juliet balcony to side and rear. Flat roof with full height metal panel cladding silver housing external plant.

New Theatre and Conference Centre Proposals:

Ground Floor includes provision of new bar external access to terraced area, kitchen, toilets, stage, theatre, dressing rooms, store and loading bay, ancillary spaces and ground floor access to atrium.

1st Floor external balcony to rear accessing external terrace, bar/ seating area within interior, green room, laundry/ wardrobe, dressing room, stores and toilets.

2nd Floor external balcony, bar/seating, plant room, studio space, stores and toilets

3rd Floor external roof plant, rigging, store/good lift and toilets.

Atrium:

Located between the existing Town Hall and proposed Theatre and Conference Centre. Access between the existing and proposed floors along with external access to Bank Parade and Newry Canal walkway. The atrium is two storey with glazed curtain wall, grey finish and flat glazed roof.

Town Hall:

Building will remain as existing with external works at the roof level to accommodate solar panels, bat access and ridge tile with slate finish, external dormer with slate clad, new air handling unit with louvre screen surround, new

ventilation duct work and new external access ladder, new windows to match existing.

Internal works throughout the building including changes to some internal walls, new doors, refurbishment of toilets, dressing room, cloak, guest room works to lift and external access to atrium.

Proposed Building on foot of existing (SW of Proposals)

Proposals will be contained within the footprint of an existing disused building to facilitate new NIE sub-station, bin store and switch room. External finish with use of reclaimed stone from demolished wall and reused, existing concrete wall retained and new block wall. Roof retained and repaired with new door and external roller shutter door.

Canal Walk

New railings along Newry Canal and relocation of pillar from Sugar Island entrance. Existing stone/ rendered retained, block work of former building removed, existing gate access to Canal retained. Reduction of boundary walls and retained. Existing Canal wall retained along with retention of existing planting. Walking path from Needham Bridge to Sugar Island, raised timber platform, cantilever set back from Canal edge and enclosed by guarding rail. and event space to rear of Town Hall/ Arts Centre along with interpretive artwork

Public Realm/ Landscape works:

Kildare St – Relocation of kiosk, relocated position of Everest Monument, existing trees retained and contained within planting bed, 1 additional parking bay provide.

Bank Parade – Guarding rail, parking to remain as existing, boundary fence at War memorial replaced with rail and removal of trees.

The Mall (SE) - Planting to outer part of Town Hall, removal of tree and proposed layby.

Needham Bridge – Relocation of CCTV

14.0 Consideration and Assessment:

14.1 RDS and SPPS

RG7 of the RDS aims to support quality facilities required to meet the needs of local people, with those urban settlements having such unique identities which should be recognised, built upon and enhanced. With emphasis on regeneration creating more accessible and vibrant city centre to offer local choice in relation to social activity and recreation. With the aim to encourage urban renaissance through the process of development and redevelopment

within urban areas with the focus on integrating new schemes within the existing townscape without causing unacceptable damage to the local character and environmental.

The SPPS sets out core planning principles to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment. Further consideration of these issue will be set out below.

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



- NY84 – Development Opportunity Site
- NY114 – LLPA
- Disused Transport Corridor
- Within Newry City Centre limits
- Within the Development limits of Newry City
- Newry Conservation Area

14.3 Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application and to any other material considerations.

14.4 NY 01 and NY 75

The BNMAP 2015 operates as the current plan for this site and identified the site as being within the settlement limit of Newry (NY01) and within the City Centre boundary (NY75). The city centre boundary has been drawn to encompass the usual concentration of existing and planned uses expected within a city centre function, which include that of the existing and proposed uses of the development proposed which is that of entertainment, cultural, social, community and leisure.

Proposals are therefore in accord with zonings NY01 and NY75 associated with the site.

14.5 Conservation Area

The entire site is located within and is encompassed on all surrounding sides by the Conservation Area of Newry.

Development proposals in relation to the Conservation Area will be considered further in relation to prevailing policy, further detailing has been set out below.

14.6 NY 84 – Development Opportunity Site Bank Parade

Development Opportunities Sites have been identified within the BNMAP 2015 to encourage investment and allow for a range of land uses such as leisure, community and cultural uses to which proposals relate. In order to protect land uses from inappropriate development the use of specified key site requirements have been assigned to the land zoning. In relation to the NY 84 zoning, key site requirements include:

- Proposals shall complement the adjacent civic buildings, the Town Hall and Arts Centre
- It shall respect the built form in the area and be of a minimum of 3 storeys in height
- Pedestrian and cycle access shall be maintained through the site from Bank Parade to the Canal side path.

In assessing proposals against NY84 it is considered that along with existing land uses the demolition of SHAC and replacement with new, will continue (at the Town Hall) as well as reinstate the civic building use at the location with no detriment to the wider community. The design of the building has been amended several times through the planning process to ensure the design, scale and form will complement the adjacent civic buildings and as a 4 storey building adheres to the surrounding built form adhering to the requirement to be of a minimum of 3 storeys. The scheme will include Pedestrian and Cycle access along the Canal path with pedestrian linkages available through the proposed Atrium to Bank Parade.

Overall proposals meet the requirements of NY84 of BMAP 2015.

14.7 NY 114 – Local Landscape Policy Area

NY114 (Local Landscape Policy Area - Newry Canal/ River). The LLPA is designated in accordance with Policy CVN in Volume 1 of the Plan and as indicated in map 3/02b – Newry City Centre. Those features that contribute to the environmental quality, integrity or character of these areas include:

- Area of nature conservation interest including the Newry River and canal corridors and associated vegetation / trees;
- Archaeological sites and monuments, their views and settings including the scheduled Damolly Fort, Mount Mill and Bridge;
- Listed buildings including Newry Town Hall and Court House, their views and settings.

The LLPA is also designated to help protect the environmental assets which in this case relates specifically to the river and canal corridors, nature conservation interests including that of associated vegetation, Scheduled Monument and Listed Buildings at Newry Town Hall.

The Town Hall as a listed building is positioned within the centre of the designation within the river corridor and associated vegetation extending out to either side towards the SW and NE. The remainder of the LLPA is situated to the NW of the site which includes the extent of the Canal and scheduled monument along with associated vegetation.

The land adjacent and W, NW and NE of the site particularly along the Canal Corridor of the LLPA includes remnants of former buildings and outer walls, advertising hoarding accompanied with the vacated No. 2 and SHAC along with overgrown and unkempt vegetation the area has lay in state of dereliction detracting from the potential scenic quality of the area.

Development proposals will bring much needed regeneration to this important setting and designation. Although there are works proposed to the Town Hall any external works are sympathetic to the host building there will be no direct impact to the visual aspect.

The landscape/ public realm works to the front of the Town Hall contributing to improvement and relocation of structures with additional parking, there is some loss to trees but this has been kept to a minimum and the rear space to the W and NW of both Town Hall and Theatre and Conference Area will enhance visual aspect. Overall proposed development within this area has taken account the natural setting with design and layout proposals being able to integrate within its surroundings benefitting the LLPA with enhancement of views, ensuring protecting of listed buildings/ structure and protection of natural heritage interests (further consideration of this has been advanced below)

In summary the proposal is in line with plan requirements as well as PPS6 (para 2.23 and 2.24)

14.8 Disused Transport Route.

There is a disused transport route along the NW portion of the site. Proposals involve reinstatement of the existing path with linkages through at Needham Bridge and Sugar Island which will further link to the existing path network at Merchants Quay and the Greenway beyond as well as Newry Canal tow path to the NE. Newry Canal waterway will also remain untouched through proposals.

Development proposals will ensure protection of the disused transport route without compromising this for future generations.

15.0 SPSS and PPS2 (NH1 – European and Ramsar Sites – International, NH2 -Species Protected by Law and NH5 -Habitat, Species or Features of Natural Heritage Importance)

NED in comments dated 6th September 2024 having considered the impacts of the proposal on designated sites and other natural heritage interests have no issues of concern. Further consideration given below:

- **Designated Sites** – The applicant proposes to use mains for water supply and sewerage. Whilst surface water discharge will be to the watercourse under Schedule 6 consent from Rivers Agency. Although there is a direct hydrological link to Carlingford Lough the site is some 8.5 miles from the European site given the distance and on the balance of probabilities that the development would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. Loughs Agency in correspondence received by email 13.09.24 have no issues following grant of Schedule 6 consent.

- **Birds** – On review of the submitted ecology report up to 17 bird species were observed at the site and the assemblage of birds are typical of the mix of habitats found within the area. However, as the site is primarily made up of vacated buildings and hardstanding it was concluded that the site would offer limited opportunity for breeding birds. Whilst a single Sand Martin nest was recorded at the canal wall, this element of the development is not affected by development proposals. Overall proposals will have no direct impact upon bird habitat. The onus is on the developer to ensure that any works are undertaken outside of bird breeding season.

- **Bats** – An updated Bat Survey was submitted August 2024 a number of building/ structures on the application site were observed for potential habitat for bat species however the report concludes that there was no evidence of emerged or re-entry of bats on any structure within the site. Although a single tree was identified as having moderate suitability, through updated surveying this is no longer considered to be suitable for roosting bats.

Development is located within an urban town centre with the buildings experiencing illumination from artificial lighting from a number of sources including decorative lighting, street lighting and security lighting, with Newry Town Hall illuminated at night by ground level spotlighting which illuminate the front and rear. Given the high levels of artificial lighting within the vicinity, including the direct illumination of the Town Hall and general background noise from pedestrian and vehicular activity may make these areas unsuitable for roosting bats.

The survey also sets out a number of measures to be implemented as a precautionary measure in the protection of future potential bat habitat in relation to lighting, prior to demolition works an ecologist will check for the presence of bats beforehand and incorporate the use of artificial roosts within the fabric of the building (this has already been deployed within the roof design of the Town Hall).

As a precautionary measure the Planning Department will also add conditions/ informatives reflecting those recommendations set out by Natural Heritage in comments dated 06.09.24.

- Otters – There has been no evidence of active otter activity within 30m of the site.
- Badgers – No historical or current badger setts/ activity within the site.
- Hedgehog – Site is situated in an urban city centre location with vast areas of hardstanding with limited sparse scrub or vegetative cover to provide suitable hedgehog habitat.
- Invasive Species – Giant hogweed has been identified within the site. Construction activities have the potential to spread this invasive species. However careful management of the site and an informative can be attached to a decision notice to advise of responsibilities.
- Grassland/ Ephemeral/ Short Perennial – Areas of grassland are managed by grass cutting throughout the year that there is no potential for habitat at this location and any ecological value is at site level only. Recolonised bare ground with several species however this habitat is at ecological level site level only.

From the information provided there is no residual environment effects on ecological resources predicted and can be adequately mitigated and controlled through planning conditions.

Subject to the implementation of planning conditions and on the basis of information provided NED are content with the proposals against PPS2 requirements. Proposals meet the requirements of the SPPS and PPS2 for the reasons set out above.

16.0 SPPS, PPS3, DCAN 15 and DOE Parking Standards:

DFI Road in their consultation response dated 24.04.23 advised proposals were unacceptable as submitted. A meeting was held 5th October 23 where it stated that use of the Needham Bridge access for vehicular use including that of emergency vehicles was not acceptable for road safety reasons and could be accommodated elsewhere. It was agreed at the meeting that vehicular access would not be implemented at this location (this will be made conditional in the event that planning permission is granted).

In relation to parking as there is not an intensification of use, proposals remain the same so no additional parking required. Given the uses of the existing and proposed development hours of operational use are predominantly in the evening time that there is no expected parking required above and beyond what exists for the site currently with a number of on street and public car parking within close proximity of the site.

A meeting was held 16.09.24 following issue of amended layout and sewpt path analysis, drawings had points of clarification needed and amendment required.

At the meeting proposals were agreed in principle subject to amendment of the layout to include reinstatement to current road arrangements as on the ground and clarification of kerbs on Needham Bridge. The amendments proposed to the layout are minor in detailing that a condition could be applied to ensure this provided prior to commencement of any works on agreement with DfI.

Overall proposals are acceptable under the SPPS and PPS3.

17.0 SPPS and PPS6 (BH1 – The Preservation of Archaeological Remains of Regional Importance, BH2 – The Protection of Archaeological Remains of Local Importance and Setting and BH4 – Archaeological Mitigation)

Policy operates a presumption in favour of the physical preservation in-situ of archaeological remains of regional/ local importance and their settings, this also includes Schedule Monument. Proposals include works to the scheduled monument known as Newry Canal, this includes retention of the canal wall and lowering of wall to make good. Proposals as presented will improve the visual aspect of the scheduled monument without adverse impact.

HED Monuments in comments dated 13.09.24 have advised that they are content with proposals subject to planning condition. They further add that in principle the Department is minded to grant Scheduled Monument Consent (SMC) for works that fall within the scheduled area.

An email dated 12.09.24 directly from the SMC Team confirms that 'in principle the Department would be minded to consent the work that falls within the scheduled area with conditions attached'. Whilst further detailing on drawings are required the SMC team are content that this can be worked through prior to issue.

On the basis of the information provided a condition can be attached to the decision notice to ensure the SMC is in place prior to works. Otherwise, proposals therefore meet the requirements of the SPPS, PPS6: BH1, BH2 and BH4.

18.0 Conservation Area (CA) and surrounding Listed Buildings – SPPS (6.12, 6.13, 6.18 and 6.19), PPS6 (BH 8 (Extension or Alteration of a Listed Building), Policy BH 11 (Development affecting the Setting of a Listed Building), BH12 (New Development in a Conservation Area) and BH 14 (Demolition in a Conservation Area) and Newry Conservation Area guidance

Historic Buildings HED in comments dated 13th September 2024 have considered the impacts upon the listed building and on the basis of information provided and subject to planning conditions proposals satisfy the requirements of planning policy

The application site is located within Newry Conservation Area, as identified

by designation NYCA01 of the Plan. Para. 6.18 of the SPPS directs that in managing development within a designated Conservation Area, "...the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise."

Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle.

Development proposals within the Conservation Area will be assessed in accordance with prevailing regional policy, which in this case includes PPS6 and Newry Conservation Area (DOE NI), December 1992.

Policy BH 8 (Extension or Alteration of a Listed Building) and BH 11 (Development Affecting the Setting of a Listed Building)

HED in comments dated 02.09.24 (see also 13.09.24 comments) are satisfied with the external changes in relation to alterations including the extension through to the atrium/ new theatre and conference centre proposals in terms of distinguishment of colour and contrast which will not detract from the LB. They have noted a number of internal alterations which remain to be resolved, however these can be dealt with by way of planning condition. They have also considered impact of development upon the setting within comments dated 02.09.24 and overall are content with proposals subject to planning conditions

Subject to planning conditions, proposals overall meet the requirements of the SPPS, PPS6: BH8 and BH11.

19.0 SPPS, Policy BH 12 (New Development in a Conservation Area) and Policy BH 14 (Demolition in a Conservation Area)

Policy BH12 of PPS6 considers new development in a Conservation Area directs that development proposals for new buildings alterations, extension and changes of use in, or which impact on the setting of, a conservation area will normally only be permitted where all of the listed criteria (a to g, see below) are met, highlighting the requirement to preserve or enhance the character and appearance of the area.

The Conservation Area Guide also directs that attention to detail is a vital consideration, and successful development will depend on the use of materials, design, finishes and detailing.

In considering the criteria required to be met under BH 12, the following comments are noted:

- *BH12 (a) - The development preserves or enhances the character and appearance of the area.*

With exception of the Town Hall the remainder of lands encompassing the existing canal path from Needham Bridge, lands to the rear of the existing SHAC including the vacated buildings at No. 2 Bank Parade and SHAC and remnants of former buildings/ structures and advertising hoarding have lain derelict with parts of the site overgrown and abandoned.

The site occupies a prominent location within the city, with its current state of dereliction and unattractive visual aspect which is particularly evident when viewed on approach from the Mall/ Needham Bridge and Merchants Quay. The scheme will see the extension to the existing Town Hall to provide a new and enhanced Theatre and Conference facility to the benefit of the wider community. (See photos below)

The scheme will regenerate a key disused brownfield site within the Conservation Area. Provided the development is carried out in accordance with the approved plans, given its prominent and strategic location within the city redevelopment proposals will bring visual betterment, enhancing views and improving the setting of the LLPA, Conservation Area and streetscape particularly when viewed from the surrounding areas of public access.

In this regard, the proposal is considered to enhance the character and appearance of the area. Thus, meeting criteria BH12 a.



View from Neeham Bridge



View from Mall



View from Merchants Quay



View from Merchants Quay



View from Merchants Quay

- *BH12 (b) – The development is in sympathy with the characteristic-built form of the area;*
- *BH12 (c) – the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area.*

Comments from HED dated 02.09.24 (see also 13.09.24 HED comments) acknowledge the change to the setting of the Town Hall and nearby listed buildings specifically in relation to development proposals in relation to the extension of the Town Hall to incorporate the replacement of No. 2 Bank Parad and SHAC.

The scale and form of the theatre and conference facility is considerably higher and has a larger footprint than the existing buildings at the application site. However, the scale, height, massing and alignment are respectful of symmetry and the order observed at Bank Parade and is akin to the existing SHAC façade.

The design of proposals have been altered with external finish with a light cream brick finish which is in keeping with the light stone and render facade found within the locality and the use of arched openings relate to the arches on the Town Hall and, to a lesser degree, on the Armagh Down and Sugar Island Bridges

Overall HED have no specific objection to the characteristic built form, scale, form, materials and detailing with current proposals offering betterment from the original design proposals before the department.

Proposals now meet the requirements of criterion b and c of BH12.



Visual Representation of Proposals – For Information Only

- *BH12 (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area.*

Environmental Health are content with the proposal, subject to mitigating conditions.

Proposals meet criteria d of BH12

- *BH12 (e) – Important views within, into and out of the area are protected.*

The Town Hall will remain insitu albeit internal and external alterations. It is the extension beyond the N gable of the Town Hall which will facilitate connection to a new glazed atrium, theatre and conference area. Proposals will involve the demolition of existing structure/ building including that of No. 2 Bank Parade and SHAC. The remnants of buildings/ structures/ advertising hoarding and No. 2 Bank Parade is unlisted but is largely hidden from view due to location which makes no material contribution to the Conservation Area. Although the Art Centre is much more prominent within the built fabric of this locale it is also unlisted and is often mistaken as an historical building.

However, the redevelopment proposals presented will replace vacated unlisted buildings which in their own right make no material contribution to the setting otherwise consideration would have been given to listing. Along with landscape/ public realm proposals redevelopment proposals will provide a betterment to the visual appearance of the streetscape when considered against the existing built form displayed within the vicinity. The proposal before the Department will not impact on important views within, into or out of this area but rather enhance this aspect.

Development proposals satisfy criteria e of BH12.

- *BH12 (f) – Trees and other landscape features contributing to the character or appearance of the area are protected.*

A tree preservation order extends to all trees within the Conservation Area regardless of condition and are afforded protection. The tree survey (See LA07/2024/2328/WPT) and landscape plan (100 REV P05) has identified 27 individual trees and group of trees within the site. Development proposals will retain the vast majority of trees and will be incorporated into the scheme along with measures to secure future protection maintaining the visual aspect and affording protection of such important landscape assets.

However, initial proposals involved the removal of 7 trees and 1 tree group. These trees have been identified as having low or moderate arboriculture value. These trees are spread across the site with loss of 2 trees on Kildare St, 2 trees on Bank Parade, 1 tree on the Mall and a tree group along the canal walkway that the loss of such will have negligible visual impact when considered within the wider site/ Conservation Area.

Trees in along Kildare St are in close proximity to existing that long term survival for these and remaining trees are not guaranteed, but removal will have limited visual impact and improve current parking/ road safety arrangements as well as affording protection to existing trees. The tree to the N of the Arts Centre must be removed to facilitate service access as well as for access by emergency vehicles as this cannot be facilitated at the rear at Neeham Bridge. The loss of the tree group along the canal is in close proximity to the watercourse again that future survival may be compromised, the additional planting along the waterside will compensate that such loss is less apparent. The removal of these trees will be compensated by additional ornamental planting which is in excessive of vegetation loss.

Notwithstanding this, following advice from the TPO Officer of the Planning Department the removal of trees required further clarification and compensatory planning measures. This was discussed at a meeting with the agent on the 16th September 2024 were it was concluded that minor changes to the landscape plan drawing (100 REV P05) to reinstatement to the road arrangements as is on the ground would result in the retention of some of the TPO trees (specifically those on the Mall and Bank Parade) and there was sufficient room within the application site to avail of compensatory planting.

The amendments proposed to the layout in relation to removal of the TPO trees along with compensatory measures are minor in detailing that a condition could be applied to ensure this provided prior to commencement of any works. It is also noted that the removal of TPO trees are subject to a separate application which remains under consideration.

The redevelopment opportunity will inevitably enhance views and setting of the Conservation Area and LLPA that the minimal loss of trees proposed will not have a lasting damaging affect to the Conservation Areas.

Condition will be imposed on retention of trees within the application site.

Overall proposals satisfy the conditions of criteria f of BH12.

- *BH12 (g) – The development conforms with the guidance set out in Conservation Area documents*

The proposal largely conforms with the Newry Conservation Area Guide in terms of continuity of rhythm, scale, massing, detailing, materials, texture, colour of adjacent buildings. It is noted flat roof aspect is not considered to be traditional / reflective of the character of the Conservation Area, however given it is reflective of the original SHAC roof line is, it is considered acceptable as it would not detract from the special character of the Conservation Area.

Taking account of the Conservation Guidance (Newry Conservation Area 1992) in relation to materials there are 'no hard and fast rules can be applied in the selection of and use of materials, but they should be considered in the context of surrounding properties and open spaces and their likely impact on the street scene'. HED comments dated 02.09.24/13.09.24 are generally content with materials proposed which are in keeping with those found within the setting and have raised no concerns in relation to its impact upon the relationship, views or setting of the listed buildings

Overall, the Planning Department has carefully assessed the proposed demolition of the unlisted buildings and their contribution to the character of the Conservation Area. While substantial in the local landscape it is considered, given their design and appearance, that they do not make any material or significant material contribution to the character and appearance of the Conservation Area. The Planning Department is also satisfied that the proposed redevelopment scheme, as approved, will preserve and enhance the character of the area for the reasons outlined in this report.

20.0 SPSS and PPS6 (BH14 - Demolition in a Conservation Area and BH10 Demolition of a Listed Building)

The matter of demolition of unlisted building within the Conservation Area is considered against PPS6, Policy BH14 requirements as well as the criteria within BH10.

Demolition extends to No. 2 Bank Parade and SHAC (unlisted buildings) including building/ structures to rear of SHAC. The existing derelict site and vacated buildings together with rear concrete yard offer no material contribution to the character and appearance of the Conservation Area at present.

Whilst HED in comments dated 02.09.24 (see also HED comments 13.09.24) acknowledge that buildings subject to demolition are unlisted and are of the view that they are of communal, aesthetic and historical value. HED despite their misgivings on demolition have at no stage listed these buildings nor

advanced opportunity to 'spot list' through relevant legislation. Whilst the Planning Department note the aesthetics of No. 2 Bank Parade this building is relatively hidden from view within the setting of the Conservation Area that removal of such would have no visual bearing on the wider Conservation Area therefore making no material contribution to it currently.

Whilst it is noted the SHAC by virtue of its former civic use is a much more recognised and well-known building within the street scene occupying a predominant site and is visually read with the existing Town Hall, LLPA and Conservation Area. Nevertheless, the SHAC building is a relatively newer building having secured planning permission in November 1979, 'was built 1982 largely of concrete and has little historic significance' (See Report in Support of Demolition 02.02.24).

The agent has advanced arguments that the venue capabilities of the SHAC and Town Hall are below standards required. In particular the SHAC use declined due to technical constraints which resulted in a venue which could not host a range of productions and became underused and as a result could not host productions desired by the local population. The resultant use as a venue is unattractive from an operational and financial proposition for production companies. Furthermore, the façade is a replica of an older Bank building constructed with modern concrete in front of a concrete structure and not an original façade.

HED in comments dated 02.09.24/13.09.24 recognises, the strategic opportunities of a much larger theatre and conference facility in the centre of Newry, which complements the existing offering in the Town Hall and secures its long-term sustainability, together with the enhanced public realm southwest of the development.

The existing derelict state including the replica SHAC façade of the current application site offers no material contribution to the character and appearance of the Conservation Area at present; the existing arrangement offers little aesthetic value to the street frontage along Bank Parade or when considered within the wider Conservation Area.

The regeneration proposal offers the opportunity to enhance the existing streetscape and Conservation Area character by way of replacement with a stronger frontage along not only Bank Parade but the replacement of the vacant yard area and implementation of canal walk, public realm, landscape offerings including connectivity through to the existing Town Hall facility with an appropriate scale, design and form of proposals presented will bring much needed regeneration to this area, will enhance the wider Conservation Area improving views, setting and enhancing the visual appearance of the area and will have wider community benefit and contribute to the local economy.

The matter of demolition of the existing buildings is considered separately under respective application LA07/2023/2225/DCA (this is currently being considered by the Department of Infrastructure).

Having regard to the requirements of Policy BH14, including the same broad criteria outlined for the demolition of listed buildings (para 6.5 and Policy BH 10,) as directed by Para 7.17 of the justification and amplification text to BH14, the proposed demolition is considered acceptable, and the proposed redevelopment represents an opportunity for enhancement of the Conservation Area.

The scheme is considered, on balance, acceptable to the requirements of the SPPS, PPS6 (Policies BH8, BH10, BH12 and BH14) and Newry Conservation Area Guide, subject to the works being carried out in accordance with the submitted plans.

21.0 SPPS (3.6) - Land Contamination

DAERA Regulation Unit in comments dated 24.05.23 have noted the previous activities adjacent to the site in terms of mineral works, ceramics, cement and asphalt manufacturing may have caused the land to be affected by contamination. Following submission of a Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment these comments have been reviewed by DAERA which now advise they have no objections.

Proposals meet guidance set out within the SPPS (para 3.6).

22.0 SPPS (4.11 and 4.12) Safeguarding Residential and Work Environs

The site is surrounded by a mix of commercial properties with no known residential properties within the immediate vicinity. The proposed redevelopment will continue with a similar land use to previous that there are no significant changes above and beyond what exists at present in terms of noise etc. EH in comments dated 03.04.23 have no objections.

Proposals satisfy the conditions of SPPS (4.11 and 4.12).

23.0 Water/ Sewerage

NIW in comments dated 28.05.24 have recommended approval subject to condition.

24.0 SPPS and PPS15 (Revised) – Planning and Flood Risk

The application is located within an existing flood plain. The site is bounded at the SE by Newry River which traverses the site between Bank Parade and Kildare Street as well as to the E by Newry Canal as well as numerous flood defences.

Proposals will increase capacity of users at the site thus involving an intensification of the use of the site. Notwithstanding this in line with 6.15 of PPS15 (revised) justification and amplification text. Whilst such development is not desirable in the context of flood risk, this factor must be balanced against other material considerations, including the provisions of other Planning Policy Statements that may tend to favour higher density development in urban areas.

Accordingly, the Planning Department will determine each application on its individual merits taking account of the scope for mitigation of the residual flood risk. In weighing all of these matters, the proposal is considered to meet the exceptions test to FLD1 for reasons of overriding planning significance, given the nature of the proposal and the unique site circumstances. This was set out within email correspondence to Rivers Agency dated 09.05.23.

A Flood Risk Assessment (FRA) and Drainage Assessment has been submitted to and appraised by Rivers Agency.

FLD1 - Development in Fluvial and Coastal Flood Plains

From the information provided with the Flood Risk Assessment Section 3 mapping shows no increase in flood rise elsewhere as a result of the proposed development. Modelling results have also been provided which show a potential increase in flood depth by 10mm as result of the proposed development. The information submitted has taken a conservative approach to modelling the extent of the impact within flood plain. In assessing the information Rivers Agency whilst acknowledging they are not responsible for the preparation of the FRA are satisfied with the logic applied and have no reason to disagree with its conclusions.

Rivers Agency go on to advise that they cannot comment on the acceptability of the flood evacuation plan and its acceptability. The acceptability of such a plan is not the responsibility of the Planning Department and lie outside its remit. The onus is on the developer that such measures are implemented. This can be dealt with by way of condition/ informative. *Otherwise, proposals meet the requirements of FLD1.*

FLD2 - Protection of Flood Defence and Drainage Infrastructure

Rivers Agency in comments dated 13.09.24 note that the proposed development is in close proximity to the Newry Flood Alleviation scheme which is currently under construction and therefore recommend that the developer work closely with the Department's Capital Projects Team and also ensure provision is made for working strip to facilitate future maintenance.

Proposals meet FLD 2, and condition subsequently applied in relation to provision of a working strip.

FLD3 - Development and Surface Water

Whilst proposals will utilise existing mains for water supply and sewerage, proposals will involve the discharge of surface water into the existing watercourse.

A Drainage Assessment has been submitted for consideration. Rivers Agency have sought additional information in relation to drainage calculations and a Schedule 6 consent to discharge.

The agent was contacted by email to request such information with the Planning Department informed this is an ongoing matter.

An email was received 03.09.24 from the consultants on behalf of the agent advising that they have been liaising with Rivers Agency in relation to the Schedule 6 application. Rivers Agency have indicated that a method statement from the appointed contractor prior to works commencing when other matters are agreed to satisfy the Schedule 6. A further email was received from the agent dated 13.09.24 and confirmation from Rivers Agency that the Schedule 6 application has been accepted. Further consultation took place with Lough Agency (confirmed by email 13.09.24) who are also satisfied with no objection to proposals.

In relation to drainage calculations the email dated 03.09.24 also confirmed that in relation to the discharge rate Dfl requested additional proof of drainage connectivity to Newry River. The consultant has confirmed that this information has already been forwarded to Rivers following a survey of the area with discharge levels less than anticipated and was tied in with the Schedule 6 application.

It further confirmed that on the basis of the information provided to them that Rivers Agency were generally content from a flood risk perspective.

On the basis of clarification from the agent in relation to drainage issues the Planning Department is satisfied that drainage issues appear resolved, whilst engagement has taken place with Rivers Agency this has been concluded. This was further confirmed by Rivers Agency's consultation response dated 13.09.24 which had no objection in principle.

Overall proposals meet the SPSS and FLD3.

FLD4 - Artificial Modification of Watercourses

Dfl Rivers Agency confirm this policy is not applicable to this site. information provided.

FLD5 - Development in Proximity to Reservoirs

Dfl Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir. Dfl Rivers is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir Manager Status'. Consequently, Dfl Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

Proposals are in accord with FLD 5

Flood Risk in the Climate Change Scenario

Rivers Agency have advised in relation to climate change and predicted flood risk that the vast majority of the site lies within the 1 in 100 year fluvial climate change flood plain and 1 in 200 year coastal climate flood plain.

The existing and proposed development are already located within an area of flood risk with the current uses long established at this location and will be continued as such. Although there is a potential future risk the Planning Department would remain of the opinion that proposals would continue to meet exemption principles as set out within policy and for this reason would still be in compliance with FLD1 of PPS15.

25.0 PSRNI (DES2)

Proposals are acceptable in terms of the retention of and continuation of land uses at the site, no impact to amenity is envisaged and amended design is now acceptable (design issues also considered above)

Meets DES 2 of PSRNI

26.0 Summary Consideration and Assessment

- Proposal are in line with regional policy aims of sustainable urban development in existing urban areas and is acceptable to SPPS and Plan (Banbridge/ Newry and Mourne Area Plan 2015).
- Following revisions to the scheme and additional information, the proposal is considered acceptable to Prevailing Policy, Design and Conservation Area guidance requirements, including SPPS, PSRNI, PPS2, PPS3, PPS6, PPS15,
- Third-party representations received have been fully considered (see above).
- Approval is recommended, subject to the attached planning conditions being met.

27.0 Recommendation: Approval

28.0 DRAFT CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:

Drawings nos. are attached on a separate word document to be later inserted

Reason: To define the planning permission and for the avoidance of doubt.

3. No drainage shall be laid until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: In the interests of public health.

4. No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution is shown on a solution design drawing to mitigate the downstream foul capacity. This shall be submitted to and agreed in writing by the Planning Department to the satisfaction of NIW and shall be implemented as agreed.

Reason: In the interests of public health.

5. The development shall not be operation under the developer has complied with all the requirements set out within the agreement entered into with NIW under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006. The details of which shall be submitted to and agreed in writing by the Planning Department.

Reason: To ensure a practical solution to sewage disposal from this site is possible.

6. NIW public sewer/s traverse the proposed development site. No construction works are permitted, trees planted, or other obstruction permitted over this sewer/ watermain, or within the permitted wayleave width without the prior consent of NIW. The details of which shall be submitted to and agreed by the Planning Department.

Reason: To prevent disturbance / damage to existing sewers and in the interest of public safety.

7. No development shall commence until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016. The details of which shall be submitted to and agreed in writing by the Planning Department.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016).

8. A formal water / sewer connection including re-use of existing connections application shall be submitted to and agreed by NIW prior to operational use. The details of which shall be submitted to and agreed by the Planning Department, the connections shall be implemented as agreed.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland 2016).

9. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.

Reason: To ensure the appropriate foul and surface water drainage of the site.

10. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 9 have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

11. A working strip shall be provided along the watercourse and shall have a minimum width of 5 metres, this shall be provided with clear access and egress at all times.

Reason: To facilitate future maintenance access by Rivers Agency or any other statutory undertaker or the riparian landowners.

12. The development hereby permitted shall not commence until all fuel storage tanks (and associated infra-structure) are removed as part of the development and are fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2 and GPP 27) and the Remediation Strategy detailed in the RPS Generic Quantitative Risk Assessment Report IBR1193. The quality of surrounding soils and groundwater shall be suitably verified and, should any additional contamination be identified during this process, works shall cease and the conditions as detailed for new contamination or risks will apply.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. In the event that piling is required, no development or piling work shall commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing with the Planning Department.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

14. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Local Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance (available at <https://www.gov.uk/guidance/land-contamination-how-to-managethe-risks>.) In the event of unacceptable risks being identified, a remediation strategy shall be agreed in writing with the Planning Department and subsequently implemented in accordance with the approved details and timeframe.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

15. After completing all remediation works under Conditions 13 and prior to operational use of the development, a verification report shall be submitted to and approved in writing by the Planning Department. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

16. Before work begins, details shall be approved in writing by the Planning Department to ensure that precautions are taken to secure and protect the following features of interest during the building work:
- a. Entrance lobby, glazed and mosaic tiles;
 - b. Entrance lobby, glazed door and screen;
 - c. Office L00.01 (staff canteen)- fireplace and wall safe;
 - d. Auditorium balcony columns, metal balustrade and polished timber handrail
 - e. Staircases, including metal balustrade and polished timber handrails;
 - f. Timber panelling, wainscotting, window surrounds, architraves and skirting boards throughout; and
 - g. Decorative plasterwork at ceilings, cornices, roses, corbel brackets and pilasters to Lobby, Rotunda, Office L00.06, Committee Room and Main Auditorium.

The agreed measures shall be carried out in full. Under no circumstances must these features be disturbed to install services.

Reason: To ensure that the development is not detrimental to the character, appearance or special interest of the Listed Building in accordance with PPS6 BH8. Approval is required upfront to safeguard original features of the building.

17. No works shall commence on site unless a Detailed Method Statement for the following works to the Town Hall been submitted to and agreed in writing by the Council:

- a) Internal down takings and new openings in the external walls including means of supporting and protecting the retained structures and fabric both during the works and afterwards;
- b) Stone repairs and cleaning;
- c) Conservation repairs of historic fabric including windows, doors, metalwork, steps and plasterwork; and
- d) Construction of foundation structures and piling for the new extension, including means of supporting and protecting the retained structures and fabric.

The works and activities shall not be carried out unless in accordance with the approved Detailed Method Statement.

Reason: To ensure that the development is not detrimental to the character, appearance or special interest of the Listed Building in accordance with PPS6 BH8. Approval is required upfront to safeguard original features of the building.

18. No works shall commence on site unless details for the new external window and goods lift doors have been submitted to and approved in writing by the Planning Department. The details shall be at a scale of 1:20 or less and include the depth of reveals, sections, details of heads and sills, materials and finishes. The works shall not be carried out unless in accordance with the approved details.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

19. Wiring to services mounted on external façade to Town Hall, within Atrium space (Section BB, Hamilton's drawing 4100 Rev C04), shall be fed from the inside face of the wall, i.e. no surface mounted conduits or chased brickwork.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

20. Prior to the commencement of any works associated with the new goods lift, detailed drawings, at a minimum scale of 1:20, of the proposed lift structure, pit, foundations, over-run and roof shall be submitted and agreed in writing by the Council. The works shall thereafter be carried out solely in accordance with the approved details.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

21. All fixings to the existing stonework shall be specified as non-expanding and nonferrous to prevent corrosion, damage and staining.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

22. Unless shown on the approved plans, no satellite dishes or other aerials, alarm or metre boxes shall be affixed to the exterior of the Town Hall unless in accordance with details that shall have first been submitted to and approved in writing by the Planning Department.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

23. Unless otherwise specified on the approved drawings, all new external and internal works and any works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance. Detailed finishes schedules and samples are required for approval on any changes proposed.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

24. Final coat of paint to all external joinery shall be brush-applied on site (i.e. not factory finished).

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

25. External railings at Bank Parade, as shown on Paul Hogarth's Guardrails drawing No. 915 Rev P01, shall not be fixed to the Armagh Down Bridge.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

26. No development, including site clearance, site preparation, demolition and the formation of foundations and trenches, shall commence on site unless the detailed design of the HGV entrance screen/shutter has been submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:20. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the listing building, in accordance with PPS6 BH8; and in the interests of maintaining the character and appearance of the setting to the other listed buildings, in accordance with PPS6 BH11. Approval is required in advance because the design of these element is fundamental to the overall appropriateness of the building

27. The atrium shall not be installed unless in accordance with details of the specialist glazing system that shall have first been submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:50, together with construction details to a minimum scale of 1:20, illustrating the design, profile, materials, finish and colour of all framing members and glazing units. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the listing building, in accordance with PPS6 BH8; and in the interests of maintaining the character and appearance of the setting to the other listed buildings, in accordance with PPS6 BH11. Approval is required in advance because the design of these element is fundamental to the overall appropriateness of the building.

28. No external brickwork shall be constructed unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Planning Department. The sample panel provided on site shall include an arch, be a minimum of 1m x 1m, and made available for inspection by the Council for the duration of the

construction works. The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

29. No external roofing, including screening to roof-top services, shall be constructed or applied unless in accordance with a written specification and a physical sample, details of which shall have first been submitted to and approved in writing by the Planning Department. The sample shall be provided on site and made available for inspection by the Planning Department for the duration of the construction works.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

30. No rainwater goods, including guttering and downpipes, shall be installed unless in accordance with details that shall have been submitted to and approved in writing by the Planning Department before they are installed.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

31. External flue/s shall be metal, paint finished and permanently retained as such.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

32. No windows, or external doors shall be installed unless in accordance with details that shall have first been submitted to and approved in writing by the Planning Department. The details shall include their design, profile, materials, finish and colour, cills, head and reveals.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

33. No flood barrier system shall be installed adjacent to the Town Hall until details that shall have first been submitted to and approved in writing by the Planning Department. The details shall include any fixings required on or adjacent to the listed building, whether temporary or permanent.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

34. Prior to commencement of external works, samples shall be submitted and approved in writing by the Planning Department in respect of all hard landscaping materials. The work shall be carried out fully in accordance with the details approved.

35. Prior to installation of the canopy to the cantilever platform the detailed design shall be submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:50. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of the listed buildings.

36. A suitable buffer of at least 10m must be maintained between the boundary of the adjacent watercourse and the refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc.

Reason: To prevent adverse impacts on the features of the designated sites.

37. Prior to discharge into Newry River, any surface water generated during the construction phases of the development must first pass-through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To prevent adverse impacts on the features of the designated sites.

38. No retained tree, shown as retained on the landscape layout (drawing) shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning authority. Any arboricultural work or tree surgery

approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

Reason: To ensure continuity of the biodiversity value afforded by existing trees

39. During the first available planting season after the operation use of the development hereby permitted, or as otherwise agreed in writing by the Planning Department, landscaping shall be carried out in accordance with the (Drawing No date stamp received) and maintained thereafter.

Reason: In the interest of visual and residential amenity.

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

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

41. The open space and amenity areas as indicated on the drawing No date stamp received (Landscape Layout) shall be managed and maintained in accordance with a detailed Landscape Management and Maintenance Plan which shall be submitted to and agreed by the Planning Department prior to the operational use of the development hereby approved. This shall be implemented as approved.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual amenity.

42. Prior to commencement of development a detailed Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing by the Planning Department to the satisfaction of NIEA/ Loughs Agency. The CEMP shall, include methods of control of run-off from working areas, and mitigating measures to prevent pollution of watercourses.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

43. Prior to the commencement of the development hereby approved a Dust and Noise Management Plan shall be submitted to and agreed in writing by the Planning Department to the satisfaction of Newry, Mourne and Down District Council Environmental Health Department. The Management Plan and shall contain mitigation measures against the impacts of noise and dust.

Reason: In the interest of public health.

44. Needham Bridge access shall be used for pedestrian use only and retained as such in perpetuity.

Reason: In the interests of road safety.

45. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Planning Department in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

46. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 45.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

47. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 45.

These measures shall be implemented, and a final archaeological report shall be submitted to the Planning Department within 12 months of the completion

of archaeological site works, or as otherwise agreed in writing with the Planning Department.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated, and the excavation archive is prepared to a suitable standard for deposition.

48. No site works of any nature or development shall take place until Scheduled Monument Consent (SMC) has been granted by Historic Environment Division the details of which shall be submitted to and agreed in writing by the Planning Department.

Reason: To prevent damage or disturbance to Newry Canal (ARM29:500) a monument of regional importance

49. Newry, Mourne and Down District Council shall implement the Flood Management Plan as stated in in 5.3 and of the Flood Risk Assessment dated (Flood Warning and Flood Emergency Evacuation Plan)

Reason: To ensure the safety of the general public

50. A revised Landscape Layout shall be submitted to and agreed by the Planning Department prior to the commencement of any works, the revised layout shall show the agreed works required for DFI Roads and the retention of TPO trees, removal and compensatory measures as agreed at the Planning Meeting dated 16th September 2024. The landscape layout plan shall be implemented as agreed.

Reason: To ensure adequate road safety measures and ensure adequate protection of TPOs.

19047 Newry Theatre and Conference Centre – Planning Committee Meeting – 02.10.2024 Request for Speaking Rights

Mr. Graeme Ogle – Hamilton Architects
 Mr. Kieran Carlin – Carlin Planning

Project Overview

- City Centre Regeneration programme and is supported by Belfast Regional City Deal
- Newry Theatre & Conference Centre is a project within the NCCR programme
- New purpose-built theatre with back-of-house facilities & vehicle get-in
- Enhanced Town Hall, supported by new extension
- Conference capability, Bar & Café
- Outdoor event space
- Catalyst for regeneration

City Centre First

- RDS recognises the importance of accessible and vibrant city / town centres.
- SPPS:
 - Secure a town centres first approach for the location of future retailing and other main town centre use - 'cultural and entertainment'.
 - sequential approach...when decision-taking.
 - enhance diversity – range of uses including business.
 - high quality design...sustainable, attractive, accessible and safe environments.
 - maintain and improve accessibility to and within the town centre.

Conservation Area

Reconstruction of Sean Hollywood Arts Centre in 1982

- Contribution to streetscape will be offset by community benefit that will be delivered by the facility
- Rebuilding allows for a larger auditorium, larger new building, vehicle get-in, more front & back-of-house facilities, etc.
- Case Officers report provides a robust analysis of the built heritage and relevant policy considerations.

Flood Risk

Exceptions Test -

- deemed to be of overriding regional or sub regional economic importance and meets both of the following criteria:
 - Exceptional benefit to the regional or sub-regional economy;
 - Demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- a) All sources of flood risk to and from the proposed development have been identified; and
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Detailed Flood Risk and Drainage Assessment has been submitted and accepted by DfI Rivers.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

1.0 Application Reference: LA07/2023/2213/LBC

2.0 Date Received: 19.01.23

3.0 Proposal: Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar island, portion of Needham bridge, portion of East side of Newry canal, area around Bank Parade and Kildare Street.

4.0 Location: 1 Town Hall, Bank Parade, Newry, BT35 6HR

5.0 Site Characteristics & Area Characteristics:

The site comprises 0.89ha of land of the existing Town Hall (Listed Building), a two-storey derelict building (No.2 Bank Parade) and Sean Hollywood Arts Centre (SHAC).

Whilst comprising of separate buildings with exception of No. 2 Bank parade both the existing Town Hall and SHAC read as a collective visual entity when viewed from the immediate area.

The site is located to the SW of Sugar Island occupying a prominent location within Newry City. The existing Town Hall is built above and extends along the Clanrye River on a supported bridge arched structure.

The broader site extends to the W forming a triangular portion of open, disused land with pedestrian connection to the SW to Needham Bridge. Newry Canal and a Schedule Monument extends along the SW boundary with remnants of a stone wall/ wall of former buildings along this boundary.

The east of the site extends to Sugar Island Bridge, taking in Kildare Street to the South and Bank Parade to the north. By virtue of its location within the

Conservation Area there are variety of trees within the vicinity which are afforded protection under a Tree Preservation Order (TPO).

Development within the vicinity include a mix of commercial properties located within 2 -4 storey high terraced buildings that extend along Kildare Street, Sugar Island, Trevor Hill and Hill Street.

The site is located within the settlement limits of Newry City, within the limits of Newry City Centre, Newry Conservation Area, Development Opportunity Site (NY84), Local Landscape Policy Area (LLPA - NY114), Disused Transport Route and is located within the confines of a listed buildings/ structures including Newry Town Hall, Armagh Down Bridge, Russian Trophy and Mc Cartan's shop including a Scheduled Monument (Newry Canal)

6.0 Relevant Site History:

See planning history outlined in associated file LA07/2023/2193/F

7.0 Planning Policies & Material Considerations:

- Banbridge/ Newry and Mourne Area 2015 (BNMAP)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS6 - Planning, Archaeology and the Built Heritage

8.0 Consultations:

- **HED Buildings (13.09.24)** – Reconsidered impact of the proposal on the listed building based on information uploaded Jun/ Aug/Sep 24 and advise that previous concerns have been addressed and conditions are requested to address outstanding information on the Town Hall and Atrium.

9.0 Objections & Representations:

As required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, the application details were advertised in the local press in April 2023. Neighbours re-notified September 24 following initial notification. No objections received (34 received in relation to full application LA07/2023/2193/F which were considered under this application)

10.0 Consideration and Assessment:

Proposals are being considered in tandem with application LA07/2023/2193/F and LA07/2023/2991/DCA (considered separately by DFI)

The site is located within Newry Conservation Area as defined in the Banbridge, Newry and Mourne Area Plan 2015. There are no objections to the proposal with regard to the Area Plan/ SPPS. Prevailing weight is attached to PPS6 in this assessment.

As there is no significant change to the policy requirements for development of this nature following the publication of the SPPS, it is somewhat less prescriptive. That the retained policies of PPS6 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

11.0 SPPS (para 6.12 6.13 & 6.15) and PPS6 (BH7,8, 10 and 11) – Planning, Archaeology and the Built Heritage

HED in comments dated 13.09.24 have considered the impact of the listed building and advise that subject to conditions the proposal satisfies policy requirements of the SPPS and PPS6 as noted above. Further assessment against policy tests have been set out within the associated full application see LA07/2023/2193/F.

Proposals fulfil the requirements of the SPPS and PPS6 (see report for LA07/2023/2193/F)

12.0 Consideration and Assessment Summary:

Having had regard to the development plan and all other material considerations (including SPPS and PPS6) the proposed scheme meets the requirements of planning policy and is therefore recommended for approval subject to the necessary planning conditions outlined below.

13.0 Recommendation: Approval

14.0 Draft Conditions:

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:

-

Reason: To define the planning permission and for the avoidance of doubt.

3. Before work begins, details shall be approved in writing by the Planning Department to ensure that precautions are taken to secure and protect the following features of interest during the building work:
 - a. Entrance lobby, glazed and mosaic tiles;
 - b. Entrance lobby, glazed door and screen;
 - c. Office L00.01 (staff canteen)- fireplace and wall safe;
 - d. Auditorium balcony columns, metal balustrade and polished timber handrail
 - e. Staircases, including metal balustrade and polished timber handrails;
 - f. Timber panelling, wainscotting, window surrounds, architraves and skirting boards throughout; and
 - g. Decorative plasterwork at ceilings, cornices, roses, corbel brackets and pilasters to Lobby, Rotunda, Office L00.06, Committee Room and Main Auditorium.

The agreed measures shall be carried out in full. Under no circumstances must these features be disturbed to install services.

Reason: To ensure that the development is not detrimental to the character, appearance or special interest of the Listed Building in accordance with PPS6 BH8. Approval is required upfront to safeguard original features of the building.

4. No works shall commence on site unless a Detailed Method Statement for the following works to the Town Hall been submitted to and agreed in writing by the Council:
 - a) Internal down takings and new openings in the external walls including means of supporting and protecting the retained structures and fabric both during the works and afterwards;
 - b) Stone repairs and cleaning;
 - c) Conservation repairs of historic fabric including windows, doors, metalwork, steps and plasterwork; and
 - d) Construction of foundation structures and piling for the new extension, including means of supporting and protecting the retained structures and fabric.

The works and activities shall not be carried out unless in accordance with the approved Detailed Method Statement.

Reason: To ensure that the development is not detrimental to the character, appearance or special interest of the Listed Building in accordance with PPS6 BH8. Approval is required upfront to safeguard original features of the building.

5. No works shall commence on site unless details for the new external window and goods lift doors have been submitted to and approved in writing by the Planning Department. The details shall be at a scale of 1:20 or less and include the depth of reveals, sections, details of heads and sills, materials and finishes. The works shall not be carried out unless in accordance with the approved details.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

6. Wiring to services mounted on external façade to Town Hall, within Atrium space (Section BB, Hamilton's drawing 4100 Rev C04), shall be fed from the inside face of the wall, i.e. no surface mounted conduits or chased brickwork.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

7. Prior to the commencement of any works associated with the new goods lift, detailed drawings, at a minimum scale of 1:20, of the proposed lift structure, pit, foundations, over-run and roof shall be submitted and agreed in writing by the Council. The works shall thereafter be carried out solely in accordance with the approved details.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

8. All fixings to the existing stonework shall be specified as non-expanding and nonferrous to prevent corrosion, damage and staining.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

9. Unless shown on the approved plans, no satellite dishes or other aerials, alarm or metre boxes shall be affixed to the exterior of the Town Hall unless in accordance with details that shall have first been submitted to and approved in writing by the Planning Department.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

10. Unless otherwise specified on the approved drawings, all new external and internal works and any works of making good to the retained fabric, shall

match the existing original work adjacent in respect of methods, detailed execution and finished appearance. Detailed finishes schedules and samples are required for approval on any changes proposed.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

11. Final coat of paint to all external joinery shall be brush-applied on site (i.e. not factory finished).

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

12. External railings at Bank Parade, as shown on Paul Hogarth's Guardrails drawing No. 915 Rev P01, shall not be fixed to the Armagh Down Bridge.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

13. No development, including site clearance, site preparation, demolition and the formation of foundations and trenches, shall commence on site unless the detailed design of the HGV entrance screen/shutter has been submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:20. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the listing building, in accordance with PPS6 BH8; and in the interests of maintaining the character and appearance of the setting to the other listed buildings, in accordance with PPS6 BH11. Approval is required in advance because the design of these element is fundamental to the overall appropriateness of the building

14. The atrium shall not be installed unless in accordance with details of the specialist glazing system that shall have first been submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:50, together with construction details to a minimum scale of 1:20, illustrating the design, profile, materials, finish and colour of all framing members and glazing units. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the listing building, in accordance with PPS6 BH8; and in the interests of maintaining the character and appearance of the setting to the other listed

buildings, in accordance with PPS6 BH11. Approval is required in advance because the design of these element is fundamental to the overall appropriateness of the building.

15. No external brickwork shall be constructed unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Planning Department. The sample panel provided on site shall include an arch, be a minimum of 1m x 1m, and made available for inspection by the Council for the duration of the construction works. The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

16. No external roofing, including screening to roof-top services, shall be constructed or applied unless in accordance with a written specification and a physical sample, details of which shall have first been submitted to and approved in writing by the Planning Department. The sample shall be provided on site and made available for inspection by the Planning Department for the duration of the construction works.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

17. No rainwater goods, including guttering and downpipes, shall be installed unless in accordance with details that shall have been submitted to and approved in writing by the Planning Department before they are installed.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

18. External flue/s shall be metal, paint finished and permanently retained as such.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

19. No windows, or external doors shall be installed unless in accordance with details that shall have first been submitted to and approved in writing by the

Planning Department. The details shall include their design, profile, materials, finish and colour, cills, head and reveals.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

20. No flood barrier system shall be installed adjacent to the Town Hall until details that shall have first been submitted to and approved in writing by the Planning Department. The details shall include any fixings required on or adjacent to the listed building, whether temporary or permanent.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

21. Prior to commencement of external works, samples shall be submitted and approved in writing by the Planning Department in respect of all hard landscaping materials. The work shall be carried out fully in accordance with the details approved.

22. Prior to installation of the canopy to the cantilever platform the detailed design shall be submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:50. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of the listed buildings.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/0382/F

Date Received: 25.02.2022

Proposal: Proposed boarding kennels, to include reception and induction kennel.

Location: Immediately west of No. 14 Martins Lane, Newry, Co. Down, BT35 8PJ

Site Characteristics & Area Characteristics:

The site is located just outside the Development Limit for Newry city in the open countryside, however given the close proximity to the Development Limit the site has an *urban fringe* appearance. The site holds an agricultural field that slightly undulates and falls towards the A1 which is immediately west of the site. The applicants dwelling is immediately south east of the site, with a school opposite the entrance to the site. Part of the southern and western boundaries are defined by hedging with post and wire fencing existing along the roadside boundary of the site.

Recent Site History:

Application Number: P/1983/0051

Decision: Permission Granted

Decision Date:

Proposal: PROPOSED 11 KV OVERHEAD LINE (DRAWING NO CRA 6620)

Application Number: P/1983/0305

Decision: Permission Granted

Decision Date:

Proposal: ERECTION OF BUNGALOW

Application Number: LA07/2019/0090/LDE

Decision: Permission Refused

Decision Date: 25 October 2019

Proposal: Existing office/storage prefabricated building and yard area for parking

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 15 – Planning and Flood Risk
 Planning Policy Statement 4 – Planning and Economic Development.
 Planning Policy Statement 6 – Planning Archaeology and the Built Heritage
 Parking Standards.
 DCAN 15

Consultations:

Development Plan – No objection.
 HED – Content the proposal complies with policy.
 DFI Roads – No objection, conditions attached.
 Environmental Health – No objection subject to compliance with attached conditions.
 DFI Rivers – No objections raised.
 NIEA – content with the proposal
 NI Water – Approval with standard conditions.
 SES - Eliminated from further assessment because it could not have any conceivable effect on a European site.

Objections & Representations

5 neighbouring properties notified on 12.04.2022 and the application was advertised in the press on 22.03.2022 and 23.03.2022. No objections or representations received.

Consideration and Assessment:

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

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

Until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Banbridge Newry and Mourne Area Plan 2015

The site is located mainly outside settlement limit for Newry City on unzoned land with a small portion within the development limit within the garden of No. 14 Martins Lane. The Area Plan is silent on the use of the site and therefore decision making is deferred to the prevailing policies as considered further in this report.

Given the development straddles the Settlement Development Limit for Newry City, Development Plan section was consulted. The Development Plan section have responded stating

'The Development Management Team is advised that whilst the proposal would breach the Statutory Development Limit of Newry, the Development Plan team do not consider this

would set an unacceptable precedent in this instance. The proposal is of a small scale and the visual impact of the breach is limited to the immediate area, in addition the nature of the development concerned has the potential to adversely impact the residential amenity of adjoining residents through noise and that a location within the countryside is preferable and can be justified if it results in this impact being mitigated to acceptable levels.'

The proposal is therefore in general compliance with the Development Plan.

Planning Policy Statement 4 Economic Development

The preamble to this PPS reminds the reader that for the purposes of this PPS, economic uses comprise those set out in Part B of The Planning (Use Classes) Order (Northern Ireland) 2015. The preamble also makes reference to the helpfulness of this policy provision for *sui generis* employment uses.

I consider the proposal to fall under *sui generis* and given it will be an employment use with a potential economic benefit I therefore conclude it is appropriate to assess the proposal against PPS 4 in light of the preamble as noted above.

For clarity a small section of the development is location within the development limit, located within the garden of No. 14 Martins Lane. Given this aspect of the scheme compromises a small ancillary part of the overall scheme, I consider it reasonable and proportionate to consider the majority of the scheme by its countryside location.

Policy PED 2

Policy PED 2 makes provision for economic development in the countryside under the following policies;

- The Expansion of an Established Economic Development Use – Policy PED 3
- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5
- Small Rural Projects – Policy PED 6

I do not consider the proposal to meet any of the above definitions and note that the policy confirms all other proposals for economic development in the countryside will only be permitted in exceptional circumstances. The agent in his supporting information contends the proposal meets the exceptional circumstances clause.

The justification and amplification does not define exceptional circumstances for the purposes of the policy PED 2 but does note that a pleasant and attractive countryside is central to its economic prosperity and healthy economic activity in rural areas facilitates investment to sustain and enhance the countryside's appeal and meet the needs of the rural community. The application before the Council just beyond the edge of the settlement limit for Newry City is unlikely to facilitate investment to sustain and enhance the countryside's appeal and meet the needs of the rural community.

The agent has highlighted the unique / exceptional nature of the project, the fact it will be the only vet assisted facility within 45 miles and the fact it will be away from residential land uses to mitigate and residential amenity issues.

I accept the location away from residential properties is a benefit to the proposal however, the unique and exceptional facilities offered in my opinion is different from the granting of approval in exceptional circumstances. My interpretation of the policy is that appropriate

uses would only be granted exceptionally where it does not meet the other criteria of PED 2. It does not follow that an exceptional or unique use is an exceptional reason for granting approval. Indeed many unique types of development would be suited away from residential properties but it does not follow that all should be granted for this reason.

I acknowledge the advantages of a Vet assisted facility however given there are 2 veterinary clinics and one veterinary hospital in Newry City I must conclude that the proposal could not be considered as an exceptional circumstance and is therefore contrary to policy PED 2 and the SPPS.

Policy PED 9

Policy PED 9 is general criteria for economic development and any such proposal is required to meet all criteria below (a)-(m).

- (a) The surrounding land uses primarily consist of agricultural, residential and educational. Environmental Health has no objections subject to compliance with the attached conditions, regarding the residential uses and there is no evidence to suggest the remaining land uses would be prejudiced to be the proposal.
- (b) Environmental Health has been consulted regarding residential amenity and have responded confirming no objections, subject to compliance with the attached conditions.
- (c) There are no features of the natural or built heritage impact by the proposal. Whilst the site lies within the consultation zone for a archaeological site & monument, Historic Environment Division has been consulted and confirmed the proposal is compliant with policy.
- (d) The site is not located in an area of known flood risk. DFI Rivers has offered no objections to the proposal.
- (e) Environmental Health has offered conditions including the submission of a Noise Management Plan prior to commencement of development to mitigate any potential for noise impact.
- (f) The proposal references use of a septic tank which can be negatively conditioned to ensure consent to discharge is received prior to commencement. NIEA and NI Water have offered no objections to the proposal.
- (g) The existing road network is not considered to be significantly impacted by the proposal. DFI Roads were consulted and have responded with no objections.
- (h) Access arrangements are adequate subject to compliance with the attached conditions and ample manoeuvring space exists. Whilst 25 vehicles are attracted to the site daily, it anticipated this will be mainly short stay drop offs. 4 members of staff will be employed at the premises and therefore I consider the 14 spaces available acceptable to service the scheme.
- (i) There are no known rights of way at the site, and the location would be convenient for public transport. The development is single storey and therefore should be accommodating for those with mobility issues.
- (j) The proposed layout shows considerable planting around the site which will help integrate the scheme and promote sustainability whilst encouraging biodiversity. The layout ensues the bulk of the development is to the back of the site and to the rear of No. 14 and the design appears functional with a low ridge of 3.6m an industrial / agricultural appearance finished in dark grey aluminium cladding with rendered walls which I considered acceptable for the site. A smaller office and dog run would be located closer to the access and is finished to match the larger building. Cumulatively I recommend the design acceptable for the site which could be described as urban fringe.
- (k) Significant planting is proposed around the site which gives a sense of enclosure to the proposal and ensures it is well screened from public view.

- (l) The proposal is designed to deter crime and promote personal safety in that the parking area will be viewed from the public road and it is located adjacent to the owners property.
- (m) I consider the backdrop of rising land coupled with the proposed and existing planting enough to ensure the integration into the landscape.

The proposal is contrary to the SPPS and PED 2 of PPS 4 in that it does not meet any of the provisions for economic development in the countryside is not considered an exceptional circumstance.

Planning Policy Statement 21: Sustainable Development in the Countryside

Policy CTY 1

Due to the rural location of the site, PPS 21 is a material consideration. Policy CTY 1 makes provision for development in the countryside that is acceptable in principle and that contribute to the aims of sustainable development.

One such form of development is industry and business uses in accordance with PPS 4. As it has been considered above that the proposal is contrary to PPS 4 and with no overriding reasons why the development is essential and could not be located in a settlement, the proposal is contrary to policy CTY 1 of PPS 21.

Policy CTY 8, CTY 13 and CTY 14

As noted above I am content the design and layout of the proposal is acceptable for the site and with the added backdrop, natural boundaries and supplementary planting, can integrate into the landscape. The proposal is not thought to contribute to ribbon development, prominence or build up, particularly due to the location at the edge of the settlement limit. Ancillary works including the access utilise existing tree lines of enclosure which is encouraged in the rural area and cumulatively are unlikely to have a significant visual impact. The proposal is in general compliance with above policies.

CTY 15

Given the close proximity of the site to the settlement development limit for Newry City, policy CTY 15 is engaged. The development plan team was consulted and have responded as follows;

While the application site is located outside of the SDL of Newry, when viewed from along Martin's Lane there is a strong feel of "urban fringe" to the area due to the presence of the bridge, the nearby residential developments and the school. The site is not prominent in the area given the close proximity of the above features and when viewed from the junction of Martin's Lane and Chancellor's Link, the proposed buildings would link visually with the existing development at No. 14 so any impression of the development limit in this area being breached or the distinction between urban and rural being blurred is mitigated significantly, due to this visual linkage and the visual break caused by the A1.

Whilst the proposal would breach the Statutory Development Limit of Newry, the Development Plan team do not consider this would set an unacceptable precedent in this instance. The proposal is of a small scale and the visual impact of the breach is limited to the immediate area.

On the basis of the above, I am content the proposal will not mar the distinction between the settlement limit and the surrounding countryside or otherwise result in urban sprawl.

CTY 16

A negative condition can be added to any approval notice ensuring that consent to discharge is received from NIEA prior to the commencement of development which mitigates the risk of pollution in the surrounding area.

Planning Policy Statement 6 Planning Archaeology and Built Heritage

The policy is engaged as the site lies within the consultation zone for an Archaeological Site and Monument designation. Consultation with Historic Environment Division has confirmed they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Planning Policy Statement 3: Access Movement and Parking / DCAN 15 / Parking Standards

DFI Roads was consulted with regard to PPS 3 and DCAN 15. DFI Roads has responded confirming it has no objections to the proposal in relation to the above policy and guidance subject to compliance with the attached conditions.

Given the unique circumstances of the proposal, such a use is not mentioned within Parking Standards, nor is a similar use available to consult. Whilst 25 vehicles are attracted to the site daily, it anticipated this will be mainly short stay drop offs. 4 members of staff will be employed at the premises and therefore I consider the 14 spaces available acceptable to service the scheme.

Planning Policy Statement 15: Planning and Flood Risk

DFI Rivers was consulted with regards to the proposal. The Department has confirmed policies FLD1, FLD2, FLD4 and FLD5 are not applicable to the application site. Due to the extent of the hard surfacing, a Drainage Assessment was submitted as per the requirements of policy FLD 3. Whilst granting permission to discharge to underground strata is outside DFI Rivers remit, they accept the logic of the Drainage Assessment and have no reason to disagree with its conclusions.

On this basis I am content the proposal satisfies the policy requirements of FLD 3 and PPS 15 in general.

Planning Policy Statement 2: Natural Heritage

A Biodiversity Checklist was forwarded by the agent which produced a negative response. Having visited the site, I am content this is accurate and I am satisfied there will be no significant harm to protected or priority species or habitats as a result of the proposal or that any International, European, National or local sites of acknowledged importance would be compromised by the proposal.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21 in that there are no overriding reasons why the development is essential and could not be located in a settlement.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy PED 2 Planning and Economic Development in that the proposal does not meet any of stated policy provisions and is not considered an exceptional circumstance.

Case Officer: Ashley Donaldson 21.08.24

Authorised Officer: Maria Fitzpatrick 23.08.24

LA07/2022/0382/F – Proposed boarding kennels immediately west of 14 Martins Lane, Newry

209

- This proposal is for a specialist kennelling facility that requires a location outside a settlement limit owing to the potential for animals' noise affecting residential properties, as would be the case had this been sited in a built up area.
- The facility includes the following: Boarding facilities; Recovery facilities; 24-hour Supervised recreational areas; Vet living on-site; Facilities for variety of animals including exotic pets; Hydrotherapy; Dog spa; Fluid therapy, recovery massages etc; Indoor doggy day care; Animal sanctuary and re-homing services; Local dog pound services; Purpose built grooming parlour and training rooms.
- The proposal represents an initial investment of 0.75 million pounds and will deliver six jobs in this phase. It has significant financial backing and works will follow in a very short period of time if this permission is granted.
- Refusal is recommended only because the area plan's settlement limit has been breached. The Council's own Development Plan team confirms this application is not contrary to the area Plan however.
- The site was actually located inside the old area plan's settlement limit although it was later de-zoned. Approval of this application would round off and consolidate an unnatural edge to the settlement limit, infilling a small pocket of previously developed land, without impacting the wider area (as has been accepted by all parties).
- The Development Plan team is satisfied that approval will not set an unacceptable precedent and that approval could be justified on the basis of exceptionality.
- Although this application does not fall into the major category it is significant, yet all consultees are satisfied. No third party objections have been received; and internal consultees have actually identified that the proposal is better suited to a location outside the settlement limit. No site-specific concerns have arisen either.
- The Council's own Development Plan team confirms that for this proposal a location outside the settlement limit is preferable, and that approval can be justified if it results in noise being mitigated to acceptable levels.
- The Council's environmental Health department confirms it can indeed be mitigated to acceptable levels.
- The Council's own, internal, experts appear to acknowledge this application is exceptional or that it could not practicably be located inside a settlement, yet officers have not set out why they disagree.
- In simple terms, officers feel the proposal does not meet with the "exceptionality" clause laid out in Policy PED 2 of PPS 4, even though the Policy itself offers no explanation nor guidance as to what might be regarded as "exceptional circumstances".
- In this case the decision should rest upon the ordinary meaning of the word "exceptional" i.e. "not usual" / "not typical". It is not normal to have specialist dog kennels located in built up or residential areas.

LA07/2022/0382/F – Proposed boarding kennels immediately west of 14 Martins Lane, Newry

210

- Officers appear to have confused the term “exceptional” with an assumed requirement to show this development is “absolutely necessary” or “essential” in the countryside, when that is not what is said nor implied in Policy PED 2.
- Policy CTY 1 of PPS 21 states that non-residential development will be permitted where it complies with PPS 4. As this application satisfies Policy PED 2 of PPS 4, by virtue of its exceptionality, Policy CTY 1 is overcome automatically.
- These planning issues are finely balanced and there is scope for members to express a different view from officers. This planning committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations. This is a judgement call, simply asking members if they feel a location outside the settlement limit would be best to avoid loss of residential amenity (if this was located in a built up area). The Council’s own internal experts agree with the applicant in this respect.
- Officers have acknowledged the Local Development Plan team’s position (that “The proposal is in general compliance with the Development Plan”) but have failed to ask why it would be necessary to prove “need” outside the settlement whenever the proposal is not in fact contrary to the local development Plan.
- Officers accept this is the only such facility this side of Antrim, yet do not regard it as exceptional. Officers also accept that the location outside the settlement limit will be beneficial, yet another internal department within the Council’s planning team inferred that the location outside a settlement is actually preferable.
- Officers have erroneously assumed that the “need” for a facility of this nature is already being met in Newry, when in actual fact the closest facility of this nature is located in Antrim. Fatally, officers failed to distinguish between this proposal and Newry’s veterinary hospital and veterinary clinics. Had the proposal been properly categorised by officers, the planning department would have recognised that this proposal is intended to deliver specialist facilities, which are not required or indeed available in the veterinary surgeries or hospitals in Newry or nearby.
- The lack of any comparable facilities this side of Antrim suggests the proposal is exceptional and the application can therefore be approved under Policy PED 2 of PPS 4 (which satisfies Policy CTY 1 of PPS 21).
- Members have been requested to determine the application now in order to ensure that the final decision is taken on the basis of what is specifically proposed, not what general animal healthcare services are available nearby, and to ensure that a decision is taken based upon the ordinary, everyday meaning of the word “exceptional”.
- We thank you for your time and consideration in this matter and are happy to take any questions you might have.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2023/2237/O
Date Received:	10.02.2023
Proposal:	Proposed site for an off-site replacement dwelling and domestic garage (amended description/site address)
Location:	15 Brackenagh East Road Ballymartin BT34 4PT

1.0 Site Characteristics and Area Characteristics

The application site is located outwith any defined settlement development limit as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site has been screened for both natural and historic environment designations. The following are noted on/within the surrounds of the application site:

- Application site is approximately 1.32 miles north of the Settlement Development Limit of Ballymartin
- Within Mourne Area of Outstanding Natural Beauty
- Approximately 114.5 metres from surface water
- Approximately 114.5 metres from Site of Local Nature Conservation Importance

The application is for a proposed off site replacement dwelling and domestic garage. The application is for an outline thus no detailed design has been submitted as part of this application.

A site visit was conducted at the application site whereby it was noted that the property is a large, attached dwelling. It was noted whilst undertaking a site visit that the front of the property is accessed via gates to the front of the dwelling it's a grassed area with a number of trees on the site. The rear of the site is accessible past the existing outbuildings. There is a large amenity area to the rear of the dwelling. The two dwellings are separated via a stone wall. The site location plan indicates that the outbuildings to the rear of the application site are in the control of the applicant.

The proposed indicative layout proposes an off site replacement with the proposed dwelling to be located in the front garden area of the current dwelling and utilise an existing access to the site.

As this is an outline application no detailed design has been submitted; this would be subject to a reserved matters application. Images 1 and 2 are extracts from the site location plan and indicative site layout plan. Images 3 and 4 are photographs of the application site taken whilst conducting a site visit.

Image 1: Extract from the Site Location Plan



Image 2: Extract from Indicative Site Layout

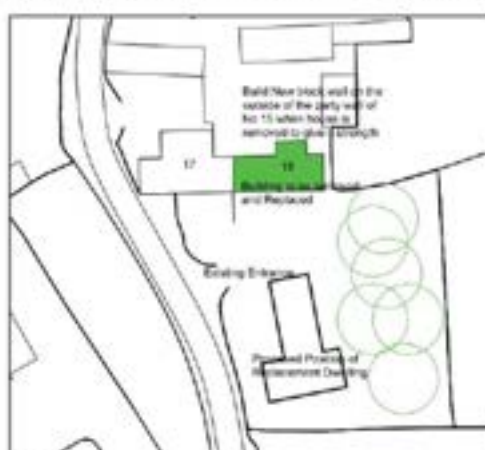


Image 3: Photograph of the front of the application site and subject dwelling to be replaced



Image 4: Photograph of the rear of the application site and subject dwelling to be replaced



2.0 Planning Policies and Material Considerations

This planning application has been assessed against the following policies:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Heritage
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

3.0 Site History

The planning history of the application site has been investigated and there is no known applications on the application site.

4.0 Consultations

Consultations were issued to the following consultees:

- DFI Roads – If the proposed dwelling could be occupied at present/following minor modification then no objections
- NI Water – No objections to the proposal as presented

5.0 Objections and Representations

The application was advertised in the local press on the:

- 15th March 2023

- 10th May 2023
- 19th June 2024

3 neighbours were identified to be notified. Notifications were issued between the 2nd March 2023 and 7th June 2024. No objections or representations have been received to date (03.09.2024).

It is acknowledged that there has been a number of readvertisements and notifications to neighbours this was due to a mapping error. Following the client confirming the discrepancy between the OSNI Maps and providing evidence to this effect the application was re-advertised. A change of description also occurred to ensure accuracy of the plans throughout the application.

Correspondence with the Agent

An email was issued to the Agent on the 18th August 2023 whereby it referred the Agent to paragraph 5.15 of PPS 21 which sets out that *Proposals to replace existing semi-detached or terraced dwellings will generally only be acceptable if replaced in situ with the proposed new dwelling remaining attached to the other elements of the existing development unless there are practical mitigating circumstances to be considered.*

The email set out that the Planning Department would consider the application contrary to CTY 3.

The Agent set out in response the following points which will be considered in the assessment of this application:

- The dwelling is in very bad condition on the inside.
- The house is far too small to modern space standards per Annex A of PPS7 and because of the limited space to the side and the outbuilding to the rear, it is hard to extend.
- There is very little private amenity space so off-site replacement would deliver amenity benefits to No 15 and No 17
- The shared rear garden arrangement with adjoining property is causing overlooking/privacy concerns and a new house away from this would be better for all concerned.
- The parking and rear gardens for these properties is very peculiar. No 17 has to park in the rear garden because there is no parking available at the front. The entrance and parking to No 15 is by way of a lane behind the outbuilding on No 17.
- It would benefit both properties by way of privacy, parking, and private amenity space.

6.0 Assessment:

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any

other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan.

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

There is no significant change to the policy requirements for replacement dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS 2 and PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Building on Tradition a Sustainable Design Guide for Northern Ireland

Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 5.0 Replacement is relevant to this application. The guidance sets out how replacement projects can help to reinvigorate our rural landscape ... and further elaborates on the guidance set out with PPS 21 on eligibility for replacement, size, scale and form; it is imperative that these design principles are incorporated and considered when applying for a replacement dwelling. The guidance further explores how priorities should include retaining all mature trees, hedgerows, walls and boundaries where possible as well as access points.

PPS 2 Natural Heritage

Policy NH2 – Species Protected by Law

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- *there are no alternative solutions; and*
- *it is required for imperative reasons of overriding public interest; and*
- *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- *compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Policy NH5 – Habitats, Species or Features of Natural Heritage Importance

The policy states: Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*
- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

NH 6 Areas of Outstanding Natural Beauty

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

a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and

b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

A bat survey was submitted during the processing of the application whereby it concluded that the demolition of the building on site is not considered to directly impact any bats as no roosts were observed. No further surveys are recommended. It is considered that the proposal is not contrary to NH2.

With regards to NH5 access to the site is available currently via the rear of the site and through gates to the front of the application site. There is also a wall to the roadside thus any works would not require for any hedging etc to be removed to provide access to the site. There will be the removal of grass etc and some shrubs however this would not be considered to have an unacceptable adverse impact or damage to species, habitats or features. The proposal therefore is considered to be compliant with policy NH5.

With regards to policy NH6 this application is for the erection of an offsite replacement with associated garage. As the application is a replacement it would not cause an accumulation of buildings within the AONB and therefore would be considered an acceptable build within the countryside. No detailed design has been submitted and would be subject to a separate application. It is considered that the proposal subject to design could comply with the policy provisions of PPS2.

PPS 3 Access Movement and Parking

As this is a replacement dwelling no new accesses are proposed as part of this application. DFI Roads were consulted with regards to this and offered no objections to the proposal as presented.

PPS21 Sustainable Development in the Open Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes replacement dwellings if they meet the criteria set out in CTY3. The proposal is for an off-site replacement dwelling.

CTY 3 Replacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.

Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling.

Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Following a site inspection, it is evident that the building coloured green on the site is a dwelling and exhibits the essential characteristics of a dwelling for the purposes of CTY 3 and its policy provisions.

In addition to the above further guidance is set out within CTY 3 upon which all replacement cases should comply with.

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

The proposed dwelling to be replaced is an attached dwelling/semi-detached dwelling within the countryside. Paragraph 5.15 of the justification and amplification within policy CTY3 sets out that *proposals to replace existing semi-detached or terraced dwellings will generally only be acceptable if replaced in situ with the proposed new dwelling remaining attached to the other elements of the existing development unless there are practical mitigating circumstances to be considered.*

Having set out to the Agent the Planning Department's opinion and receipt of their comments in terms of amenity and space as well as access the Planning Department would consider that there is sufficient space within the existing curtilage of the dwelling house for an onsite replacement. It is considered that the replacement of the dwelling offsite would not create demonstrable landscape, amenity nor access benefits. The Planning Department would consider that the current arrangement is acceptable in line with policy.

The Planning Department would consider that the dwelling should be replaced in-situ and that the proposed location does not comply with this criterion.

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

The dwelling on site is a large two storey semi-detached dwelling as set out above this is an outline application thus detailed design is not considered as part of this application. However, it is noted that the proposed location is to the front of the site thus it is considered that the proposed siting of the replacement dwelling would have a greater visual impact than the existing and would appear prominent in its surrounds and lack sufficient integration.

the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness; • all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

As set out above, this is an outline application with detailed design not yet provided. It is noted there is a mix of house types within the surrounds.

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

DFI Roads were consulted with regards to the application and offered no objections. Having considered the proposed access arrangements the Planning Department consider the access and driveway arrangement appropriate in this instance. The proposal intends to utilise the existing access arrangements.

Policy CTY 13 Integration and Design of Buildings in the Countryside

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

- (a) it is a prominent feature in the landscape; or*
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

The application as presented proposes to replace an existing semi detached property to the front of the application site (off site) which would appear prominent in nature compared to an in-situ location. The existing dwelling is set in from the road and is gable ended. This would create greater prominence along the Brackenagh East Road due to its location. Whilst it is considered that the proposal would comply with the rest of the policy provisions of CTY 13 it does not comply with part a.

Policy CTY 14 Rural Character

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

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

As set out above given that the proposal is a replacement it is considered that the dwelling would not create any build up in the area as the dwelling on the application site will be demolished. However having account the siting and arrangements of that existing, it is considered the siting proposed would result in ribbon development. It is also considered the offsite replacement element would create a dwelling that is prominent in the landscape thus contrary to CTY 14 in that respect.

CTY8 Ribbon Development.

Having account the siting and arrangements (semi-detached) of the existing dwelling, it is considered the siting proposed, together with the existing built form immediately adjacent will result in the addition of ribbon development, thereby being contrary to policy CTY8.

CTY 16 Development Relying on Non-Mains Sewerage

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed, a copy of 'Consent to Discharge' must be submitted to the Planning Department prior to the commencement of any approved development. There appears to be sufficient lands within the control/ownership of the applicant to accommodate this method of sewage disposal and associated soak-aways. The proposal appears to conform to Policy CTY 16

Amenity

The existing arrangement between the dwellings is considered appropriate. The two dwellings are separated via a cement and stone wall. It is considered that there is sufficient amenity space within the red line of the dwelling to accommodate private amenity space and off street parking.

Recommendation

In summary, the proposal incorporates an offsite replacement of a semi detached dwelling. It is acknowledged that the dwelling to be replaced is a dwelling which is currently not resided in and the Planning Department have no objections in principle to a replacement dwelling however, the proposed off site location is not acceptable and is considered contrary to policy CTY 3 as well as the justification and amplification of it.

The Planning Department would consider that the current curtilage is sufficient for a dwelling of an appropriate size alongside substantive amenity space. The Planning Department note the comments made by the Agent in terms of amenity and access benefits if the replacement was to be off site however, the Planning Department having reviewed the information submitted would consider that there is sufficient space within the dwelling for parking and amenity benefits.

It is therefore considered that the proposed siting is unacceptable and the application is therefore recommended for refusal.

Drawings in which the application relates to 01

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; and
 - the dwelling proposed does not integrate and will have a visual impact significantly greater than the existing building.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that (a) it is a prominent feature in the landscape
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would result in the addition of ribbon development.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in the addition of ribbon development

Case Officer Signature: Roisin Bird
Date: 03.09.2024
Appointed Officer Signature: M Keane
Date: 03-09-24

WRITTEN REPRESENTATION

222

Reference No: LA07/2023/2237/O

Proposal: Proposed site for an off-site replacement dwelling and domestic garage (amended description/site address).

Location: 15 Brackenagh East Road, Ballymartin.

1. The proposed siting for the replacement dwelling is wholly within the established residential curtilage of the existing dwelling. Permission is therefore sought for an on-site replacement dwelling, not off-site. Google Streetview images are provided below, which show the garden area in 2021 (left) and 2008 (right), where the replacement dwelling is proposed.



2. This garden's western boundary is framed by a block wall, which clearly defines it as part of the residential curtilage and not a field. This area is also immediately adjacent to the dwelling and contains ornamental trees - there are no physical structures between it and the house which would otherwise differentiate it as being a separate and distinct parcel of land and the presence of ornamental trees clearly demonstrates that it is not a field. Importantly, the planning department have conceded that this dwelling is proposed within the front garden of the existing dwelling (see page 2 of the Case Officer Report).
3. Officers have therefore erroneously assessed this application as an off-site replacement dwelling proposal and in doing so have misapplied PPS21 policy CTY3. This misapplication of policy is critical and goes to the very heart of this refusal. Indeed, refusal reason 1 explicitly states that permission is being refused because the dwelling is not sited within the established curtilage. The evidential context irrefutably proves that this position is erroneous and untenable. This refusal reason cannot therefore be sustained.
4. This proposal seeks permission to replace an attached dwelling with a detached dwelling within the established curtilage, which is allowed under policy CTY3, particularly where there are practical mitigating circumstances. The practical mitigating circumstances are as follows:
 - The existing dwelling is in a very dilapidated condition and the projected repair costs are anticipated to be significant. The applicant inherited the property and has been living abroad for 30 years. He now wishes to move home but has no desire to live in a semi-detached

dwelling in the countryside. The repair costs are expected to exceed its reasonable market value so repairing and upgrading the dwelling for onward sale would not be financially viable. Should this permission not be granted to replace it, the existing dwelling will likely fall further into disrepair thereby negatively impacting upon the rural character of the area.

- The current pair of semi-detached dwellings presently appear as a large and incongruous feature in the landscape. Collectively they span approximately 30m in width and are juxtaposed in a perpendicular manner to the road. Their siting, massing and orientation make them stand out as a prominent and unusual feature in the landscape, more in keeping with an urban context than rural. This proposal will deliver 2 modest detached dwellings in this location, which would be more in keeping with the prevailing character than what is there presently. This proposal will therefore have a net positive impact upon the rural character of the area.
- The current access arrangements are not fit for purpose. The access to the front is not wide enough to accommodate a modern vehicle. Access is therefore presently taken to the rear, via a gravel lane that weaves between outbuildings. This existing vehicular access has zero visibility to the south and is very dangerous (see image below). This proposal provides an opportunity to deliver an improved access arrangement.



5. In terms of integration and the perceived creation of ribbon development, this proposal is sited within the established curtilage adjacent to mature trees, which form a backdrop. The new dwelling would cluster with the other semi-detached dwelling and the group of outbuildings to form a single entity in the landscape. This clustering ensures the proposal does not result in ribbon development and as such does not contravene policies CTY8 and CTY14. In addition, the new house would be sited directly opposite No.10, which forms part of the building cluster in this location. Its siting adjacent to mature trees and clustering with an established group of buildings ensure that the new dwelling would integrate acceptably and would not stand out as a prominent feature in the landscape.
6. For the reason outlined above the proposed on-site replacement dwelling is acceptable in principle under policy CTY3. It would integrate acceptably without causing a detrimental change to the character of the area. The proposal therefore complies with PPS21 policies CTY1, CTY3, CTY8, CTY13 and CT14.

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2804/O	Target Date:
Proposal: Farm Dwelling and Garage	Location: Approx 140m West of 71 Bishops Court Road Downpatrick Down BT30 7PD
Applicant Name and Address: Mr Stephen Magee 9 Ballywoodan Road Downpatrick BT30 7PE	Agent Name and Address: Gerry Tumelty 11 Ballyalton Park Downpatrick BT30 7BT
Date of last Neighbour Notification:	21 July 2023
Date of Press Advertisement:	26 July 2023
ES Requested: No	
Consultations:	
<ul style="list-style-type: none"> • DAERA • DFI ROADS • NIW 	
Representations:	
No representations or objections have been received from neighbours or thirds parties of the site.	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: 14.06.2024

Characteristics of the Site and Area

The site is located along the minor Bishopscourt Road Kilclief and is comprised of a roadside portion of land cut out of a larger field currently grazed by horses.

The site is relatively flat throughout and sits slightly above road level. It is defined at the roadside by a grass verge with post & wire fence and scrappy hedgerow as shown below.



To the north east of the site and along the same road frontage lies a derelict building, next to which there is a small enclosed hard standing area which a stable block. Immediately adjacent this lies a double garage which appears to be associated with No 63 Bishopscourt Road.

The site is located within the rural area as designated in the Ards and Down Area Plan 2015.

Description of Proposal

Farm Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

R/2001/0766/O Decision: Permission Granted Decision Date: 22 September 2001
Proposal: Dwelling.

R/2001/0767/O Decision: Withdrawal Decision Date: 10 October 2001
Proposal: Dwelling.

R/2003/0738/RM Decision: Permission Granted Decision Date: 03 August 2004
Proposal: New dwelling.

R/2004/1549/RM Decision: Permission Granted Decision Date: 07 April 2005
Proposal: Proposed new dwelling (1 1/2 Storey).

R/2003/1380/O Decision: Permission Refused Decision Date: 14 June 2005
Proposal: Domestic dwelling and garage

R/2008/0553/F Decision: Permission Granted Decision Date: 10 June 2011
Proposal: New access laneway to 'under construction' dwelling as approved under R/2001/0766/O & R/2004/1549/RM

SUPPORTING DOCUMENTS

In support of the application the following was submitted

- P1 Form
- P1c Form
- Design & access Statement
- Site Location Plan
- Farm Map

CONSULTATIONS

- DAERA - No objections
- DFI ROADS - No objections
- NIW - No objections

REPRESENTATIONS

No representations or objections have been received from neighbours or thirds parties of the site.

EVALUATION

Ards and Down Area Plan 2015

Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Ards and Down Area Plan 2015 as the Council has not yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

The SPPS states in paragraph 1.10 that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the retained policies together with the SPPS, along with an relevant supplementary and best practice guidance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The proposal seeks outline planning permission for the erection of a farm dwelling within the countryside.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is therefore applicable. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

There is no conflict between the SPPS and Policy CTY 10 of PPS 21, therefore it provides the policy context for the proposal.

Policy CTY 10 of PPS 21 – Dwellings on Farms

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion it is noted that the applicant has provided a DARD business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) has been met.

The applicant has stated on the forms that no development opportunities or dwellings have been sold off since November 2008.

A search of planning records has revealed that the applicant received planning permission for a replacement dwelling at Ballywoodan Road under Planning reference number LA07/2016/1109/F on 10th July 2018. At the time of submission of LA07/2016/1109/F, the applicant Stephen Magee stated his address was No 63 Bishopscourt Road.

It is noted in this current application that the applicants address is now 9 Ballywoodan Road. The Planning Authority are therefore interested to know who currently resides in No 63 Bishopscourt Road to ascertain if any dwellings have been "sold off" the farm.

A land registry check indicates that the ownership of No 63 Bishopscourt Road has changed with the property being registered to Rachel Magee on 17th September 2018. DAERA have advised the Planning Authority that Rachel Magee is not a member of the farm business.

For the purposes of this policy paragraph 5.40 of CTY 10 states that 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person including a family member.

As such there has been a transfer of dwellings from the farm within 10 years of the application. The proposal therefore fails to meet the requirements of Criteria B of CTY 10 and will be recommended for refusal on this basis.

In assessment of Criteria C, DAERA has advised the Planning Authority that the site is located on lands within the farm business.

The applicant currently resides at No 9 Ballywoodan Road and it is noted from the P1C and the DAS that the farm business is registered to this address and this is where the main farm complex is.

The applicant is proposing to position a new farm dwelling at Bishopscourt Road, 505m west (as the crow flies) from the farm complex at 9 Ballywoodan Road. The applicant states in his design and access statement that the new dwelling will be sited adjacent to existing buildings on the farm, however, as discussed above No 63 Bishopscourt Road and the adjacent garage are not within the applicant's ownership and have been transferred from his holding. These buildings cannot be relied upon for the purposes of Criteria C of CTY10 as they are not on the applicant's farm holding.

Between the proposed site and No 63 Bishopscourt Road lies a derelict building, a small paddock and a stable block which are on the holding. The proposed site would not therefore be sited to cluster with an established group of buildings on the farm as the stable block is the only building on holding.

The proposal therefore fails to comply satisfactorily with the requirements of Criteria C of CTY 10 and will therefore be recommended for refusal on this basis.



CTY 10 also requires proposals to comply satisfactorily with both CTY 13 and 14.

CTY13

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

A new building will be unacceptable where:

- (A) It is a prominent feature in the landscape
- (B) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (C) It relies on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality
- (F) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.



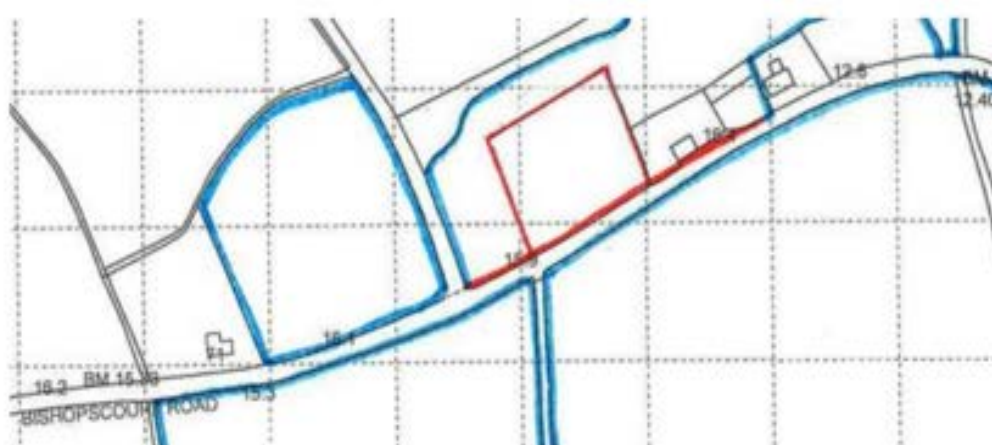
As can be seen in the image above, the site is comprised of a relatively flat portion of land which is open to view given the lack of boundary vegetation. It is considered therefore that the site is unable to provide a suitable degree of enclosure for the proposed building to integrate into the landscape. It would rely on the use of new landscaping for integration and therefore it fails to comply with Criteria B and C of CTY 13 and will be recommended for refusal on this basis.

CTY 14

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

A new building will be unacceptable where:

- (A) It is unduly prominent in the landscape; or
- (B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (C) It does not respect the traditional pattern of settlement exhibited in that area; or
- (D) It creates or adds to a ribbon of development (see Policy CTY 8); or
- (E) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.



In assessment of the above, it is considered that a dwelling on the site proposed would, if permitted, add to the ribbon of development present along this section of the Bishopscourt Road. The new dwelling would be read with the derelict structure, the stable block, double garage and No 63 when travelling in both directions along Bishopscourt Road.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Such development is detrimental to the character, appearance and amenity of the countryside and is consistently opposed.

The proposal is therefore contrary to both CTY 8 and 14 of PPS 21 and will be recommended for refusal on this basis also.

PPS 3

The proposal seeks to create a new access onto Bishopscourt Road.

Policy AMP 2 Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access onto to a public road where

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
- (B) The proposal does not conflict with Policy AMP 3 Access to Protected Routes

Category A is applicable.

The access and necessary visibility splays can be provided within the site and the land adjacent is controlled by the applicant. Following a consultation with DfI Roads, they have advised, there are no objections to the proposal. It is considered that PPS 3 has therefore been complied with.

Drawings

The drawings considered in this assessment are as follows

- 22511NE – Site Location Plan
- Applicants Farm Maps

Neighbour Notification Checked

Yes

Summary of Recommendation

Taking into account all the supporting information, consultation responses it is concluded that the proposal would cause demonstrable harm to interests of acknowledged importance and is therefore unacceptable to prevailing policy requirements.

Reasons for Refusal:

1. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Criteria B of Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling out-with settlement limits has been sold off from the farm holding within 10 years of the date of the application.
3. The proposal is contrary to the SPPS and Criteria C of Policy CTY 10 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the new dwelling will not be sited to cluster with an established group of buildings on the farm.
4. The proposal is contrary to the SPPS and Criteria B and C of Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
5. The proposal is contrary to the SPPS and Policies CTY 89 and CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside in that, if permitted, the proposed dwelling would add to ribbon development along Bishopscourt Road.

Case Officer Signature: C Cooney

Date: 04 July 2024	
Appointed Officer: A.McAlarney	Date: 05 July 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures _____

Date _____

Planning Committee Schedule of 2nd October 2024

Planning reference: LA07/2023/2804/O

Proposal: Farm Dwelling & Garage

Applicant: Mr Stephen Magee

Location: Approx 140m East of 71 Bishops Court Road, Downpatrick

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Criteria B of Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling out-with settlement limits has been sold off from the farm holding within 10 years of the date of the application.
3. The proposal is contrary to the SPPS and Criteria C of Policy CTY 10 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the new dwelling will not be sited to cluster with an established group of buildings on the farm.
4. The proposal is contrary to the SPPS and Criteria B and C of Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
5. The proposal is contrary to the SPPS and Policies CTY 89 and CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside in that, if permitted, the proposed dwelling would add to ribbon development along Bishops Court Road.

Refusal Reason 1 Rebuttal. The development of a dwelling on a farm under Policy CTY10 falls within the range of types of development which in principal are considered to be acceptable in the countryside and will contribute to the aims of sustainable development and as such this application is for a dwelling on an active farm and it meets with criteria and is compliant with SPPS and Policy CTY1 of PPS21 and as such is not contrary to the policies and it clearly meets the tests of Policy CTY1.

Refusal Reason 2. Rebuttal. It must be stated that no lands have been sold of the holding, rather the applicant got married and applied for a replacement dwelling which he developed and now resides in while his mother who he lived with at No63 Bishops Court Road inherited the family home following the death of the applicant's father and protracted probate which took several years. Rachel Magee was not a member of the farm business when it operated under the stewardship of her late husband and then the business moved to the current applicant following his father's death in 2013. It should be noted that Rachel Magee would have been joint owner of the dwelling at No 63 Bishops Court Road by virtue of her marriage to the land owner. Thus no property has been 'sold-off'

Refusal Reason 3. Rebuttal. It has to be stated that the contrary to the officer's assessment the proposed dwelling will be sited adjacent to a derelict building and stable block and horse handling facility under the applicants control, not to mention the house and garage at No63., this is clearly shown in the officers site photograph. It has to be noted that the applicant like his late father is a well know horse breeder throughout the country breeding numerous successful race horses and this has all happened from the complex at 63 Bishops Court Road.

Refusal Reason 4. Rebuttal. It has to be argued that the site is in compliance with the requirement of the Criteria B & C of Policy CTY13, the site as stated in the officer's report "the site is comprised of a relatively flat portion of land" bounded along the roadside with hedge and roadside bank and to the East by the existing development, while the site as chosen does not have a defined boundary to the north it does have a backdrop mature vegetation. It should be noted that the rear boundary of the site is moved to allow the remainder of the site to be accessed and not isolated from the field.

It his argued that the site has established boundaries and backdrops and as such the integration of a dwelling onto the site would be acceptable, the applicant is prepared to further integrate the site with post & wire fencing and hawthorn hedging to define it from the remainder of the field similar to such development elsewhere in the countryside.

Refusal Reason 5. Rebuttal.

Policy CTY 14. CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The chosen site between existing development with the same backdrop as the existing structures could not be considered prominent and rather than creating a ribbon avails of the gap opportunity and a suitably designed dwelling taking into account the existing dwelling designs in the vicinity and the topography it has to be accepted that this would be in accordance with the Policy. It is assumed that any proposed dwelling would be single storey in nature.

The site is in compliance with the requirements of the said policy and would not be out of keeping and would not be unduly prominent.

The proposed site meets with other considerations by other agencies -

The requested **Biodiversity checklist** concluded no impact on priority habitat or protected species.

DFI Roads issued a **RS1** form, suggesting **2.0m x 33m splays** based on access being at the centre of the site frontage.

Conclusion The site as chosen complies with the requirements of a dwelling under Policy CTY8 as it completes the gap that exists on the ground between existing approved developments. The existing vegetation of the proposed site is mature and the only loss of hedging is a road frontage scrappy hedge which is not species rich and as the site will be replanted to rear of the splays with native rich species hedging. The site avails of the backdrop of drumlin countryside while nestling in the gap between the existing developments.

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval.



Report to:	Planning Committee
Date of Meeting:	2 nd October 2024
Subject:	Draft Dundalk Area Plan 2024-2030
Reporting Officer (Including Job Title):	Jonathan McGilly (Assistant Director: Economy, Regeneration and Tourism)
Contact Officer (Including Job Title):	Lois Jackson (Development Plan Manager and Planning Enforcement)

Confirm how this Report should be treated by placing an x in either:-

For decision For noting only x

1.0	Purpose and Background
1.1	<u>Purpose</u> The purpose of this report is to provide Members with an update on the Draft Dundalk Area Plan 2024-2030 and NMDDC's Local Development Plan (LDP) Team response to the public consultation.
1.2	<u>Background</u> Louth County Council prepared the Draft Dundalk Area Plan 2024-2030 and commenced a public consultation exercise on the 17 th July 2024.
1.3	The consultation exercise closed on 10 th September 2024.
1.4	The LDP Team prepared and issued a response to the draft Plan (see attached).
2.0	Key issues
2.1	The draft Plan provides a spatial framework for the future growth and development of Dundalk for the next six years and beyond.
2.2	National and regional planning policy in the South recognises the strategic importance of Dundalk through its designation as a Regional Growth Centre in the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region and its location along the Belfast-Dublin Economic Corridor in the National Planning Framework.
2.3	The draft Plan seeks to enable Dundalk to consolidate this role and continue to support population and economic growth in the town in accordance with national, regional and county development plan policy.
2.4	The Development Strategy seeks to accommodate the projected population growth of 6054 people from 2022 to 2030 when the population is expected increase to 49,1666.
2.5	It also seeks to ensure there is sufficient land available to facilitate employment generating development and has identified c.422 hectares of undeveloped land for economic investment and employment generating development.

2.6	It seeks to maximise Dundalk's border location and to strengthen cross border links with Newry and Belfast. It aims to promote and enhance Dundalk's role as a strategic employment centre on the Dublin- Belfast Economic Corridor and the Drogheda-Dundalk-Newry cross border network.
2.7	The strategy promotes sustainable growth through compact forms of development and by prioritising development in the urban core. This is a cross-cutting issue and contributes to the draft Plan's approach to sustainable development, movement and climate action.
2.8	Climate Action is addressed by the draft Plan through a number of mitigation and adaptation measures including support for renewable energy and energy efficiency measures.
2.9	It is considered the contents of the draft Plan are not in conflict with the ongoing development of our own draft Plan Strategy for the NMDDC LDP 2035.
3.0	Recommendations
3.1	It is recommended that the Planning Committee note the content of this report.
4.0	Resource implications
4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>

5.3	<p>Proposal initiating consultation</p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	<p>Due regard to Rural Needs (please tick all that apply)</p>
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	<p>Appendices</p>
	<ul style="list-style-type: none"> Appendix A: NMDDC Response to Draft Dundalk Local Area Plan 2024-2030
8.0	<p>Background Documents</p>

Marie Ward
Chief Executive



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

Date: 10th September 2024

Ref: Dundalk LAP24-30

Forward Planning Section
Louth County Council
Town Hall
Crowe Street
Dundalk
Co Louth
A91 W20C

Dear Sir/Madam,

Re: Draft Dundalk Local Area Plan 2024-2030

Representation Response of Newry, Mourne and Down District Council

Thank you for your consultation received via email on 12th August 2024 with regard to the above. As an adjoining local authority, Newry, Mourne and Down District Council (NMDDC) welcomes the opportunity to comment on the draft Plan.

We note the following:-

- Dundalk is identified as a Regional Growth Centre in the National Planning Framework (NPF) and Regional Spatial and Economic Strategy 2020-32 (RSES) – and population growth is projected to 49,166 persons and 3671 housing allocation for 2021-2030- which includes phasing of housing development.
- The development strategy for Dundalk in terms of its economic growth, is to provide c.422 hectares of undeveloped land for economic investment and employment generating development.
- The Plan seeks to maximise Dundalk's border location and to strengthen cross border links with Newry and Belfast and capitalise on the strategic location of Dundalk along the Dublin-Belfast Economic Corridor. We welcome further engagement and co-operation with the Council in this regard.
- Policy objectives are directed towards achieving compact growth, higher densities and increased building heights. This is supported to achieve sustainable patterns of development.
- Identification of Key development areas [6 in total] and character areas [5 in total] to support the overall housing and commercial growth of the area.
- Proposals relating to Climate Action (adaptation and mitigation) are welcomed to further support the achievement of sustainable development.
- Sustainable Neighbourhoods and Communities – the 10 minute neighbourhood concept is supported in relation to enhancing the role of communities in creating vibrant integrated places linking landuse and transportation.

Oifig an Iúir
Newry Office
O'Hagan House
Monaghan Row
Newry BT35 8DJ

Oifig Dhún Pádraig
Downpatrick Office
Downshire Civic Centre
Downshire Estate, Ardglass Road
Downpatrick BT30 6GQ

0300 013 2233 (Council)
0300 200 7830 (Planning)
council@nmandd.org
www.newrymournedown.org

Ag freastal ar an Dúin
agus Ard Mhacha Theas
Serving Down
and South Armagh



- In relation to economy and employment, that seven sites are identified for economic investment and employment generating uses and that these will support the growth strategy as outlined in the initial chapters.

NMDDC acknowledges the strong relationship between both our Councils in terms of road and rail infrastructure, in particular along the Belfast-Dublin economic corridor. Additionally we support the objectives that encourage sustainable development for growth, but also afford continued protection for the environment. We support the consolidation and urban regeneration of Dundalk to promote sustainable patterns of development.

NMDDC will continue to work jointly with your Council in accordance with the Memorandum of Understanding that exists between the two Councils. By way of update, we hope to publish our draft Plan Strategy in early-mid 2025, and will engage with you as a neighbouring Council as part of our statutory consultation.

Finally we would like to thank you for the opportunity to comment on your Draft Local Area Plan for Dundalk, and look forward to further engagement with you as the Plan progresses.

Yours sincerely

Lois Jackson

Development Plan Manager and Planning Enforcement

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	On agenda for December 2022 meeting - deferred	N
PLANNING COMMITTEE MEETING 08 MARCH 2023					
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carrivekeeney Road Newry Co. Down.	Defer	P Rooney/M Fitzpatrick	Application approved 27/08/2024	Y
PLANNING COMMITTEE MEETING 26 JULY 2023					
LA07/2022/0309/O	Approx. 30m south of No. 131 High Street, Bessbrook, Newry	Defer to allow applicant to provide further information for the Committee to consider	M Fitzpatrick	Planning Application being held to enable applicant to be amended to social housing provider	N
PLANNING COMMITTEE MEETING 13 DECEMBER 2023					
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car	Defer for further legal clarification; to allow applicant to submit new information	M Fitzpatrick	Deferred for further legal clarification; to allow applicant to	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	parking, rear storage and all associated site and access works	relating to retail and for a site visit.		submit new information relating to retail and for a site visit	
PLANNING COMMITTEE MEETING 7 FEBRUARY 2024					
LA07/2022/1712/O	Lands between 51 and 53 Dundrinne Road, Castlewellan - 2no. infill dwellings and garages	Deferred – to allow applicants to submit amendments	A McAlarney	In progress	N
PLANNING COMMITTEE MEETING 6 MARCH 2024					
LA07/2023/2331/F	Lands 80m to the West of Moss Road, Ballynahinch – dwelling on a farm	Deferred for legal advice	A McAlarney	Deferred for legal advice. On agenda for October Committee.	Y
PLANNING COMMITTEE MEETING 10 JULY 2024					
LA07/2022/1521/F	Lands at 8 Corcreechy Road Newry (to be accessed from Lisserboy Road) - Erection of new commercial store with packing lines, and ancillary offices and staff welfare facilities; new and improved parking, turning and loading areas; retention of extended yard area with the relocation of fireworks storage	Deferred at request of agent	P Manley	Deferred at request of agent <i>Further info provided by agent, reduction in site area and amendment to proposal. To be reassessed</i>	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	containers; retention of boundary walls and associated landscaping and siteworks. (Amended Plans)				
LA07/2022/1777/F	75m SE of no. 169 Longfield Road Forkhill Newry - Erection of 2 agri sheds for the storage of machinery and animal feed. Provision of a hardstanding and underground wash water tank to facilitate washing agri machinery. Underground tank to be a precast concrete tank constructed and installed as per NAP requirements	Deferred for site visit	M Fitzpatrick	Deferred for a site visit. Assessment of amended information on-going	N
PLANNING COMMITTEE MEETING 7 AUGUST 2024					
LA07/2023/2804/O	Approx 140m West of 71 Bishopscourt Road, Downpatrick - Farm dwelling and garage	Deferred – to be readvertised as incorrect address noted on application	A McAlarney	On Committee for October 2024	Y
LA07/2023/2956/O	Lands between 34 & 36 Flagstaff Road, Newry - 2no infill dwellings	Deferred for site visit	M Fitzpatrick	Site visit completed – to be taken to November Committee at request of the agent	Y
LA07/2023/3129/F -	Land directly adjacent to 11Lismore Park, Crossmaglen - Proposed single social housing dwelling	Deferred for a site visit	M Fitzpatrick	Site visit took place 12 th Sept 2024 To be taken back to October Committee	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2023/3065/O -	Site located to NE of No. 46 Slievenaboley Road, Dromara, Co. Down, BT25 2HW - Proposed farm dwelling, access and siteworks	Deferred for a site visit	A McAlarney	Site visit took place 19 September 2024. To be brought back to Committee	N