

March 31st, 2025

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 9th April 2025 at 10:00 am** in **O'Hagan House, Monaghan Row, Newry.**

Agenda

****CLOSING DATE FOR SUBMISSION OF SPEAKING RIGHTS/WRITTEN SUBMISSIONS ****

 *close of speaking rights.pdf*

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1.0 Apologies


2.0 Declarations of Interest

3.0 Pre-determination Hearing in Respect of the Following Applications


- 3.1 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.**

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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

Ms Lynne Fitzsimons

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Mrs Catherine Hanvey

Cllr Valerie Harte

Cllr Martin Hearty

Cllr Roisin Howell

Cllr Tierna Howie

Ms Catherine Hughes

Mrs Lois Jackson

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

Mrs Annette McAlarney

Cllr Declan McAteer

Cllr Leeanne McEvoy

Jonathan McGilly

Maureen/Joanne Morgan/Johnston

Sinead Murphy
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Cllr Declan Murphy
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Cllr Kate Murphy
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Cllr Selina Murphy
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Cllr Siobhan O'Hare
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Mr Andy Patterson
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Cllr Áine Quinn
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Cllr Henry Reilly
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Cllr Michael Rice
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Ms Margaret Rodgers
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Mr Peter Rooney
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Mr Pat Rooney
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Cllr Michael Ruane
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Cllr Gareth Sharvin
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Donna Starkey
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Sarah Taggart
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Cllr David Taylor
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Cllr Jarlath Tinnelly
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Cllr Jill Truesdale
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Mrs Marie Ward
.....
Cllr Helena Young
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SPEAKING RIGHTS/WRITTEN SUBMISSIONS

SPECIAL PLANNING COMMITTEE MEETING – PRE-DETERMINATION HEARING

WEDNESDAY 9th APRIL 2025

The closing date/time for requests for speaking rights and accompanying written submissions for the Pre-determination hearing is as follows: -

**Friday 4th April 2025
by 5.00pm**

Requests for speaking rights/written submissions should be emailed to: -

democratic.services@nmandd.org

PLEASE NOTE THAT SUBMISSIONS SHOULD BE LIMITED TO TWO A4 PAGES
(AT LEAST FONT SIZE: 11 IF THE SUBMISSION IS TYPED).

**ANY ADDITIONAL INFORMATION BEYOND TWO PAGES MAY BE
DISREGARDED.**

ANYONE WISHING TO MAKE USE OF A VISUAL PRESENTATION
(POWERPOINT PRESENTATION) MUST SUBMIT THE PRESENTATION
WITH THE REQUEST FOR SPEAKING RIGHTS.

“Please note that the protocol applicable to the audio-recording of Planning Committee meetings has been amended following recommendation and ratification by Council. The legal basis on which audio-recording takes place no longer requires the consent of speakers at Planning Committee. Accordingly, the consent of speakers will no longer be requested. Audio-recording will continue to take place of all Planning Committee meetings subject to the exemption in Schedule 6 of the Local Government Act (NI) 2014”.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

PRE-DETERMINATION HEARING.

Date: 9th April 2025

Development Management Officers Report

Application Ref Number: LA07/2023/2274/F
Date Received: March 2023.
Proposal: Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Public realm works to part of existing surface car park, part of Lower Water Street and along Mill Street. Demolition of the existing multi-storey car park and alterations to the existing road network.

Site location Lands at Abbey Way Multi-Storey Car Park, Mill Street & Lower Water Street, Newry

Associated application

Application Ref Number: LA07/2023/2275/DCA
Date Received: March 2023.
Proposal: Demolition of multi storey car park. 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.

1.0. Background.

- 1.1.** Application reference number LA07/2023/2274/F, was recommended for approval to the Council's Planning Committee on 18th December 2024. The Planning Committee voted to accept the recommendation.
- 1.2.** Application LA07/2023/2275/DCA, seeks demolition consent for the removal of the existing multi storey car park on site, being located within Newry Conservation Area. Legislation requires this associated DCA is processed by the Department for Infrastructure (DfI) and which remains with the Department at this time.
- 1.3.** On 9th October 2024, DfI issued a direction to the Council under the powers conferred to it by article 17 and 18 of The Planning (General Development Procedure) Order (NI) 2015. This direction required the Council to notify the Department in the event the Council's Planning Committee reached a recommendation in relation to the application. The Council duly notified DfI of the outcome of the Planning Committee meeting of 18th December 2024, on 7th January 2025.

On 5th March 2025 correspondence was received from DfI which concluded that they did not intend to invoke their Call-In powers under Section 29 of the Planning Act (NI) 2011. The Council can now continue to process the application.

Conclusion

- 1.4** As this application has been the subject of a direction from DfI, the Council is required to hold a pre-determination hearing pursuant to Regulation 7(1) of the Planning (Development Management) Regulations (NI) 2015 where the application has not been called in by DfI under Section 29 (1) of the 2011 Act.
- 1.5.** The purpose of this report is to provide information for the Planning Committee to inform the pre-determination hearing and to enable the applicant and interested parties to be heard ahead of determining the application. The hearing will follow a

similar format to the Planning Committee in that the officer will give an oral presentation of the application and key issues. The applicant and interested parties will then have an opportunity to speak. The objective of the hearing will be to focus on the material planning considerations and explore these to facilitate the Planning Committee in making its determination on the application.

- 1.6** Following the pre-determination hearing, the planning application will be reconsidered and determined by the Planning Committee which will follow the hearing.

The original case Officers report and subsequent Addendum are appended for information.

M Keane

Senior Planning Officer.

26th March 2025.



**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 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 Councils 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, mourne 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

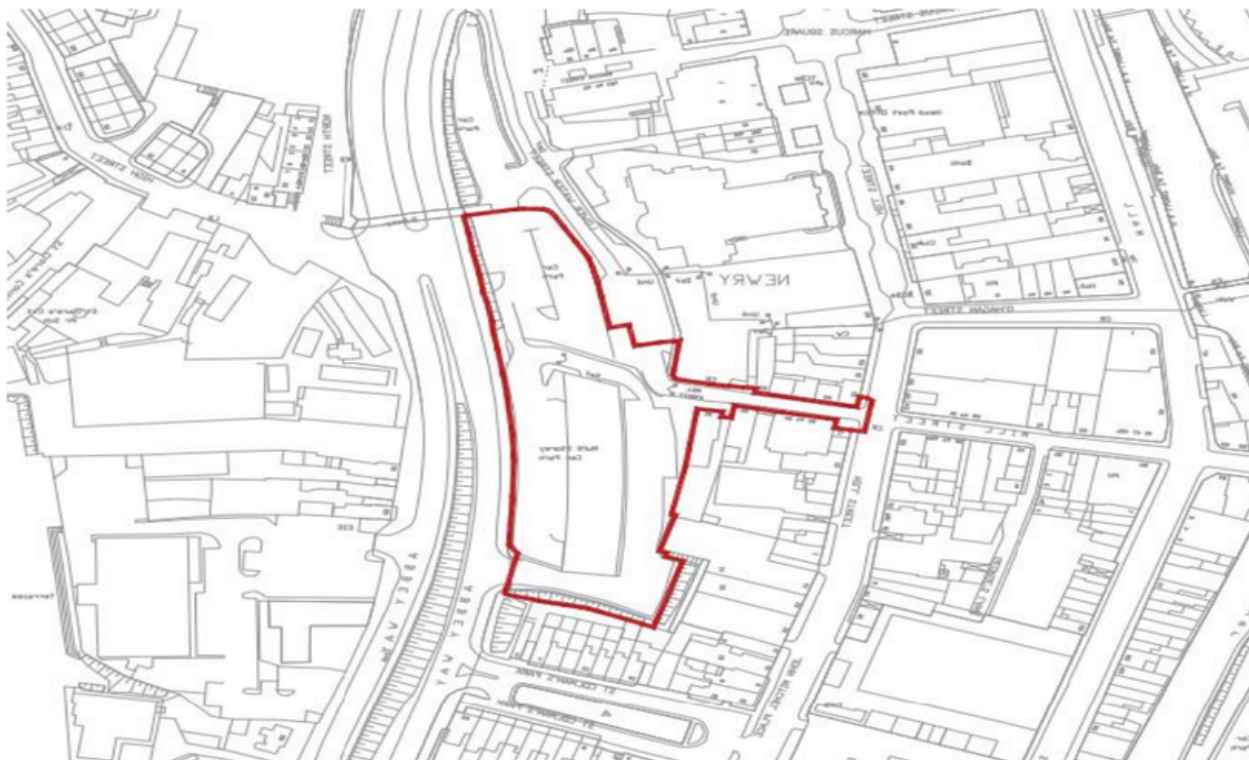
Noise/Nuisance

- 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.

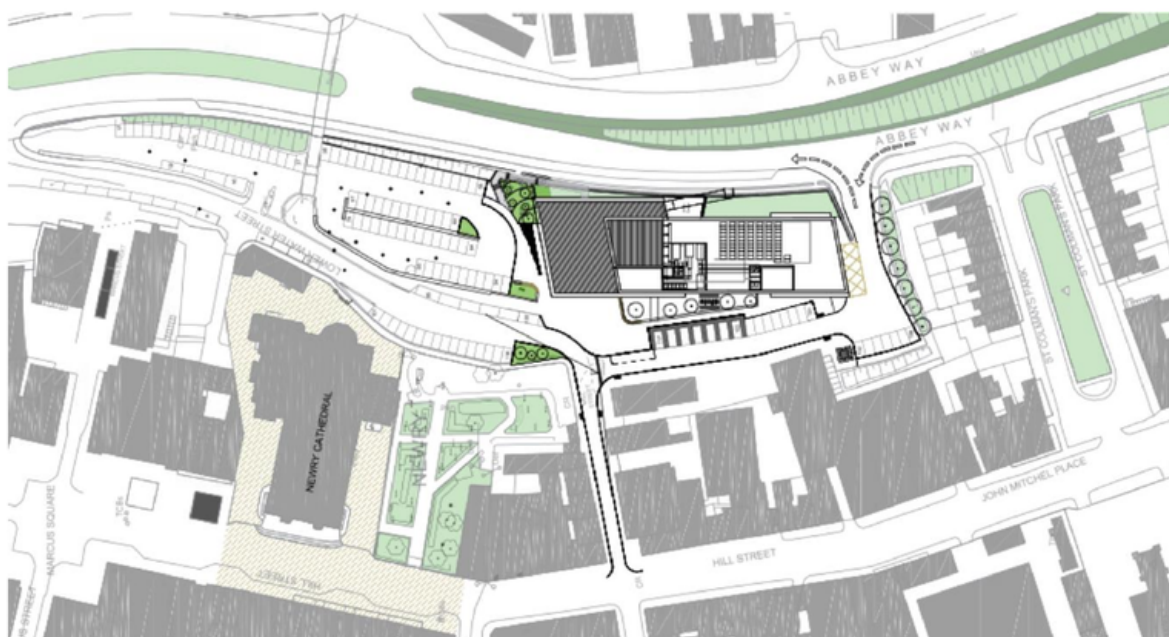
Case Officer Signature: M Keane
Date: 18 September 2024
Appointed Officer: P Rooney
Date: 18 September 2024



Appendix B. Development Plan Map Extract.

Appendix C. Site Layout and Contextual Elevations.

Proposed Site layout plan below



Contextual North & West elevations



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



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

Application Reference: LA07/2023/2274/F

ADDENDUM REPORT (November 2024)

Date Received: March 2023

Proposal: Full permission is sought for a Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Public realm works to part of existing surface car park, part of Lower Water Street and along Mill Street. Demolition of the existing multi-storey car park and alterations to the existing road network.

Location: Lands at Abbey Way multi storey car park, Mill Street and Lower Water Street, Newry.

Note: Both the site address and proposal description have been amended, from that originally submitted.

(This Addendum report should be read in conjunction with the original report dated 18-09-24).

Re-Advertisement and Re Neighbour Notification have been undertaken.

Background

This application had previously been recommended for Approval on 18th September 2024, subject to a number of conditions (Draft), and was due to be presented to the Planning Committee on Wed 2nd October 2024, in line with the Councils Scheme of Delegation.

The application was deferred at this meeting, following receipt of a representation which was required to be considered. This representation was received from Matrix Planning Consultancy via email on 1st October, and as there was no opportunity to consider its content in advance of the Planning Committee on 2nd Oct, the application was deferred from this Planning Committee meeting to allow consideration of the matters raised.

This representation included a covering email and a number of attachments including detailed objection from Matrix Planning Consultancy, detailed objection from SW Consultancy with associated appendices, reference to planning appeal, case law, and minutes from a previous Planning Committee meeting (16-10-2019).

Subsequent to this representation, further representations have been received which are summarised below.

Matters raised

These representations are available for viewing on the public portal, whereby the main issues raised include:

Letter from Matrix Planning Consultancy (01-10-24):

- The requirement to consider information submitted until a decision is made,
- Alleged conflicts of interest of members of the Planning Committee,
- Deficiencies in the planning application submitted (Proposal description, Certificate signed, no details of retaining wall, need for Technical Approval (TAS) of roads issues, submission of a preliminary drainage assessment (DA), submission of a Preliminary Ecological Assessment (PEA), publication of all documents,

- Failure to re-advertise the application
- Deficiencies in the Transport Assessment (TA),
- The speed at which the application is being determined,

Letter from SW Consultancy

- Review of the information submitted and objections primarily focused on traffic, transportation and parking issues. With Appendices also provided.

Email from Matrix Consultancy (11-10-24)

- The failures in the submission of the application, the additional information now submitted and re-consultation and re-advertisement now required.
- There remains inaccurate (P1 form) and insufficient detail (retaining walls) submitted,
- The TA is fundamentally flawed,
- AMEY should be consulted to independently review the information submitted,
- Original raw data of car parks surveyed is not provided,
- Alleged failure to provide and disclose all information, transparency in the decision making process.

Email from Matrix Consultancy (15-10-24)

- Reference to TAS approval for the proposed retaining wall, and the description of the development which excludes retaining wall,
- Current layout cannot meet requirements of DFI Roads re: 5m buffer from Abbey way retaining wall and building. Therefore a re-design is required.
- The physical restrictions of the site and significant shortfall in car parking are indicators of significant overdevelopment of the site. This was previously highlighted to the Council in 2016,
- baseline data of the car parks is now required,

Representation from F Lambe

- Working practices to WFH since COVID, and questioning the need for the building,

- To build behind the Cathedral is out of place,
- Amending the plans potentially invalidates the representations received,

Email from Matrix Consultancy (22-10-24)

- Sections provided do not include sufficient detail, turning head not to standards, the parking tables are not accurate and staff travel survey is out of date,

Representation from P Welsh

- Seeking reassurance that due processes are carried out by the Planning Department and that comprehensive due diligence will be carried out

Representation from PM Lambe

- The Council are proceeding with this proposal against the wishes of the people who voted for them,
- Questions the need for further office space, as there are empty buildings at present in this area (Lidl) with parking,
- Where will people park to go to Cathedral, Hill St,
- Is the cathedral not listed,
- Was the proposal published in the paper,

Representation from M Hanna

- form of discrimination against disabled and older people to go to their place of worship, and to do their business in Hill Street area.
- This notice does not appear to have been put in either 2 of the local newspapers Newry Reporter/Mourne Observer,

Email from Matrix Consultancy Ltd (04-11-24 & 11-11-24 response)

- aware that the DFI RPGL issued a Holding Direction under Article 17 & 18 of the Planning (General Development Procedural) Order (NI) 2015 on the Council on 28th October 2024, and requested this is published on the portal,

Representation from S Begley & Co Solicitors

- whilst in support of a new civic centre, the site chosen is not suitable as it will impinge on the car parking available for the users of the traditional heart of the city namely Hill Street,
- prejudice older members of the community in accessing the supermarkets, bakeries and other shops on Hill Street due to the need to carry their shopping further to access car parking and as they are older this may drive them away from the city centre,
- Any loss of car parking in the city centre will have an adverse effect on the businesses located there. We already have a number of vacant sites and buildings and numerous charity shops in that area
- Cause damage to the social fabric of the city centre which is unnecessary when other sites are available,
- Will discriminate against those members of the community who avail of the cathedral for Mass, weddings, funerals and other services.

Email from Matrix Planning Consultancy (18-11-24)

- Reference to S23 of Planning Act and meaning of development,
- Reference to case law and the information required for a full application,
- Retaining walls are proposed and structural details are required,
- DFP CPD Structural Engineering Branch should be consulted in respect of the details of the retaining wall, so that they have been independently considered,
- Issues raised by DFI Roads are still to be addressed,
- all material considerations are required to be considered until the application is determined,
- reference to the frequency of the shuttle bus,
- where a design solution is being proposed to the road, it is unacceptable to assume you can make alterations to the public road network at condition stage, as this is not transparent and claims the application has been pre-determined,

- The parking surveys completed are not accurate, involve miss-counts, don't tally, remove spaces that exist, add spaces that aren't even permitted and include car parks so far away it is irrational. The reliance on the car parking survey between 16th-19th November 2023, to support this scheme will not stand up to scrutiny.
- Further representations are to follow which will demonstrate further flaws and errors in the application that will highlight its vulnerabilities, and if unremedied would result in an erroneous decision

Email from Matrix Planning Consultancy (28-11-24)

- Notes recent meeting taken place between Planning Dept and DFI Roads,
- Reference to case law which 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,
- insufficient detail to demonstrate how the public transport will be used to adequately facilitate the transfer of both public and staff to/from the new Civic hub. This detail is a flimsy attempt to mitigate against the parking impacts. Not least the parking survey, constitutes a gross failure to provide a robust evidence base for determination, and amounts to a misdirection, as we will demonstrate, when our own car park data is analysed and presented,
- DFI Roads issues around the parking survey, as expressed publicly have vanished,
- Questions the need for a Private Streets Determination (PSD) drawing for alterations to the public road,
- Condition 2, 4, 8 cannot be met. This is a Full application whereby sufficient details are required to be in the public domain prior to determination, especially given it relates to work on the public_road network
- The direction from DFI has not been published.

Assessment

As stated, the application was deferred for consideration of the matters raised in the representation received on 1st October. This representation was also forwarded to the applicant's nominated agent for comment as per standard practice.

As outlined above, further representations have since been received and the applicant's agent was asked for comment.

In response the agent submitted the following information:

- Revised P1 application form with amended description and P2 form with amended Certificate (Oct 2024),
- Updated Preliminary Ecological Appraisal (PEA), (Oct 2024)
- Updated 'Final' Flood Risk and Drainage Assessment, (Oct 2024)
- Detailed letter (07-10-24) referencing the description, retaining wall, flood risk and drainage assessment, natural heritage, and transport issues,
- Detailed letter (17-10-24) with further data associated with the parking figures,
- Reference to email correspondence with DFI Roads and their comments in the Pre-Application Discussion (PAD) in relation to TAS approval in 2020,
- Revised site layout plan and proposed sections plan (Oct 2024).
- Detailed letter (14-11-24) in response to the issues raised by DFI Roads.

Publicity

Following deferral of the application and receipt of further information the application was re-advertised in October 2024 (published W/C 7th October 2024), while further rounds of neighbour notification were also undertaken in Oct 2024 (8th and 18th October 2024).

The further round of advertising and neighbour notification undertaken in early October 2024 was following receipt of an amended description, site address and certificate and also further supporting documentation from the agent.

The latest round of neighbour notification was undertaken following receipt of amended/additional plans (site layout plan and section plan) and further parking data. The description and nature of the proposal did not change thus it was not considered necessary to further re-advertise the proposal.

The most recent correspondence received from the agent on 14th November 2024, was solely a letter in response to comments from DFI Roads. No amendments were made. Accordingly, it was not considered necessary to re NN.

The Planning Department are satisfied that neighbour notification and advertisement has been carried out in line with requirements, following receipt of relevant materials/plans and no interested party has been prejudiced.

As noted above, further representations have been received.

It is noted some of the issues raised since the application was deferred, were previously raised and covered in the original report. All representations received remain valid. Any material planning considerations contained within those representations have been fully considered and assessed as part of the original report and this Addendum.

Re-Consultation

The Planning Department issued further consultations to DFI Rivers, NIEA (NED) and DFI Roads on receipt of this additional information.

DFI Rivers- (23-10-24) Rivers Directorate comments in relation to PPS 15 FLD 2, 4 & 5 remain unchanged as per our previous consultation response dated 27th April 2023 (No objections).

In respect of FLD1 Flood Maps (NI) indicates that the proposed development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Rivers Directorate has no reason to sustain an objection under policy FLD 1.

Rivers Directorate acknowledges the submission of a Flood Risk Assessment by RPS, dated January 2024 and comments as follows: Rivers Directorate, while not being responsible for the preparation of this Flood Risk Assessment accepts its logic and has no reason to disagree with its conclusions.

In respect of FLD3 Rivers Directorate has reviewed the Drainage Assessment by RPS, dated January 2024 and comments as follows: Rivers Directorate, while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.

The responsibility for the accuracy of the information submitted lies with the developer and their professional advisors.

Informatives recommended.

NIEA (NED)- (11-10-24) NED acknowledges receipt of an updated Preliminary Ecological Appraisal report dated October 2024. The ecologists have noted that Japanese Knotweed and Giant Hogweed are present outside the red line boundary of the proposed development and have advised a 7m buffer zone to the stand of Japanese Knotweed which falls within the development boundary.

The building and vegetation within the site could support nesting birds, and NED thus advises of the informative as below. NED considers that the proposal is unlikely to significantly impact natural heritage issues and has no concerns with the proposal. Informatives recommended.

DFI Roads-

(Response 15-10-24) Dfl Roads consider the application unacceptable as submitted. Insufficient detail is available on transportation issues and list 4 issues to be address.

(Response 11-11-24) DFI Roads consider the application unacceptable as submitted. Insufficient detail is available on transportation issues and list 6 points.

(Response 27-11-24) DFI Roads have limited issues of concern and offer no objections in principle subject to conditions. These are listed below as draft conditions.

Direction from Department for Infrastructure

On 9th October 2024, DFI issued a direction to the Council under the powers conferred to it by article 17 and 18 of The Planning (General Development Procedure) Order (NI) 2015.

This direction requires the Council to notify the Department in the event the Councils Planning Committee reach a recommendation in relation to the application. This direction allows the Department to have the opportunity to assess, prior to a decision being issued on the application, and decide if it requires the application to be referred to it for determination.

This direction does not commit the Department to 'calling' in the application, however reserves the right for it to intervene.

The Planning Department acknowledges receipt of the Direction from DFI and will adhere to its requirements.

Application Site location

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.

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.

This site is located within an area of mixed use. It is considered the use proposed at this location is appropriate in land-use terms 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.

Reconsideration

As noted at the outset an amended site address and proposal description were submitted.

The site address and description are considered sufficient to inform any interested party of both the location and nature of the development proposed. No design changes to the proposed building have been made.

A Revised P2 and certificate were also provided with notice served on DFI Roads.

This is a Full application for a new Civic Hub building, to accommodate a council chamber, meeting rooms, council offices and associated ancillary accommodation. Also, public realm works are proposed to part of existing surface car park, part of Lower Water Street and along Mill Street. The existing multi-storey car park is to be demolished and alterations to the existing road network

As outlined above, further re-consultation has been undertaken with several statutory bodies, whereby NIEA, DFI Rivers and DFI Roads now offer no objections in principle.

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

Policy AMP 1 and AMP 2.

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 in principle to the proposals, subject to planning conditions. The proposal complies with the provisions of Policy AMP2.

Policy AMP1 also seeks to ensure new developments take into account the needs of everyone including the specific 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

As outlined previously, 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 is determined according to the specific characteristics of a 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.

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.

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%).

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 COVID pandemic.

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 2 separate planning applications as referenced in the TP.

The existing circumstances of NMDDC staff who are currently located in Newry, at Monaghan Row and McGrath House, and who already occupy available public car park spaces within the city centre, is also noted. This was considered previously.

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.

A shuttle bus is also being proposed for both staff and members of the public from Cecil Street to the civic hub.

The Planning Department has reviewed 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. DFI Roads also clarified they are content with the parking survey data provided by the applicant. The Planning Department have no reason to question the veracity of the parking surveys submitted, in the absence of any counter surveys submitted by any third party.

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.

The Planning Department has considered the nature of the planning conditions submitted by DFI Roads, in its final consultation response, and having reviewed the logic for the frequency for the shuttle bus, agree with the wording of the condition suggested by DFI Roads.

DFI Roads have clarified this condition is to mitigate the shortfall to the requirement for 120 spaces to be provided by the committed development in the area of the proposal and is in line with modal shift guidance together with the reduction of vehicles from the City Centre 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 in principle 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.

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.

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.

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).

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).

The Planning Department has fully considered this issue, as part of its assessment of the planning application, has interrogated all supporting information submitted, and has reviewed the status of each car park referred to in the TP. It is noted a number of these car parks have a formal layout, while a number are informal, a number are free, while a number are pay, and finally, a number are inside the town centre boundary, while several are outside. It is acknowledged that there will be a loss of existing spaces, as outlined above, and it fully appreciates the concerns expressed.

However, it is considered, taking into account all relevant material considerations and the alternative existing and proposed car parking provision referred to above and other measures proposed, that the loss of the car parking spaces is justified and no persons will be discriminated against.

Extensive consultation has been undertaken with DFI Roads since the application was first submitted. Previous comments from DFI Roads have been noted, office meetings held (Minutes recorded and published), and following receipt of further information and having reviewed their position, DFI Roads in its final comment offer no objections in principle subject to conditions.

Retaining wall/TAS Approval

It is noted a retaining wall is required along the boundary of the site adjacent to Abbey Way. This wall will require technical approval.

DFI Roads are now content that the level of detail provided at this stage for the proposed retaining structure along Abbey Way is sufficient as a more detailed assessment will be required as part of the Technical Approval (TAS) process.

DFI Roads also advised the retaining wall as part of the proposal will be the responsibility of the applicant/management company in terms of maintenance and ownership and that DFI will have no responsibility for this structure and the Applicant will be required to enter into a legal agreement with DFI Roads to indemnify the Department against any claims or failures in the public road arising from the

implementation of the new civic hub and the ongoing performance of the retaining wall structure.

The technical approval associated with the retaining wall and also the need for a legal agreement will be conditioned accordingly (pre-commencement). There is no need or requirement to consult with DFP CPD Structural Engineering Construction Service at this time.

It is also noted an engineering solution will be required to ensure only service vehicles can exit from the proposal onto Lower Water Street. DFI Roads have clarified the short stretch of road from the junction of Abbey Way to Lower Water Street, shall remain private (and will not be adopted). The relevant DFI Section Office will require to be contacted to obtain a permit to open the road.

The Planning Department consider this matter can be dealt with by way of an appropriately worded condition (pre-commencement).

While it is acknowledged this is a Full application, it is considered there is sufficient information and detail provided to make an informed decision, whereby the matters above can be dealt with by way of negative pre-commencement conditions.

Summary

The Planning Department fully appreciates there is continued opposition to this application from third parties, however having assessed and interrogated all information provided, consider there is sufficient information available to make an informed decision, whereby the proposal complies with all relevant planning policies.

Case Officer Signature: M Keane
Date: 29-11-24
Appointed Officer Signature: A McAlarney
Date: 29.11.2024