

April 23rd, 2015

**Notice Of Meeting**

You are invited to attend the Inaugural Planning Committee Meeting to be held on **Wednesday, 15th April 2015 at 9:30 am** in the **Boardroom, District Council Offices, Monaghan Row, Newry - Site visits at 9.30 am and Meeting to begin at 11.00 am.**

The Members of the Planning Committee are:-

**Chair: Councillor J Tinnelly**

**Vice Chair: Councillor W Clarke**

<b>Members:</b>	<b>Councillor M Larkin</b>	<b>Councillor M Ruane</b>
	<b>Councillor V Harte</b>	<b>Councillor D McAteer</b>
	<b>Councillor K Loughran</b>	<b>Councillor L Devlin</b>
	<b>Councillor M Murnin</b>	<b>Councillor G Craig</b>
	<b>Councillor H McKee</b>	<b>Councillor P Brown</b>

# Agenda

(1) **Committee Members to assemble at 9.00 am in the Boardroom.**

9.00 am Demonstration on the use of the microphone system in the Boardroom.

9.30 am Site visits.

(2) **Apologies and Chairperson's Remarks.**

(3) **Declarations of Interest.**

(4) **To appoint Members to the Members' Briefing Panel.**

Position 1. Chair of the Planning Committee - Councillor J Tinnelly (Independent)

Position 2. Vice Chair of the Planning Committee - Councillor W Clarke (Sinn Fein)

Position 3. One Other Party to nominate a representative.

Position 4. One Other Party (other than (3) above) to nominate a representative.

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*Development Management*

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(5) **Applications for determination - 15 April 2015.**

Please click on the link below which will bring you straight to the Planning Portal - this will allow you to view the supporting documents for each planning application.

<http://www.planningni.gov.uk/index/tools/public-access-info.htm>

- P/2014/0335/0 - Outline Permission - Major - Development of a Community Treatment and Care Centre, associated parking including an area of decked parking, accesses from Abbey Way and Courtney Hill, the demolition of existing buildings (used as school meals kitchen and kingergarten) to the rear of 10 Abbey Yard and other associated operational development. (O'Hare Developments Ltd). **(Papers Attached)**.
- P/2014/0337/DCA - Demolition within a Conservation Area: Local Development - Demolition of buildings currently used as a school meals kitchen and kingergarten for the development of Community Treatment and Care Centre - School meals kitchen and kingergarten lands to the rear of 10 Abbey Yard, Abbey Way, Newry. (O'Hare Developments Ltd). **(Papers Attached)**.
- P/2014/0366/DCA - Demolition of former school and convent buildings to facilitate new community treatment and care centre - St. Clares Primary School

and Convent, High Street, Newry. (Lagandale Development Ltd.) **(Papers Attached)**.

- P/2014/0368/0 - Major - Redevelopment of site to provide new Community Treatment and Care Centre, to include GP surgeries, treatment rooms, physiotherapy, dentistry, ophthalmics, etc., office accommodation, gymnasium, pharmacy, cafe, bank, cultural resource centre and associated ancillary facilities. Site landscaping and provision of amenity areas. Multi level car park for circa 350 cars. Improved vehicular access to High Street with "exit only" to Abbey Way and associated highway improvements - St. Clares Primary School and Convent, High Street, Newry. (Lagandale Developments Ltd). **(Papers Attached)**.
- P/2014/0355/O - Major - Community Treatment and Care Centre (CTCC) with associated site works and car parking at Newry Swimming Pool and lands to the rear at Jennings Park, Clanrye Avenue, Newry. (Ashley House and Felix O'Hare). **(Papers Attached)**.

<u><a href="#">Council Schedule - full refusal reasons - v5a[1].pdf</a></u>	Page 1
<u><a href="#">P-2014-0335-0 CTC Centre at Abbey Way.pdf</a></u>	Page 7
<u><a href="#">P-2014-0337-dca CTC at Abbey Way Newry.pdf</a></u>	Page 22
<u><a href="#">P-2014-0366-DCA - High Street Newry.pdf</a></u>	Page 27
<u><a href="#">P-2014-0368-O - High Street Newry.pdf</a></u>	Page 32
<u><a href="#">P-2014-0355-O Jennings Park.pdf</a></u>	Page 46

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For Information

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**(6) Information Sheet/Flow Chart - Planning Processes.  
(Information to follow).**

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**(7) Dates for future Meetings of the Planning Committee and  
Members Briefing Panel. (Attached).**

For information.

<u><a href="#">Planning dates and Briefing Panel dates.pdf</a></u>	Page 60
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**(8) DoE - Subordinate Legislation for Planning Reform and  
Transfer to Local Government. (Attached).**

<u><a href="#">Subordinate Legislation.pdf</a></u>	Page 62
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**(9) Future Places and Spaces Conference.**

Date: 1 June 2015.

Venue: Queens University Belfast.

<http://www.regonline.co.uk/landscapeinstitutenorthernireland>

# Invitees

Cllr. Terry Andrews	<a href="mailto:terry.andrews@downdc.gov.uk">terry.andrews@downdc.gov.uk</a>
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Cllr. Patrick Brown	<a href="mailto:patrick.brown@nmandd.org">patrick.brown@nmandd.org</a>
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**Newry and Mourne Council**

**Applications for Planning Permission**

**and**

**Applications deferred from previous meetings**

**15/04/2015**



**DEPARTMENT OF ENVIRONMENT  
PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

**Council Newry and Mourne**

**Date 15/04/2015**

<b>ITEM NO</b>	<b>1</b>			
<b>APPLIC NO</b>	P/2014/0335/O	Outline	<b>DATE VALID</b>	11/04/2014
<b>DOE OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	O'Hare Developments Ltd Carnbane House Shepherds Way Newry BT35 6EE	<b>AGENT</b>	Fleming Mounstephen Planning The Gasworks 5 Cromac Avenue Belfast BT7 2JA 02890447613	
<b>LOCATION</b>	Lands at Abbey Way/Courtney Hill (including part of former grammar school lands part of primary school lands and lands to rear of Abbey Yard) Ballymacraig Newry BT34 2ED			
<b>PROPOSAL</b>	Development of Community Treatment and Care Centre, associated parking including an area of decked parking, accesses from Abbey Way and Courtney Hill, the demolition of existing buildings (used as school meals kitchen and kindergarten) to the rear of 10 Abbey Yard and other associated operational development			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	4	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0





**DEPARTMENT OF ENVIRONMENT  
PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	<b>2</b>			
<b>APPLIC NO</b>	P/2014/0337/DCA	Demolition w	<b>DATE VALID</b>	11/04/2014
<b>DOE OPINION</b>	<b>CONSENT</b>			
<b>APPLICANT</b>	O'Hare Developments Ltd Carnbane House Shepherds Way Newry BT35 6EE	<b>AGENT</b>	FM Planning The Gasworks 5 Cromac Avenue Belfast BT7 2JA 02890447613	
<b>LOCATION</b>	School meals kitchen and kindergarten lands to rear of 10 Abbey Yard Abbey Way Newry			
<b>PROPOSAL</b>	Demolition of buildings currently used as a school meals kitchen and kindergarten for the development of Community Treatment and Care Centre			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	1	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0



**DEPARTMENT OF ENVIRONMENT  
PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	<b>3</b>			
<b>APPLIC NO</b>	P/2014/0355/O	Outline	<b>DATE VALID</b>	16/04/2014
<b>DOE OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	Ashley House and Felix O'Hare 88 Chancellors Road Dublin Road Newry BT358NG	<b>AGENT</b>	Kennedy Fitzgerald Architects 3 Eglantine Place Belfast BT96EY  02890661632	
<b>LOCATION</b>	Newry Swimming Pool and lands to rear at Jennings Park Clanrye Avenue Newry BT356EH.			
<b>PROPOSAL</b>	Demolition of existing Newry Swimming Pool to facilitate proposed new Newry Community Treatment and Care Centre with associated site works and car parking. (Additional information/amended drawings received)			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	5	0	5	0
			<b>Addresses</b>	<b>Signatures</b>
			1,505	1,505
			<b>Addresses</b>	<b>Signatures</b>
			0	0



**DEPARTMENT OF ENVIRONMENT  
PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	<b>4</b>			
<b>APPLIC NO</b>	P/2014/0366/DCA	Demolition w	<b>DATE VALID</b>	17/04/2014
<b>DOE OPINION</b>	<b>CONSENT</b>			
<b>APPLICANT</b>	Lagandale Development Ltd Rosemount House 21-23 Sydenham Road Belfast BT3 9HA	<b>AGENT</b>	Donaldson Planning 50a High Street Holywood BT18 9AE 02890423320	
<b>LOCATION</b>	St Clares Primary School and Convent High Street Newry BT34 1HD			
<b>PROPOSAL</b>	Demolition of former school and convent buildings to facilitate new community treatment and care centre			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	5	0	1	0
			<b>Addresses</b>	<b>Signatures</b>
			1	119
			<b>Addresses</b>	<b>Signatures</b>
			0	0



**DEPARTMENT OF ENVIRONMENT  
PLANNING (NI) ORDER 1991  
APPLICATIONS FOR PLANNING PERMISSION**

<b>ITEM NO</b>	<b>5</b>			
<b>APPLIC NO</b>	P/2014/0368/O	Outline	<b>DATE VALID</b>	17/04/2014
<b>DOE OPINION</b>	<b>APPROVAL</b>			
<b>APPLICANT</b>	LaganDale Developments Ltd c/ o Rosemount House 21-23 Sydenham Road Belfast BT3 9HA	<b>AGENT</b>	Donaldson Planning 50a High Street Holywood BT18 9AE 02890423320	
<b>LOCATION</b>	St Clares Primary School and Convent High Street Newry BT34 1HD			
<b>PROPOSAL</b>	Redevelopment of site to provide new Community Treatment and Care Centre, to include GP surgeries, treatment rooms, physiotherapy, dentistry, ophthalmics, etc., office accommodation, gymnasium, pharmacy, cafe, bank, cultural resource centre and associated ancillary facilities. Site landscaping and provision of amenity areas. Multi level car park for circa 350 cars. Improved vehicular access to High Street with 'exit only' to Abbey Way, and associated highway improvements.			
<b>REPRESENTATIONS</b>	<b>OBJ Letters</b>	<b>SUP Letters</b>	<b>OBJ Petitions</b>	<b>SUP Petitions</b>
	5	0	0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0
			<b>Addresses</b>	<b>Signatures</b>
			0	0

**Application ID:** P/2014/0335/O

**Application Type:** Outline Permission - Major

**Proposal Summary:** Development of Community Treatment and Care Centre, associated parking including an area of decked parking, accesses from Abbey Way and Courtney Hill, the demolition of existing buildings (used as school meals kitchen and kindergarten) to the rear of 10 Abbey Yard and other associated operational development

**Location:** Lands at Abbey Way/Courtney Hill (including part of former grammar school lands part of primary school lands and lands to rear of Abbey Yard) Ballymacraig Newry BT34 2ED

**Applicant:** O'Hare Developments Ltd

**Process Route:** Planning Committee

## 1. Proposal

Development of Community Treatment and Care Centre, associated parking including an area of decked parking, accesses from Abbey Way and Courtney Hill, the demolition of existing buildings (used as school meals kitchen and kindergarten) to the rear of 10 Abbey Yard and other associated operational development

## 2. Site and Surrounding Area

The site to which this application relates can be accessed from Castle Road / Abbey Way via an existing access to the St Colmans Abbey Primary School. This access leads to two buildings which are used for a nursery and canteen in association with the existing school. These buildings are both of fairly recent construction; the southern of the two buildings is the nursery while the northern is the canteen.

The nursery building consists of an existing single storey rendered building with pitched roof with a later extension to the rear which is a modular building; to the immediate north is the canteen building which is again a single storey rendered building with pitched roof, with single storey flat roof extensions to the south.

Both buildings are at a lower level than the listed buildings to the west (abbey way / Abbey yard) and at a slightly higher level than the listed school building on Courtney Hill.

The buildings are surrounded by a tarmac parking and play area with a few small clumps of trees between them and some mature trees to the southern boundary.

The second and main access is from Courtney Hill, this access passes the western elevation of the existing St Colman's Abbey Primary School (Listed building). This building is an imposing two storey red brick structure with hipped slate roof. The structure was built in 1937 in the grounds of Cistercian Abbey which was established in 1144, the building was listed on 16th February 1994 and has grade B1 listed status.

The bulk of the application site consists of the entrance, parking area and tarmaced play ground of the school along with the playing fields to the north. The main school buildings and curtilage is separated from the playing fields by green palisade fencing with hedging and trees to the northern side of the fence. The eastern boundary of the playing field is defined by mature vegetation; the northern boundary is open to the rear of St Clare's Convent and does not have a formal boundary, while the eastern boundary is defined by fencing and hedgerows.

The playing field is at a lower level to the existing school building, and to the buildings to the west along Abbey Way.

The site is located within the urban area; there is a mix of commercial, residential and community uses in the immediate vicinity.

### 3. Planning Assessment of Policy and other Material Considerations

Consideration of representations:

A letters of objection was received from the owner/occupier of number 71 Castle Street dated 9th June 2014 and received by the Department on 12th June 2014.

Mr McCartan advised that he had not been notified - however Castle Street is also known as Abbey Way which had been notified, however in light of Mr McCartans comments all properties were re-notified along this stretch of road, as both Abbey Way and Castle Street.

Mr McCartans objection concentrates on his right of way to the rear of his property which has been included within the application site - he has concerns about the health and safety of his family when using the rear entrance of his property if approval were to be granted. He explains that he has no parking to the front of the building so the only vehicular access is via the right of way to the rear. He lists the substantial increase in traffic that would be generated which will impact on his ability to safely access his property, the current level of amenity and privacy currently enjoyed by him and his family.

The agent has attempted to address Mr McCartans concerns through a submission received on 13th August 2014.

Mr McCartans response to this was received on 12th September 2014 (letter dated 9th September 2014) and comments;

- Agent fails to show that there is a significant difference in levels between the 2 accesses;
- there is not sufficient width to combine the accesses with a footpath on either side
- the agent refers to a policy document ('Creating Places') which relates to housing developments, but this proposal is not for housing
- the agent refers to increased width to allow for the safe two way flows - no reference made to the safety of pedestrians
- Mr McCartan requested copies of the Roads Consultations, copy of the Transport Assessment and for Roads to confirm of the policy guidance they will be relying on.
- Mr McCartan argues that contrary to what the agent says there is sufficient sightlines existing for his use and there is no consequential betterment arising from the proposal.
- he feels the agent has failed to provide sufficient consideration to his objections regarding privacy and use of his private open space.
- there will be an increase in traffic and increase in air pollution.

- concern that NIEA Protecting historic monuments and NIEA protecting historic buildings have not coordinated their responses.
- developers and planners have ignored the setting and zone of influence of the listed buildings
- the needs of cyclists have been ignored.

Mr McCartans concerns primarily relate to Road Safety and access arrangements, Transport NI has been consulted in relation to the objection and have raised no concerns. It is my opinion that Mr McCartans privacy and access arrangements can be maintained or improved through careful design considerations at full or Reserved Matters stage. With relation to the comments of NIEA, they are content that the proposal will not have an adverse impact on either the listed buildings, conservation area or archaeological remains (whether known or unknown), I am content that their responses have fully considered all the information available to the Department.

A further letter of objection was received from HW Developments (2nd December 2014), who advise that it is their understanding that works are to be carried out through property which is not in the applicants control or ownership, the owner of which is a charitable organisation which is reviewing its procedures with regard to the property (The Masters House, 10 Abbey Yard). The proposal in question does not impinge on number 10 Abbey Yard, and the owner occupier of the properties along Abbey Yard, including the Masters House have been neighbour notified and this has not generated any letters of objection.

They also raise issues over traffic generation and the potential for increased traffic congestion, the proximity to a complex set of traffic lights. They also raise concerns about the type of traffic using the area in terms of pedestrian and vehicular movements. These are issues that Transport NI considered through the consultation process and no issues or concerns with.

#### Assessment of proposal

The site lies inside the development limits of Newry, the city centre limit and within the Newry conservation area and is zoned as a development opportunity site (NY88) in the Banbridge, Newry and Mourne Area Plan 2015. It also lies within a Local Landscape Policy Area (LLPA NY 128)

The Banbridge Newry and Mourne Plan 2015 Strategy framework includes a section on 'Education, Health, Community and cultural uses'  
Education, Health, Community and Cultural



Policy ECU 1 Education, Health, community and cultural uses Uses  
Planning permission will be granted for education, health, community and cultural uses within

settlement development limits provided all the following criteria are met:

- there is no significant detrimental effect on amenity or biodiversity;
- the proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;
- the proposals are in keeping with the size and character of the settlement and its surroundings;
- where necessary, additional infrastructure is provided by the developer;
- there are satisfactory access, parking and sewage disposal arrangements.

Reference is also made to Details of existing and proposed health and social services provision which can be found in the Education, Health, Community and Cultural Uses Technical Supplement, this details the areas needs for the future as identified by the health trust. This list does not include a Community, Care and treatment Centre, however the list is not seen as prescriptive and cannot be seen as foreseeing all future needs.

In terms of compliance with Policy ECU1, in my opinion the proposal (as supported by consultation responses) will not have a detrimental impact on amenity or biodiversity, I do not believe that this would prejudice the development of surrounding lands, given the site is located within the development limits and the majority of land adjacent to the site has already been developed. The layout and sections which have been submitted as an indicative indication of the proposed development show a substantial building. However in terms of the proposed footprint this is in keeping with the large community and educational buildings already within the existing area and indeed the sections show that the proposal is in keeping with the existing eaves height of the buildings which front onto the roadside. Therefore I am of the opinion that it has been demonstrated that this site can be developed in a way which is in keeping with the surrounding area in terms of mass and scale. Having consulted with NI water and Transport NI, I am of the opinion that this site can provide satisfactory access, parking and sewage disposal. Therefore I am of the opinion that this proposal meets the requirements of ECU 1 within the Newry and Mourne Area Plan. On the basis of consultation responses I have no reason to believe that the proposal cannot provide satisfactory access, parking and sewage disposal.

Zoning NY88 designates the site as a development opportunity site, the Key Site Requirements of which are;

- A minimum of 14 dwellings shall be provided as social housing

This proposal does not meet this key site requirement, as this proposal does not involve the use of this site for social housing use. This proposal is however for community use which will benefit the wider community as a whole if approved. The proposal submitted does not include any housing, I am of the opinion that the Health Trust has identified a need for a community care and treatment centre in Newry City and the community need could be seen as outweighing the 14 social housing units required by the key site requirement. It is important to note that Key Site Requirements are for guidance and so do not require to be slavishly followed - the retention of the old school building which is listed and under this scheme would be unused could potentially be converted to housing and for that reason while the proposal doesn't meet this key site requirement, I do not believe that this is fatal to the application as it has been demonstrated through the layout this key site requirement can still be accommodated within this zoning.

- development proposals shall provide for the retention of the part of the existing Abbey Primary School building that is listed

Abbey Primary school is being retained however there is no proposed use for it under this scheme as it has been left out of the site as outlined in red. However this scheme would not result in any future use of the building being prohibited or restricted and therefore this key requirement can still be achieved at a later stage.

- Any development proposal shall have regard to the sites proximity to the conservation area

The development is for outline permission and a proposed layout and sections have been submitted for indicative purposes. The layout shows a building which is acceptable in terms of mass and scale for the site, however as it is outline permission the design, external appearance, access arrangements, landscaping and siting are all matters which are left reserved for consideration on submission of the Reserve Matters application. The use of conditions and informatives will be used to draw the developer's attention to the conservation area booklet, in relation to design and materials which should be used to ensure that this proposal has regard to the sites proximity to the conservation area.

- Any development shall have regard to the sites upstanding and buried archaeological remains and features of historical interest.

This application was submitted with a survey for archaeological findings, however further investigative work is required. I am of the opinion that these further works can be negatively conditioned to be submitted as part of the Reserve Matters application.

NY128 designates an LLPA known as Courtney Hill, the designating features of this LLPA relates to the listed Abbey Grammar school, its curtilage, setting and views, the archaeological sites and monuments (including the ruins of an abbey and burial grounds) and an area of local amenity importance including an area of significant woodland vegetation. The proposal is for outline permission, while the indicative layout which would not appear to be at odds with the designating features of the LLPA. NIEA monuments and Listed buildings Branch have both been consulted and are content with the indicative layout presented subject to conditions being attached to any approval. The Planning Authority would also be able to reassess this element of the plan on receipt of the reserve matters application in relation to design, external appearance, siting, access and landscaping.

Therefore given the assessment of this proposal against the Area Plan I am of the opinion that this scheme for outline permission broadly meets the key site requirements with the exception of the key point within Zoning 88 for 14 social houses. While Key site requirements of the plan should be complied with, an argument could be made in this case that this proposal would result in key community health infrastructure which has been deemed to be required within the area by the Health Authority and that this key Site requirement on balance can be outweighed by the need for this health infrastructure. Therefore it is my opinion that failing to meet this key site requirement should not be detrimental to the outcome of this application as the broader need for this infrastructure should be given more material weight and there is still scope within the zoning for a social housing element of development to take place at a later stage. I am of the opinion that this proposal meets the requirements of the Area Plan.

PPS1 - General Principles

Planning Policy Statement (PPS 1): General Principles identifies relevant material considerations in determining planning applications. The Department's guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This policy remains a material consideration in the assessment of this application.

Paragraph 23 advises that the Department will seek to promote and retain mixed uses, particularly in town centres, in other areas highly accessible by means of transport other than the private car and in areas of major new development. What will be appropriate on a particular site will, among other things, be determined by the characteristics of the area - schemes will need to fit in with, and be complementary to, their surroundings and the likely impact on sustainability, overall travel patterns and car use. The character of existing residential areas should not be undermined by inappropriate new uses.

There is a mixture of land uses within the immediate area of this site. There are a number of community and educational, together with some residential and commercial uses. This proposal is in keeping with this mixture of uses and I am of the opinion that this scheme fit within the established character of this location with careful design and consideration given at Reserve Matters stage to avoid any conflict of land uses particularly with the residential uses nearby. Therefore I am of the opinion that the principle of this proposal on site complies with PPS 1.

#### PPS2 - Natural Heritage

PPS2's policies seek the protection of; European and Ramsar Sites i.e. International designations (NH1), species protected by law (NH2), sites of natural conservation importance (NH3 refers to National and NH4 refers to local); Habitats and species of natural heritage importance (NH5) and Areas of outstanding natural Beauty (NH6)

NIEA Natural Heritage were consulted in relation to the proposal and responded on 8th July 2014 to advise that, following a site inspection Japanese Knotweed was found to be present at the southern end of this area, and also occurs more extensively on the adjacent area outside the red-line

boundary. They also confirmed that no priority habitats were found on site, but that a disused badger sett was found on the south-eastern side of the site. The response advised that they are content that the application be approved subject to appropriate conditions (which they provided).

I am therefore content that the proposal is in compliance with the provisions of PPS2.

### PPS3

#### AMP 2 Access to Public Roads

Transport NI have been consulted several times in relation to this proposal and given the two proposed accesses onto Courtney Hill and Abbey Way, Transport NI are satisfied that the road network could take the additional traffic associated with this development would not have an adverse impact on road safety for traffic using these routes.

#### AMP 6 Transport Assessment

A TA was submitted with this proposal. In doing so consideration was given to an existing CCTC within Portadown as a reference point to the amount of trips generated by such a proposal. The TA has been revised and Transport NI are now content that the contents of it is accurate as much as can be given that there are no definite details plans regarding floor space and treatment facilities as this is an outline application.

#### AMP 7 Car Parking

Car parking is assessed by the floor space and the number of staff and proposed customers/patients/deliveries. Given that this is proposal is at outline stage, little detailed consideration can be given to this policy requirement as there are no concrete detailed plans. The indicative layout shows a three tier car park which shows the developers intention to provide parking. The level of this can be further assessed through the submission of Reserve matters/ full details.

Therefore given the above consideration and the responses received by the Planning Authority from Transport NI I am content that the principle of this development is in compliance with the policy context of PPS 3.

## PPS 6

### BH 11

a) This proposal is within the vicinity of a number of listed buildings. An indicative layout and sections were provided and NIEA are content with the proposal so long as the access to St Coleman's Abbey Primary School would not be impacted.

b) As this proposal is for outline permission there is little detail on the proposed design of the building. However these are matters which can be left reserved to be considered on receipt of the full detailed drawings in which the design and materials will be a consideration.

c) this proposed scheme respects the character and the setting of the surrounding area and the listed buildings, incorporating the use of court yard layout within its indicative proposals. The design and materials used and landscaping can all be used to ensure that this proposal will be in keeping with the listed buildings. These will all be further considered on receipt of the Reserve Matter Application.

Therefore I am of the opinion that the principle of this development will not have an impact on the setting on the listed buildings within the area ie st coleman's primary school. NIEA Listed Buildings have also been consulted and have no objection to this proposal.

### BH 12

a) This proposal scheme will result in the land identified under the area plan as a key development site being utilised and the area regenerated following the closure of the primary school in 2011. Therefore it is my opinion that this proposal may enhance the conservation area subject to an appropriate design being submitted at Reserve Matters Stage.

b) & c) the layout and massing of the proposal as submitted on the indicative drawing is in my opinion sympathetic to the large community and educational buildings located within the immediate area.

d) While the development will result in an increase in traffic to this area and a slight increase in the air pollution within the immediate area, I am of the

opinion that there will be no significant increase on noise or disturbance than that of the previous use of a school which would be detrimental to the character of the area.

e) This site is located to the rear of the existing streetscape of buildings, and is at a lower ground level to the buildings along the street frontage. Therefore there will be limited views of this proposal from the street frontages, however as the internal car park will be a public vantage point consideration needs to be given to the proposed design and materials on receipt of the Reserve Matters to adequately ensure that this policy point is met. At outline stage the principle of development is acceptable.

f) Again as there are no full detailed plans to consider this is also a policy point which must be considered at Reserve Matters Stage.

#### BH 14

This policy criteria will be assessed in full within the accompanying application reference number P/2014/0337/DCA.

Policy BH 1, BH 2, BH 3 and BH 4 policies all assess the impact proposal could have on monuments.

The proposal is in the archaeological zone of influence for DOW 046:040 Bagnall's Castle, this can be considered as remains of local importance given that it does not appear on the list of monuments in state care as published on the DOE web site (this monument would be considered under Policy BH1)

The proposal also lies within the zone of influence of 3 historic monuments  
DOW 046:021 (monastery)  
DOW 046:051 (Abbey Yard cemetery)  
DOW 046:040 (Bagnall's Castle)

NIEA Historic Monuments Branch has been consulted with regard to the proposal and has responded on 16th July 2014 to advise that the site is located within an Area of Archaeological Potential which represents the historic core of the city, with both its above and below ground archaeological evidence of its development.

Given the known archaeological remains within the immediate vicinity of the proposed site there is a potential for previously unrecorded below ground archaeological remains to be found during ground works for the proposal.

NIEA: Historic Monuments Unit has reviewed the archaeological report titled 'Results of Archaeological test trenching', and although nothing of archaeological significance was encountered within the excavated trenches there is still a potential for previously unrecorded below ground archaeological remains to be found within the remainder of the site.

Therefore, they have recommended that if this application is to be approved, the approval be conditional on 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.

On the basis of these consultation responses I am content that the proposal as submitted does not conflict with the policies contained within PPS6.

#### Policy OS 1 Protection of Open Space

The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. .

This site includes existing playing fields associated with the now closed St Colman's Primary School and the Abbey Grammar. The site as submitted extends to 2.3 hectares but also includes the tarmaced areas associated with the schools and is currently unused. It can be argued that the redevelopment of this unused site as a Care and Community and Treatment centre would bring about substantial community benefits which would outweigh the loss of the open space, in addition I am of the opinion that the zoning of the site as a development opportunity site in the Banbridge / Newry and Mourne Area Plan outweighs Policy OS1.

#### PPS 15 Planning and Flood Risk



The updated and amended version of PPS15 was published in September 2014

Policy FLD 3(Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) requires that a Drainage Assessment be submitted for proposals for development in excess of 1 hectare in size;

Such development will be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

Rivers Agency were consulted with regard to the Drainage Assessment submitted by the Applicant, their response on 3rd September 2014, advised that they accept the logic of the report submitted and had no reason to disagree with its conclusions. They offered appropriate conditions / informatives should the application be granted planning permission. On this basis the proposal does not conflict with the contents of PPS15.

NI Water were consulted and responded on 14th May 2014, to advise that they had responded to a Pre development enquiry regarding this proposal on 22 January. In this they advised that the existing public water main and public sewer could serve the proposal, however the existing public storm sewer does not currently have the capacity to serve the proposal (although advises the developer may wish to requisition an upgrade to this sewer to serve the development).

Environmental Health Department of Newry and Mourne District Council responded on 9th July 2014, they advised that the proposed development is situated within the Newry Urban Centre Air Quality Management Area (AQMA) declared because of levels of nitrogen dioxide due to traffic emissions that exceed the National Air Quality Strategy objective limits. Newry & Mourne District Council together with its partners including DRD Roads Service are committed to an Air Quality Action Plan which aims to improve air quality within the AQMA. As part of that action plan it is necessary to consider the potentially adverse effect of any new developments upon air quality and upon the achievement of the Action Plan.

It is considered by Environmental Health that given the site's location within an AQMA and the scale of car parking provision, the turnover of car parking

and the likely impact on traffic numbers than a detailed air quality impact assessment is merited.

The potential impact on air quality was the only issue raised by Environmental Health.

In response to this comment an air quality assessment was submitted to the Department for consideration. Environmental Health were reconsulted and responded to state that when considering the impact of traffic emissions it is first necessary to ensure that the transport assessment is accurate; therefore, their comments are based on the assumption that Planning NI and Transport NI are satisfied that the traffic data in the afore-mentioned reports is suitable.

As the proposal is for an outline application Environmental Health suggested that given the number of dwellings likely to be exposed to a slight adverse impact upon air quality due to the proposed development, that some measures aimed at minimising the air quality impact of the proposed development should be incorporated into the final scheme should permission be granted. They also suggested that should permission be granted it is suggested that Planning NI may wish include a negative condition so that prior to the commencement of the proposed development, the applicant shall submit of details of measures aimed at reducing the air quality impact of the proposed development, for the approval of the Planning Authority.

On balance I am of the opinion that the proposal is an acceptable use within the city centre, I am also of the opinion that with careful use of conditions the historic character of the listed buildings and conservation area can be protected as can the archaeological remains in the area. I am also of the view that the objectors are not fatal to the scheme and can appropriately considered through careful and considerate design.

#### **4. Conclusion and Recommendation**

5. On balance I am of the opinion that the proposal is an acceptable use within the city centre, I am also of the opinion that with careful use of conditions the historic character of the listed buildings and conservation area can be protected as can the archaeological remains in the area. I am also of the view that the objectors are not fatal to the scheme and can appropriately considered through careful and considerate design. I am therefore content to recommend approval

**Annex 1: Process Map/Processing**

Validation: 11.04.2014

Advertisement: 02.05.2014 and 07.01.2015

Neighbour Notification: 01.05.2014, 12.11.2014 and 30.12.2014

EIA Determination: 19<sup>th</sup> May 2014 – Negative screening

**Application Reference Number: P/2014/0337/DCA**

**Type of Application: Demolition within a Conservation Area. Local development.**

**Proposal: Demolition of buildings currently used as a school meals kitchen and kindergarten for the development of Community Treatment and Care Centre**

**Location: School meals kitchen and kindergarten lands to rear of 10 Abbey Yard, Abbey Way Newry.**

**Applicant: O'Hare Developments Ltd**

**Process Route: Full Planning Committee.**

### 1. Proposal

This proposal seeks consent to demolish buildings currently used as a school meals kitchen and kindergarten which are within the Newry Conservation Area designation for the development of Community Treatment and Care Centre

### 2. Site and Surrounding Area (Site visits date, Description of Site)

The buildings to which this application relate can be accessed from Castle Road / Abbey Way via an existing access to the St Colmans Abbey Primary School. The buildings are used for a nursery and canteen in association with the existing school. The buildings are both of fairly recent construction, the southern of the two buildings is the nursery while the northern is the canteen.

The nursery building consists of an existing single storey rendered building with pitched roof with a later extension to the rear which is a modular building, to the immediate north is the canteen building which is again a single storey rendered building with pitched roof, with single storey flat roof extensions to the south.

Both buildings are at a lower level than the listed buildings to the west (abbey way / Abbey yard) and at a slightly higher level than the listed school building on Courtney Hill.

The buildings are surrounded by tarmaced parking and play area with a small number of trees between them and some mature trees to the southern boundary.

The site is located within the urban area, there is a mix of commercial, residential and community uses in the immediate vicinity.

### 3. Planning Assessment of Policy and other Material Considerations

The site lies inside the development limits of Newry, the city centre limit and within the Newry conservation area.

The main policy consideration for this proposal is BH14 (Demolition in a conservation Area) of PPS6 Planning, Archaeology and the Built Heritage. This policy states that the Department will normally only permit the demolition of an unlisted building in a conservation area where it makes no material contribution to the character or appearance of the area. BH 14 also states that normally permission will be conditional on prior agreement for the redevelopment of the site and appropriate recording of the building prior to its demolition.

I am of the opinion that the two buildings to which this application relates do not make a contribution to the Conservation area, either positively or negatively, given the location of the structures set below Abbey Way / Castle Street and their construction and materials.

NIEA Listed Buildings were consulted and have no objections to the proposal provided access is maintained to the listed school building on Courtney Hill (ie, St Colman's Abbey Primary School), the demolition of these buildings would not have an impact on the access to St Colman's Abbey Primary School.

There has been one objection from the owner/occupier of number 71 Castle Street dated 9th June 2014 and received by the Department on 12th June 2014. This relates to road safety issues and is better addressed under the outline application P/2014/0335/O in that the approval of this application on its own would not alter the situation on the ground for the objector.

The two existing buildings to be demolished do not in my opinion contribute to the character of the conservation area, due to the location of them from the streetscape and also due to the poor architectural design and materials used. In my opinion this site which is zoned as a development opportunity site could be developed sensitively in a way which will enhance the character of the conservation area and while the proposed redevelopment is only for outline permission, then this could end up enhancing the appearance of the conservation area which would meet the broad principle of this planning policy.

This proposal is not accompanied by a full application detailing the full drawings elevations and materials to be used. However it is my opinion that if this proposal is conditioned appropriately then this application for demolition can be brought forward to decision. In doing so I would recommend that a condition prohibiting any demolition of any buildings prior to a detailed scheme being submitted and approved through reserve matters stage by the planning authority. By doing this it prevents any demolition until an appropriate scheme has been approved to be constructed and there will be no negative impact on the conservation area. Therefore I am of the opinion that this proposal meets the policy of BH 14 and I recommend it to be approved subject to condition.

#### **4. Conclusion and Recommendation.**

I am of the opinion that the two buildings to which this application relates do not make a contribution to the Conservation area, either positively or negatively, given the location of the structures set below Abbey Way / Castle Street and their construction and materials.

I am content that the demolition of the buildings would not be detrimental to the character of the area, even if the site was to remain undeveloped and the demolition is not contrary to Policy BH14 of PPS6.

Given the construction and materials of the structures I am also content that there is no need for conditions requiring the recording of the buildings prior to demolition.

Therefore I recommend that consent to demolish be granted.

#### **5. Conditions and Informative or Refusal Reasons**

No demolition of any structures, buildings or walls shall take place until a full or Reserve Matters planning application for the redevelopment of this site has been submitted to and agreed by the Planning Authority in writing.

Reason: To prevent detrimental impact to the Conservation Area.

**Annex 1: Process Map/Processing**

Validation: 11.04.2014

Advertisement: 02.05.2014 and 12.11.2014

Neighbour Notification: 23.04.2014 and 12.11.2014



**Application ID:** P/2014/0366/DCA

**Application Type:** Demolition within the Conservation Area - Local

**Proposal Summary:** Demolition of former school and convent buildings to facilitate new community treatment and care centre

**Location:** St Clares Primary School and Convent, High Street, Newry BT34 1HD

**Applicant:** Lagandale Development Ltd

### 1. Proposal

This proposal is for consent to demolish a former school and convent buildings to facilitate new community treatment and care centre.

### 2. Site and Surrounding Area

The site is located at the junction of High Street and Abbey Way. The frontage along the High Street consists of an existing road frontage terrace the most northerly end of the frontage is 3 storey moving down the hill to a four storey element before stepping down to a 3 storey which opens into a small courtyard surrounded by four storey buildings. All of these buildings are finished in cream smooth render with slate roofing. The next element of the site is a two storey building again finished in cream smooth render with slate roof, beyond this building is the entrance into St Clares Convent Primary School which is defined by high rough rendered walls and galvanised gates.

The boundary along Abbey Way is defined by a high stone wall, with pillars and gates adjacent to Stephen Fitzpatrick's Estate Agency. To the rear of this stone wall is a large stand alone building finished in smooth render and a hipped roof, this building has a small single storey flat roof return to the Abbey Way frontage.

A footpath runs along the entire frontage of the site along both High Street and Abbey Way.

The site includes the buildings associated with the convent and primary school and includes the gardens and landscaped areas to the rear.

The area is on the outskirts of the city centre and is surrounded by predominately residential uses, the site is separated from the main commercial heart of the site by a dual carriageway

### 3. Planning Assessment of Policy and other Material Considerations

The site is located within the development limit of Newry, the Newry conservation area, the chapel on the site is listed and the landscaped area to the rear of the convent is subject of a tree preservation order (TPO)

Objections have been received however these have been considered and assessed on the associated outline planning application P/2014/0368/O.

These include the following:

- not objecting to improved health care facilities for the city but not at the expense of the historic environment - they suggest re-use of some of the convent buildings;
- Fails BH12 - the agent fails to present a robust case for the introduction of the proposed development (shown in indicative drawings) for the site let alone how they would improve the setting of the immediate adjacent listed buildings within and adjacent to the listed buildings and the setting of the Cathedral.

- Fails BH 2, 3, 4 and 8 of PPS6 Fails to address the heritage significance of this part of the city, the conservation area, Archaeology, listed buildings and their settings, historic street patterns/lines, and specifically refers to NIEA HMU's initial response (28th May 2014)

The main policy consideration for this proposal is BH14 (Demolition in a conservation Area) of PPS6 Planning, Archaeology and the Built Heritage. This policy states that the Department will normally only permit the demolition of an unlisted building in a conservation area where it makes no material contribution to the character or appearance of the area. BH 14 also states that normally permission will be conditional on prior agreement for the redevelopment of the site and appropriate recording of the building prior to its demolition.

The existing buildings to be demolished do not in my opinion contribute to the character of the conservation area, due to the location of them from the streetscape, with the present of the wall and also due to the poor architectural design and materials used. In my opinion this site could be developed sensitively in a way which will enhance the character of the conservation area and open up views of the listed church structure and regenerate this are of historical importance within the conservation area and encourage more people to use this space and while the proposed redevelopment is only for outline permission, then this could end up enhancing the appearance of the conservation area which would meet the broad principle of this planning policy. Permission to demolish these buildings has previously been granted and Planning policy has not been altered or changed since this. While objections have been received as detailed above, significant weight has been given to the previous planning history on site to outweigh the concerns raised as all these buildings were thoroughly inspected at that time and only the church was deemed to be of historic value to retain and list. I also accept the agents view point that it would be very difficult to incorporate these existing buildings into the proposed development in terms of accessibility and access. This was also justification which was accepted within the previous case for demolition.

This proposal is not accompanied by a full application detailing the full drawings elevations and materials to be used. However it is my opinion that if this proposal is conditioned appropriately then this application for demolition can be brought forward to decision. In doing so I would recommend that a condition prohibiting any demolition of any buildings prior to a detailed scheme being submitted and approved through reserve matters stage by the planning authority. By doing this it prevents any demolition until an appropriate scheme has been approved to be constructed and there will be no negative impact on the conservation area.

This proposal also involves demolition of structures which are attached to a listed building. A negative condition should also be attached to this approval that no demolition shall take place prior to a listed building consent application being submitted to and approved by the Planning Authority, to ensure that no adverse impact occurs to the listed structure.

Therefore I am of the opinion that this proposal meets the policy of BH 14 and I recommend it to be approved subject to condition.

#### **4. Conclusion and Recommendation** (Including process route).

I am of the opinion that the two buildings to which this application relates do not make a contribution to the Conservation area, either positively or negatively.

I am content that the demolition of the buildings would not be detrimental to the character of the area, even if the site was to remain undeveloped and the demolition is not contrary to Policy BH14 of PPS6.

Given the construction and materials of the structures I am also content that there is a need for conditions requiring the recording of the buildings prior to demolition.

Therefore I recommend that consent to demolish be granted.

#### **5. Conditions and Informative or Refusal Reasons**

No demolition of any structures, buildings or walls shall take place until a full or Reserve Matters planning application for the redevelopment of this site has been submitted to and agreed by the Planning Authority in writing.

Reason: To prevent detrimental impact to the Conservation Area.

No demolition of any structures, buildings or walls shall take place until a listed building consent application has been submitted to and agreed by the Planning Authority in writing.

Reason: To prevent detrimental impact to the listed building.

No demolition of any structures, buildings or walls shall take place until a full record of the buildings being demolished has been submitted to and agree in writing by the Planning Authority.

Reason: To maintain a record of historical sites within the immediate area.

**Annex 1:** Process Map/Processing

Validation, Advertisement, Neighbour Notification, Subject to Departmental Direction, Date of Call in, EIA Determination, Habitats Risk Assessment, Date of Advertisements, Statutory Expiry Date, Development Type.

**Annex 2: Relevant** legislative/development plan/policy/guidance context.

Commentary on particular policies, representations or responses should form part of the planning assessment where applicable or relevant.

**Annex 3:** Summary of Final consultee responses and public/third party representations

Commentary on particular responses or representations should form part of the planning assessment where applicable or relevant.

**Annex 4:** Any other relevant information e.g. Design and Access Statement, Retail Impact Assessment.

**Application ID:** P/2014/0368/O

**Application Type:** Outline Permission - Major

**Proposal Summary:** Redevelopment of site to provide new Community Treatment and Care Centre, to include GP surgeries, treatment rooms, physiotherapy, dentistry, ophthalmics, etc., office accommodation, gymnasium, pharmacy, cafe, bank, cultural resource centre and associated ancillary facilities. Site landscaping and provision of amenity areas. Multi level car park for circa 350 cars. Improved vehicular access to High Street with 'exit only' to Abbey Way, and associated highway improvements.

**Location:** St Clares Primary School and Convent, High Street, Newry, BT34 1HD

**Applicant:** LaganDale Developments Ltd

**Process Route:** Planning Committee

### 1. Proposal

Redevelopment of site to provide new Community Treatment and Care Centre, to include GP surgeries, treatment rooms, physiotherapy, dentistry, ophthalmics, etc., office accommodation, gymnasium, pharmacy, cafe, bank, cultural resource centre and associated ancillary facilities. Site landscaping and provision of amenity areas. Multi level car park for circa 350 cars. Improved vehicular access to High Street with 'exit only' to Abbey Way, and associated highway improvements.

### 2. Site and Surrounding Area (Site visits date, Description of Site)

The site is located at the junction of High Street and Abbey Way. The frontage along the High Street consists of an existing road frontage terrace the most northerly end of the frontage is 3 storey moving down the hill to a four storey element before stepping down to a 3 storey which opens into a small courtyard surrounded by four storey buildings. All of these buildings are finished in cream smooth render with slate roofing. The next element of the site is a two storey building again finished in cream smooth render with slate roof, beyond this building is the entrance into St Clares Convent Primary School which is defined by high rough rendered walls and galvanised gates.

The boundary along Abbey Way is defined by a high stone wall, with pillars and gates adjacent to Stephen Fitzpatrick's Estate Agency. To the rear of this stone wall is a large stand alone building finished in smooth render and a hipped roof, this building has a small single storey flat roof return to the Abbey Way frontage.

A footpath runs along the entire frontage of the site along both High Street and Abbey Way.

The site includes the buildings associated with the convent and primary school and includes the gardens and landscaped areas to the rear.

The area is on the outskirts of the city centre and is surrounded by predominately residential uses, the site is separated from the main commercial heart of the site by a dual carriageway

### 3. Planning Assessment of Policy and other Material Considerations

Consideration of Objections;

Objections have been submitted on behalf of 'Founders and Members of Ancient Newry History', 'The Friends of The Linn Linn Tragh' and 'Old Photographs and Videos of Newry (and surrounding areas) from Eimear Murphy (Eimear Murphy Associates).

- The principal of demolition has not been robustly justified, the proposal should fail given the issues relating to the demolition of unlisted buildings within a conservation area.

- Planning Service should not have accepted an outline application - the site is too important to be considered as an outline application and insufficient information has been submitted to fully consider the application.
- A large portion of the site is designated for education (NY73) the proposal does not justify a loss of land designated for such uses - the applicant should be required to put forward a robust case for the Department from the BNMAP and the demolition of the important buildings inside the conservation area
- The site is within NY128 LLPA - Courtney Hill, the development has not considered this - Fails to take account of the environmental quality, integrity and character of the features within the site namely St Clare's Convent, the Vault, Church and Laundry
- Fails BH 2, 3, 4 and 8 of PPS6 Fails to address the heritage significance of this part of the city, the conservation area, Archaeology, listed buildings and their settings, historic street patterns/lines, and specifically refers to NIEA HMU's initial response (28th May 2014)
- Fails BH12 - the agent fails to present a robust case for the introduction of the proposed development (shown in indicative drawings) for the site let alone how they would improve the setting of the immediate adjacent listed buildings within and adjacent to the listed buildings and the setting of the Cathedral.
- fails to respect the setting of the Chapel (Listed Buildings) in terms of scale, height, massing, and alignment, fails to take account of the traditional form of the existing site - lack of info to allow full consideration of the design aspect, the proposed use fails to respect the setting of the listed building and will extensively intensify the use of the site - which is contrary to BH11
- the design and layout is dictated by an engineering response - as opposed to design led or heritage response. A knock on effect for pedestrian movements and links to the city centre - the analysis is based on a net increase from the Sacred Heart School which left the site in 1985 and was limited to the Castle Street entrance.
- With no improvements to the subway, the proposal will lead to further segregation of this part of the city from the centre.
- agent draws attention to the location of the bus and train station and cycle routes - nothing to demonstrate they have considered sustainable transport and nodes of travel - if there had been an intention, less car parking would be shown and clear improvements to pedestrian crossing would have been shown.
- the plaza arrangement will fail to create the 'nodal' point if the orientation is inward - also comments on their view that this is an unimaginative design lacking in any address of local distinctiveness or heritage setting.



- not objecting to improved health care facilities for the city but not at the expense of the historic environment - they suggest re-use of some of the convent buildings
- understands a decision has been taken to relocate a number of health services - no information has been presented as to why this is a preferred site when other sites in the city offer the real and deliverable potential for redevelopment and improvements to the physical fabric of each site - so not believe that the tender process negates the need for the applicant to supply proper information and justification and design drawings
- No community engagement from the developer.

The objections depend heavily on the design of the proposal these drawings were submitted as indicative plans to show how the site could be developed, but this remains an outline application - I am content that any concerns relating to design can be overcome by condition and careful considerate design at full or reserved matters stage.

In terms of why the Department accepted an outline application, the Department is obliged to accept and process applications submitted to it, in terms of processing the application under policy BH14 of PPS6 which requires that demolition in a conservation area will normally be conditional on prior agreement for the redevelopment of the site, it is important to note the use of the word normally in the policy and the planning history of the site which has twice granted approval for demolition of buildings within the application site.

The agent wrote to the Department in a letter received on 11th August 2014 rebutting the comments made in the objection letters. In response to this letter the objectors submitted a further objection by email on 1st February 2015. This reiterates the previous objections and quotes case law to support their case, arguing that preserving the settings of listed buildings should be given considerable importance and weight when the decision maker carries out the balancing exercise. The Department in considering this also gives weight to the fact that permission has previously been given for the demolition of these buildings and that at the time of the previous application NIEA carried out extensive surveys to establish the quality and condition of the buildings and chose only to list the chapel which is to be retained as part of this application.

Additional objections were received from Mr Curran who resides in Warrenpoint, Co Down. In his objections he states

- The site is at the location of the historic start of Newry history. He objects to the loss of buildings which make a valuable contribution to the character, appearance and historical development of this part of Newry
- Overriding justification for the loss of buildings that are listed due to attachment

- Failure to preserve / conserve listed buildings, important unlisted buildings within and adjacent to the site
- Demonstrate the benefit the development would outweigh the harm. When it is clear that the site could accommodate the uses with appropriate respect for heritage and townscape.

NIEA Listed buildings and protecting historic monuments were both consulted, the buildings to be demolished were previously part of an application which granted their demolition. No listed structures are to be demolished and Mr Curran states in his objection that the site could accommodate the uses with appropriate respect for heritage and townscape, I agree with this comment and am of the view that with a high quality design and careful conditioning of the approval the redevelopment of this site could be done sympathetically and take account of the historic/built heritage, aid regeneration and greater public use of this historic part of Newry.

#### Assessment of Proposal

The site is located within the development limit of Newry, the Newry conservation area, the chapel on the site is listed and the landscaped area to the rear of the convent is subject of a tree preservation order (TPO)

The site lies inside the development limits of Newry, and within the Newry conservation area.

The Banbridge Newry and Mourne Plan 2015 Strategy framework includes a section on 'Education, Health, Community and cultural uses'

Education, Health, Community and Cultural

Policy ECU 1 Education, Health, community and cultural uses

Planning permission will be granted for education, health, community and cultural uses within

settlement development limits provided all the following criteria are met:

- there is no significant detrimental effect on amenity or biodiversity;
- the proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;
- the proposals are in keeping with the size and character of the settlement and its surroundings;

- where necessary, additional infrastructure is provided by the developer;
- there are satisfactory access, parking and sewage disposal arrangements.

Reference is also made to Details of existing and proposed health and social services provision which can be found in the Education, Health, Community and Cultural Uses Technical Supplement, this details the areas needs for the future as identified by the health trust. This list does not include a Community, Care and treatment Centre, however the list is not seen as prescriptive and cannot be seen as foreseeing all future needs.

In terms of compliance with Policy ECU1, in my opinion the proposal (as supported by consultation responses) will not have a detrimental impact on amenity or biodiversity, I do not believe that this would prejudice the development of surrounding lands, given the site is located within the development limits and the majority of land adjacent to the site has already been developed. On the basis of consultation responses I have no reason to believe that the proposal cannot provide satisfactory access, parking and sewage disposal. The layout which has been submitted as an indicative indication of the proposed development show a substantial building. However in terms of the proposed footprint this is in keeping with the large community and educational buildings already within the existing area and indeed the indicative 3d perspective show that the proposal is in keeping with the existing eaves height of the buildings which front onto the roadside. Therefore I am of the opinion that it has been demonstrated that this site can be developed in a way which is in keeping with the surrounding area in terms of mass and scale. The design, siting, landscaping, access and external appearance are all matters which will be left reserved. Having consulted with NI water and Transport NI, I am of the opinion that this site can provide satisfactory access, parking and sewage disposal. Therefore I am of the opinion that this proposal meets the requirements of ECU 1 within the Newry and Mourne Area Plan.

The site lies within zonings NY73 (Education) this zones 1.37 hectares of land for educational uses – the area plan makes reference to full planning permission having been granted to replace St Clare's and Abbey Primary Schools on this site. Given that permission has been granted elsewhere for the schools to be replaced, the permission for a primary school on the site will not be implemented, and while the proposal as submitted is technically contrary to this zoning, I am of the opinion that a health care facility would still

be in the spirit of the zoning given that Policy ECU1 refers to health and education under the same policy and within the same area plan.

The site also includes zoning NY128 which designates an LLPA known as Courtney Hill, the designating features of this LLPA relates to the listed Abbey Grammar school, its curtilage, setting and views, the archaeological sites and monuments (including the ruins of an abbey and burial grounds) and an area of local amenity importance including an area of significant woodland vegetation. The proposal is for outline permission, while the indicative layout which would not appear to be at odds with the designating features of the LLPA. NIEA monuments and Listed buildings Branch have both been consulted and are content with the indicative layout presented subject to conditions being attached to any approval. The Planning Authority would also be able to reassess this element of the plan on receipt of the reserve matters application in relation to design, external appearance, siting, access and landscaping.

I am therefore of the opinion that the proposal is not contrary to the provisions of the Area Plan.

#### PPS1 - General Principles

Planning Policy Statement (PPS 1): General Principles identifies relevant material considerations in determining planning applications. The Department's guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This policy remains a material consideration in the assessment of this application.

Paragraph 23 advises that the Department will seek to promote and retain mixed uses, particularly in town centre's, in other areas highly accessible by means of transport other than the private car and in areas of major new development. What will be appropriate on a particular site will, among other things, be determined by the characteristics of the area - schemes will need to fit in with, and be complementary to, their surroundings and the likely impact on sustainability, overall travel patterns and car use. The character of existing residential areas should not be undermined by inappropriate new uses.

There is a mixture of land uses within the immediate area of this site. There are a number of community and educational, together with some residential and commercial uses. This proposal is in keeping with this mixture of uses and I am of the opinion that this scheme fits within the established character of this location with careful design and consideration given at Reserve Matters stage to avoid any conflict of land uses particularly with the residential uses nearby. Therefore I am of the opinion that the principle of this proposal on site complies with PPS 1.

#### PPS2 - Natural Heritage

PPS2's policies seek the protection of; European and Ramsar Sites i.e. International designations (NH1), species protected by law (NH2), sites of natural conservation importance (NH3 refers to National and NH4 refers to local); Habitats and species of natural heritage importance (NH5) and Areas of outstanding natural Beauty (NH6)

NIEA Natural Heritage were consulted and in their response dated, 23rd October 2014, and 3rd November 2014 advised that there is evidence of Badgers on part of the site, however are content that the application can be approved provided a condition is attached to any decision that no development will take place in the eastern section of the site.

There is also significant bat activity within the site but particularly in the elevator shaft of the listed convent building which is to be retained, they have also advised that Japanese Knotweed, Giant Knotweed, Himalayan Balsam and Giant Hogweed have been identified on the site. NIEA are content that the application can proceed provided appropriate conditions are attached to any decision notice.

I am therefore content that the proposal is in compliance with the provisions of PPS2.

#### PPS3

##### AMP 2 Access to Public Roads

Transport NI have been consulted several times in relation to this proposal and given the two proposed accesses onto high street and Abbey Way,

Transport NI are satisfied that the road network could take the additional traffic associated with this development would not have an adverse impact on road safety for traffic using these routes.

#### AMP 6 Transport Assessment

A TA was submitted with this proposal. In doing so consideration was given to an existing CCTC within Portadown as a reference point to the amount of trips generated by such a proposal. The TA has been revised and Transport NI are now content that the contents of it is accurate as much as can be given that there are no definite details plans regarding floor space and treatment facilities as this is an outline application.

#### AMP 7 Car Parking

Car parking is assessed by the floor space and the number of staff and proposed customers/patients/deliveries. Given that this is proposal is at outline stage, little detailed consideration can be given to this policy requirement as there are no concrete detailed plans. The indicative layout shows a three tier car park which shows the developers intention to provide parking. The level of this can be further assessed through the submission of Reserve matters/ full details.

Therefore given the above consideration and the responses received by the Planning Authority from Transport NI I am content that the principle of this development is in compliance with the policy context of PPS 3.

#### PPS 5

The proposal submitted has details for café space, banking and pharmacy and other medical associated facilities. This proposal is located at the edge of the city centre and the majority of the site is located outside the city centre and while associated retail such as pharmacy provision and a small café could be accommodated within the scheme the floorspace requirements quoted within the TA are in excess of 1000msq. I would have concerns in relation to these and would suggest that there are conditions limiting these on any approval at outline stage so that they are constructed within the city centre designation or limiting floorspace to be ancillary to the community development so that it complies with PPS 5.

## PPS 6

### BH 11

a) This proposal is within the vicinity of a number of listed buildings. An indicative layout and a 3d perspective were provided and NIEA are content with the principle of the proposal subject to the design and materials being assessed throughout the details to be submitted at reserve matter stage.

b) As this proposal is for outline permission there is little detail on the proposed design of the building. However these are matters which can be left reserved to be considered on receipt of the full detailed drawings in which the design and materials will be a consideration.

c) this proposed scheme respects the character and the setting of the surrounding area and the listed buildings, incorporating the use of court yard layout within its indicative proposals. The design and materials used and landscaping can all be used to ensure that this proposal will be in keeping with the listed buildings. These will all be further considered on receipt of the Reserve Matter Application.

Therefore I am of the opinion that the principle of this development will not have an impact on the setting on the listed buildings within the area ie the recently listed church building. NIEA Listed Buildings have also been consulted and have no objection to this proposal however they have stated that a Listed building consent is required under BH 8 alterations to listed buildings policy due to the fact that there is demolition to buildings which are attached to the listed structure. Consideration of these can be found within the P/2014/0366/DCA consideration which accompanies this application.

### BH 12

a) This proposal scheme will result in the land identified under the area plan as an educational site which is no longer required due to another scheme being granted site being utilised for a use which falls within the same use class and the area regenerated. Therefore it is my opinion that this proposal may enhance the conservation area subject to a appropriate design being submitted at Reserve Matters Stage.

b) & c) the layout and massing of the proposal as submitted on the indicative drawing is in my opinion sympathetic to the large community and educational buildings located within the immediate area.

d) While the development will result in an increase in traffic to this area and a slight increase in the air pollution within the immediate area, I am of the opinion that there will be no significant increase on noise or disturbance than that of the previous use of a school which would be deemed to be detrimental to the character of the area.

e) This site is located along the street frontage of the existing streetscape of buildings, and the Planning Authority can impose a condition to limit the proposed height of the buildings along the streetscape and those in behind to be no higher than the buildings along the street frontage. Therefore the views of this proposal from the street frontages will have a significant addition to the conservation area, and there would be a considerable public vantage points to consider. While this proposal is for outline permission the Planning Authority will assess the proposed design, mass, scale and materials on receipt of the Reserve Matters to adequately ensure that this policy point is met. At outline stage the principle of development is acceptable.

f) Again as there are no full detailed plans to consider this is also a policy point which must be considered at Reserve Matters Stage.

#### BH 14

This policy criteria will be assessed in full within the accompanying application reference number P/2014/0366/DCA.

Policy BH 1, BH 2, BH 3 and BH 4 policies all assess the impact proposal could have on monuments.

The proposal is in the archaeological zone of influence for two historic monuments, DOW 046:017 (Cross Slab) and DOW 046:040 Bagnall's Castle, both can be considered as remains of local importance given that they do not appear on the list of monuments in state care as published on the DOE web site (these monuments would be considered under Policy BH1)

The proposal also lies within the zone of influence of 2 historic monuments  
DOW 046:040 (Bagnall's Castle)  
DOW 046:017 (Cross Slab)



NIEA Historic Monuments Branch has been consulted with regard to the proposal and has responded on 28th May 2014 to advise that the site is located within an Area of Archaeological Potential which represents the historic core of the city, with both its above and below ground archaeological evidence of its development.

Given the known archaeological remains within the immediate vicinity of the proposed site there is a potential for previously unrecorded below ground archaeological remains to be found during ground works for the proposal.

On the basis of these consultation responses I am content that the proposal as submitted does not conflict with the policies contained within PPS6 provided any permission granted includes appropriate conditions for the recording of features if any are found.

#### PPS 15 Planning and Flood Risk

The updated and amended version of PPS15 was published in September 2014

Policy FLD 3( Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) requires that a Drainage Assessment be submitted for proposals for development in excess of 1 hectare in size;

Such development will be permitted where it is demonstrated through the Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

Rivers Agency were consulted with regard to the Drainage Assessment submitted by the Applicant and advised that they have no specific reason to object to the proposed development from drainage or flood risk perspective.

NI Water were consulted and responded on 14th May 2014, to advise that they had responded to a Pre development enquiry regarding this proposal on 24th April, they advise that a 9" diameter public watermain through the site, building over or near this watermain will not be permitted.

Public water mains and foul sewer can serve this development - there is no public storm sewer available and the receiving waste water treatment works has sufficient capacity to serve this proposal.

Environmental Health Department of Newry and Mourne District Council responded on 9th July 2014, they advised that the proposed development is situated within the Newry Urban Centre Air Quality Management Area (AQMA) declared because of levels of nitrogen dioxide due to traffic emissions that exceed the National Air Quality Strategy objective limits. Newry & Mourne District Council together with its partners including DRD Roads Service are committed to an Air Quality Action Plan which aims to improve air quality within the AQMA. As part of that action plan it is necessary to consider the potentially adverse effect of any new developments upon air quality and upon the achievement of the Action Plan.

It is considered by Environmental Health that given the site's location within an AQMA and the scale of car parking provision, the turnover of car parking and the likely impact on traffic numbers than a detailed air quality impact assessment is merited.

The potential impact on air quality was the only issue raised by Environmental Health.

The agents submitted further information and Environmental Health were reconsulted, in their response they advise that it is likely that a slight adverse impact is likely to result, but that mitigation measures could be put in place, they suggest the use of a negative condition to ensure mitigation measures are submitted and approved prior to commencement.

#### **4. Conclusion and Recommendation**

On balance I am of the opinion that the proposal is an acceptable use within the city centre, I am also of the opinion that with careful use of conditions the historic character of the listed buildings and conservation area can be protected as can the archaeological remains in the area. I am also of the view that the objectors are not fatal to the scheme and can appropriately be considered through careful and considerate design. I am therefore content to recommend approval.

**Annex 1: Process Map/Processing**

Validation: 17.04.2014

Advertisement: 16.05.2014 and 12.11.2014

Neighbour Notification: 01.05.2014 and 12.11.2014

EIA Determination: 19<sup>th</sup> May 2014 – Negative screening.

## 1. Application Information

<b>Application ID:</b>	<b>P/2014/0355/Outline</b>
<b>Application Type:</b>	<b>Major</b>
<b>Proposal Summary:</b>	<b>Community Treatment and Care Centre (CTCC) with associated site works and car parking</b>
<b>Location:</b>	<b>Newry Swimming Pool and lands to rear at Jennings Park, Clanrye Avenue, Newry</b>
<b>Applicant:</b>	<b>Ashley House and Felix O'Hare</b>
<b>Agent:</b>	<b>Kennedy Fitzgerald Architects</b>
<b>Process Route:</b>	<b>Presented to the Planning Committee of Newry, Mourne and Down District Council on 15 April 2015</b>

## 2.0 Proposal

The proposal is for the demolition of existing Newry Swimming Pool to facilitate Proposed new Newry Community Treatment and Care Centre (CTCC) with associated site works and car parking. The proposed CTCC will have a gross floor area of 11,927square metres with access provided via Cecil Street (outline application).

## 3.0 Site and Surrounding Area

The site is located on approximately 2.8 hectares of land which is currently occupied by the soon to be closed Newry Swimming pool and two adjacent playing fields, which are accessed via Clanrye Avenue. The site lies within the settlement development limit of Newry, within a major area of existing open space in the Banbridge, Newry & Mourne Area Plan (BNMAP) 2015. The site is bounded to the north by residential dwellings at Killeavey Road and bounded to the west and south by residential dwellings on Clanrye Avenue. To the east of the site is the new Newry Leisure Centre (Phase1) which is almost complete. Phase 2 of the new leisure centre is the subject of a current application under determination by the Planning Authority. Various site visits have been conducted on this site since the application was first received by the Department in April 2014.

## 4.0 Planning Assessment of Policy and other Material Considerations

- 4.1 On 1 December 2014, the Planning Authority received an objection from the Jennings Park Residents' Action Group. The objection was signed by 14 local residents. Areas of concern for the objectors included:
- the Area Plan zoning of the site as open space;
  - the importance of Jennings Park as a green lung and visual break in the area;
  - non compliance of the proposal with policy OS 1 within Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation;
  - lack of community benefit;
  - alternative provision of pitches at Carnbane is inaccessible;
  - detrimental impact on the amenity and character of the area;
  - adverse impact on traffic; and

- the availability of alternative sites for the CTCC.

In mid February 2015, copies of the same letter received by The Planning Authority on 1 December 2014 were received by the Department from various different sources including the Meadows & Armagh Road Community Association, Midway United Football Club, Newry City Football Club (including signed petition opposing the sale of Jennings Park), Saint Patrick's Nursery and Primary School, Saint John Bosco GAC, Derrybeg Community Association and the Carnbane (Newry & Mourne) Football League.

4.2 The Planning Authority also received a signed petition objecting to the proposal. On 13 February 2015, a petition signed by 533 people was received from the Meadow & Armagh Road Community Association. The petition stated that we object to the sale of Jennings Park for the following reasons which included:

- Jennings Park should remain as an area of open space as zoned in the Area Plan;
- there is already an under provision of open space in Newry and no additional land for open space coming forward;
- detrimental impact on the local community;
- the community benefits and provision of a health hub could be realised elsewhere in Newry;
- the scale of the proposal is out of keeping with the densely populated residential area; and
- the proposal would have an adverse impact on traffic and road safety in the local area.

On 17 February 2015, the Planning Authority received a further 811 signatures to this petition and then on 18 February a further 143 signatures were received.

4.3 On 17 December 2014, the agent submitted a rebuttal in terms of the original objection letter received by the Department on 1 December 2014. In terms of the concerns relating to the Open Space zoning of the site, the agent has argued that the 2011 Master Plan carried out by DSD and the Newry & Mourne District Council identifies Jennings Park as the ideal location for a state of the art Community Health Centre. Also, the agent mentions additional provisions such as park lands and paths to compensate for the loss of open space. It is also pointed out that the Health Trust find this location of particular relevance as viewed as a co-location to Daisy Hill Hospital, facilitating efficient operations and better patient experience. In terms of the concerns of objectors relating to non compliance with policy OS 1 of PPS 8 and lack of community benefit, the agent indicates the vast community benefits of the proposal to be used for and by the community and the proposal meets the exception criteria under PPS 8. In relation to the concerns over the inaccessibility of the proposed new pitches at Carnbane, the agent

indicates that these will be the subject of a planning application and in time they may bring forward enhanced proposals retaining sport and recreational use in and around Jennings Park if they are selected as the Health Centre. With regard to traffic concerns, the agent indicated that the proposal will actually improve traffic issues in the immediate surrounding area and that the TransportNI agreement on the proposal is about to be signed off. On the concern relating to the availability of alternative sites for the CTCC, the agent stated that the applications for all 3 proposed sites are separate and should not be used in assessing the merits of individual schemes.

- 4.4 With regard to the objection letter received by the on 1 December 2014, and the subsequent copy letters received in mid February 2015, the Planning Authority are of the opinion that these objections do not merit the refusal of the proposal. Jennings Park is zoned as an area of open space within the BNMAP 2015 for information purposes. However, as correctly stated in the plan, policy OS1 of PPS 8 will apply to all areas of existing open space. The fact that the site is a major area of existing open space does not preclude this proposal which can be determined as an exception under OS1 of PPS 8. The compliance issue with regard to PPS 8 is considered below under 4.14 to 4.16. The concerns of a lack of community benefit are not considered to be an accurate reflection of what the proposal could, if implemented, mean for the community with significantly improved care and treatment facilities as well as wider benefits for the community. Community benefits are further considered elsewhere throughout this report. Objectors are concerned that the provisions of the alternative pitches at Carnbane are inaccessible. However, the agent has indicated that proposals may be considered for improved facilities in the immediate area. Even though the proposed pitches are 2 miles away from the current site, it should be noted that the provision of additional replacement pitches, although desirable, is not a requirement under the permitted exception of policy OS1 of PPS 8. Any potential traffic issues are considered further under 4.12. With regard to concerns of the impact of the proposal on the amenity and character of the area, the Planning Authority have considered this concern (See also below under 4.9 and 4.11) and is of the opinion that these concerns are unwarranted. From the indicative details that have been shown at this outline stage, the Planning Authority are content that the site can be developed in an appropriate manner which would not adversely impact on the amenity of residents and would be in keeping with the character of the surrounding area. Further details relating to design, scale and landscaping will be considered and determined if this application proceeds beyond outline stage. With regard to the final concerns of the objectors relating to the availability of alternative sites for the CTCC, this application has to be considered on its own merits and must not be prejudiced by any similar applications currently under consideration within the city.
- 4.5 In terms of the signed petition, although not attempting to downplay their concerns, it appears that the main thrust of the petition is directed and entitled towards opposition to the sale of Jennings Park more so than the proposed CTCC. All of the issues raised in the petition have been considered throughout this section 4, with the exception of the concerns relating to the under provision of open space in Newry and no additional land for open space coming forward. The stated under provision is not merit in its own right to refuse this application and the

applicant/ agent have demonstrated an intention to provide alternative sites to compensate for the loss of open space. It should also be noted that the indicative plans supplied show the provision of an enhanced linear park in the proposed site along the boundary with the new leisure centre. Also, the petition appears to be contradictory given that one of the reasons for objecting to the proposal is that the proposal will have a detrimental impact on the local community which appears to be at odds with another objection reason on the petition which states that the community benefits and provision of a health hub could be realised elsewhere in Newry.

- 4.6 The Regional Development Strategy (RDS) 2035, produced by the Department for Regional Development, provides an overarching strategic framework to facilitate and guide the public and private sectors. It does not redefine other Departments' strategies but complements them with a spatial perspective. One of the 8 aims of the RDS is to promote development which improves the health and well-being of communities. The approval and implementation of the proposal under consideration, would, no doubt, assist to meet this aim in terms of not only the local community but also the wider community in Newry.
- 4.7 The proposed site lies within the settlement development limit of Newry, within a major area of existing open space in the BNMAP 2015. The site is also located just to the north of the Newry City Centre boundary and the access to the site on Cecil Street abuts the city centre boundary.
- 4.8 The Plan Strategy document for BNMAP 2015 includes Policy ECU 1 Education, Health, Community and Cultural Uses. Under this policy, planning permission will be granted for education, health, community and cultural uses provided all the following criteria are met:
- there is no significant detrimental effect on amenity or biodiversity;
  - the proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;
  - the proposals are in keeping with the size and character of the settlement and its surroundings;
  - where necessary, additional infrastructure is provided by the developer;
  - there is satisfactory access, parking and sewage disposal arrangements.
- 4.9 This proposal fully meets all of the above criteria stipulated under Policy ECU 1. Consultation responses have verified that satisfactory access, parking and sewage disposal arrangements can be achieved on the site and there will be no significant detrimental effect on amenity or biodiversity. Also, the proposal is sited beside the new Newry leisure centre and rather than prejudicing this new and important development, the proposal will sit side by side with the leisure centre and both will utilise the Cecil street/ Upper Edward Street access. The proposal will be in keeping with the size and character of the settlement and its



surroundings as detailed in the designs which have been submitted with this scheme for indicative purposes. However, it should be noted that this is an outline application, and the finer details in relation the scale, massing, design and landscaping will all be detailed and considered at the reserved matters application stage although it should be noted that the indicative plans show that a green buffer is to be planted along the site boundary to screen the residential properties from the proposed car parking within the site. Policy ECU 1 goes on further to state that unforeseen demands for new community facilities may arise over the lifetime of the Plan and thus a flexible approach is required when considering such development.

- 4.10 BNMAP 2015, identifies Jennings Park / Frank Curran as a major area of existing open space and the Plan stipulates that this is for information only. The Plan correctly points out that Policy OS 1 of PPS 8 will apply to all areas of existing open space and this matter will be considered further below under PPS 8.
- 4.11 Planning Policy Statement (PPS 1) – General Principles is a material consideration in the determination of planning applications. Paragraph 59 is of key importance when determining an application. Paragraph 59 states that, The Department's guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This proposal, rather than cause demonstrable harm, represents a significant opportunity for large scale improvement and well being for the whole community, within the new Council cluster and further afield. Also, in terms of sustainable development the proposal takes into account the needs of future generations by way of providing a community treatment and care centre that will provide for the long term future needs of the community and by way of the intention to provide additional sporting , open space and recreational provision.
- 4.12 Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking is also material consideration in the determination of this planning application. The applicant/ agent have provided a vast array of detailed information on traffic, access movement and parking since the receipt of this application. Such information has included a transport assessment form, a scoping study as well as a lengthy Transportation Assessment. All of this information has been carefully considered by both the Planning Authority and TransportNI and both are now content that the proposal, if implemented, will not result in any access, movement or parking issues for either traffic or pedestrians which would conflict with the policies and stipulations laid down under PPS 3. Following the receipt of the revised transportation Assessment in December 2014, TransportNI, carefully considered this revision and commented on 27 January 2015 that they were content, subject to the appliance of appropriate conditions. TransportNI indicated that the detailed access requirements for the proposals must be submitted as part of the reserved matters application. Details to be submitted include the layout, visibility splays, width of access, gradients, parking and turning.
- 4.13 Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation is a material consideration for this proposal, given the position of the

site within a major area of existing open space. The relevant policy within PPS 8 is Policy OS 1 – Protection of open Space. Under OS 1, the Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

- 4.14 However, under Policy OS 1, it is also stated that an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. Throughout the course of this application, it has been demonstrated by the applicant that the redevelopment of the Jennings Park site into the new Newry Community Treatment and Care Centre would more than decisively outweigh the loss of the open space. It has been indicated by the applicant/ agent that the proposal shows significant investment in health and sporting facilities with the creation of two new soccer pitches at Carnbane and a new changing pavilion, as well as an investment of £1 million into the local community. The applicant/ agent have also stated that the proposal is to build a £30 million primary community health centre, used by and for the community, with huge investment in public health and sporting facilities as well as associated ancillary benefits with the upgrading of the area, forming a wider health and leisure hub in Newry. The agent/ applicant have also mentioned throughout correspondence and verbally to the Planning Authority, that at the reserved matters stage, they may submit further information/ plans demonstrating even more enhanced benefits for the community as a whole, such as plans for green spaces, paths, park lands and two replacement pitches, both of which would be applied for under a separate application.
- 4.15 Weighing up the substantial community benefit against the loss of the pitches/ open space, it is the opinion of the Planning Authority that it has been clearly demonstrated that the substantial community benefits which the CTCC would bring, more than decisively outweighs the loss of the open space. If implemented, the scheme will equate to huge investment in the area and will produce a high level facility of care which has been lacking in the area for some time. The standard of care and treatment for the community which could be provided by the CTCC, would represent an opportunity to greatly improve the standard of care and treatment in the area, with a potential for improved health and well being. In addition to the benefits of the CTCC itself, there is also, if implemented, the potential for additional social, economic and recreation / open space improvements with additional playing pitches/ changing facilities and park lands as mentioned above. All of these other potential benefits could be tied down by the relevant Planning Authority through the imposition of negative conditions, further applications or developer agreements as appropriate. Even though, all of the above more than demonstrates that the proposal is an exception under OS 1, the agent/ applicant have also indicated that they would be willing to implement further improvements or gains for the community and may provide enhanced sporting facilities in and around Jennings Park.
- 4.16 The justification and amplification of policy OS 1 in PPS 8 goes on to state that all proposals for the alternative use of open space will be assessed with regard to their effect on the amenity, character and biodiversity of the area and wider locality

and taking into account the needs of future generations, all of which has been considered above under the consideration of policy ECU 1 in BNMAP 2015 and under the consideration of PPS 1 General Principles above.

- 4.17 An existing stream runs along the eastern boundary of the site along the boundary with the new leisure centre. Given this, Rivers Agency were consulted by the Planning Authority. In their initial response, Rivers Agency referred the Planning Authority to Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk and the predicted 100 year fluvial floodplain for the site boundaries. The Planning Authority requested that the applicant/ agent submit a Flood Risk Assessment. The Planning Authority then consulted Rivers Agency with the Flood Risk Assessment supplied by the agent, and Rivers Agency confirmed on 19 December 2014 that the site lies outside the 1 in 100 year fluvial floodplain and that that they could not see a reason to object to the proposed development from a drainage or flood risk perspective, subject to conditions and informatives.
- 4.18 NI Water were also consulted in relation to this application and on 9 May 2014 they indicated that they had no objections to the proposal subject to standard conditions/ informatives.
- 4.19 In their first consultation response to the Planning Authority, the Environmental Health section within the Newry & Mourne District Council indicated that the proposed site falls within the Newry Urban Centre Air Quality Management Area (AQMA), declared because of levels of nitrogen oxide emissions that exceed the national air quality objective limits. Therefore, the agent / applicant were requested to submit an Air Quality Impact Assessment to alleviate any concerns the Planning Authority had in relation to this. On 10 November 2014, Environmental Health pointed out that they had reviewed the Air Quality Impact Assessment and were content subject to negative condition.

## 5.0 Conclusion and Recommendation

In light of the above assessment of planning policy and other material considerations, it is recommended to the Planning Committee that this application should be approved. By way of its very definition, this proposed Community Treatment and Care Centre, if approved and implemented, will equate to huge community benefit / gain in the area with a huge investment in the area. The community benefits would be substantial and would more than decisively outweigh the loss of open space. Negative conditions, additional planning applications or even developer agreements could be used to secure the substantial community benefits as well as enhancing them further throughout the project, if approved and implemented.

Recommendation: **Approval**

## 6.0 Conditions and informatives (draft stage- not complete list)

The application for the approval of the reserved matters shall be made to the Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Planning Authority, in writing, before any development is commenced.

Reason: To enable the Planning Authority to consider in detail the proposed development of the site.

Full particulars, detailed plans and sections of the reserved matters required in the above two conditions, shall be submitted to the Planning Authority and shall be carried out as approved.

Reason: To enable the Planning Authority to consider in detail the proposed development of the site.

No development shall take place until a plan of the site has been submitted to and approved by the Planning Authority, indicating the existing and proposed contours, the finished floor levels of the proposed building.

Reason: To ensure development takes account of the of the site's natural features and to safeguard the amenity of the surrounding area.

If any retained tree/ hedge is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use, another tree or hedge shall be planted at the same place and shall be of such a size and species to be planted at such time as may be specified by the Planning Authority.

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

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

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

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to Rivers Agency for its consent any proposal to carry out works which might affect a watercourse.

Prior to the commencement of the proposed development, the applicant shall submit details of measures aimed at reducing the air quality impact of the proposed development, for the approval of the Planning Authority.

Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Planning Authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

## 7.0 Committee Consideration and Decision

To be determined on 15 April 2015

## **Annex 1- Processing Map of Major outline application**

Application received on 16.04.14.

Application validated on 28.04.14.

Neighbour consultations first sent on 15.05.14.

Expiry date for last neighbour consultations 03.02.15.

Standard consultations first sent on 07.05.14.

Last Consultation response received on 27.01.15.

Application last advertised on 28.01.15.

Expiry date for latest advertisement 13.02.15.

EIA determination formally completed on 08.12.14.

## **Annex 2 – Relevant Plan drawings**

Drawing number 01/REV 1 (Site Location Plan) received on 14.01.15.

Drawing number 02/REV 2 (Existing Site Plan) received 14.01.15.

Drawing number 03/REV 2 (Proposed Site Master Plan) received on 14.01.15.

Drawing number 04 (Existing & Proposed Site Sections) received on 16.04.14.

Drawing number 05 (Soccer Pitch Feasibility) received on 16.04.14.

It should be noted that drawings will be displayed as appropriate during the presentation of this application to the Committee on 15 April 2015.

## **Annex 3 – Relevant legislation and Policy**

Planning Act (Northern Ireland) 2011

Regional Development Strategy 2035

Banbridge, Newry & Mourne Area Plan (BNMAP) 2015

Planning Policy Statement 1 (PPS 1) – General Principles

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



Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation

Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk

#### **Annex 4 – Final Consultee Responses/ Objections**

TransportNI (27.01.15) – Content subject to appropriate conditions.

Rivers Agency (19.12.14) – Content subject to conditions/informatives.

NI Water (09.05.14) – Content subject to standard conditions and informatives.

Environmental Health Section within Newry & Mourne District Council (10.11.14)  
– Content subject to negative condition.

01.12.14 – Objection received by Jennings Park Resident's Action Group

Mid February 2015 – Objections received by various different sources including the Meadows & Armagh Road Community Association, Midway United Football Club, Newry City Football Club (including signed petition opposing the sale of Jennings Park), Saint Patrick's Nursery and Primary School, Saint John Bosco GAC, Derrybeg Community Association and the Carnbane (Newry & Mourne) Football League.

13.02.15 - Petition received from the Meadow & Armagh Road Community Association signed by 533 people with a further 811 signatures received on 17.02.15 and 143 on 18.02.15.

#### **Annex 5 – Other Relevant information**

Flood Risk Assessment received on 13.10.14.

Air Quality Impact Assessment received on 13.10.14.

Transport Assessment Form received on 16.04.14.

Scoping Study received on 03.07.14.

Transportation Assessment received on 01.09.14.

Transportation Assessment (Revision A) received on 17.12.14.

Further details in relation to the above, will be displayed as appropriate, during the presentation to the Planning Committee.

**Planning Committee**  
**(Every 4 weeks)**

<b>Date</b>	<b>Time</b>	<b>Location</b>
15 April 2015	11.00 am	<i>Boardroom, Monaghan Row, Newry</i>
13 May 2015 21 April 2015	10.00am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
10 June 2015 19 May 2015	10.00am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
8 July 2015 23 June 2015	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
5 August 2015 10 July 2015	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
2 September 2015 11 August 2015	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
30 September 2015 8 September 2015	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
28 October 2015 6 October 2015	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
25 November 2015 3 November 2015	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
16 December 2015 24 November 2015	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
20 January 2016 29 December 2015	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
17 February 2016 26 January 2016	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
16 March 2016 23 February 2016	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>
13 April 2016 22 March 2016	10.00 am 10.00 am	<i>Boardroom, Monaghan Row, Newry</i> <b>Members Briefing Panel</b>





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Date: 18<sup>th</sup> March 2015

Dear Sir/Madam

#### **SUBORDINATE LEGISLATION FOR PLANNING REFORM AND TRANSFER TO LOCAL GOVERNMENT**

I am writing to inform you that the Department of the Environment has made the following Statutory Rules entitled:-

- The Planning General Regulations (Northern Ireland) 2015 (S.R. 2015 No. 39)
- The Planning (Use Classes) Order (Northern Ireland) 2015 (S.R. 2015 No. 40)
- The Planning (Claims for Compensation) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 58)
- The Planning (Hazardous Substances) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 61)
- The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 62)
- The Planning (Statement of Community Involvement) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 63)
- The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 66)
- The Planning (General Permitted Development) Order (Northern Ireland) 2015 (S.R. 2015 No. 70)
- The Planning (Development Management) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 71)
- The Planning (General Development Procedure) Order (Northern Ireland) 2015 (S.R. 2015 No. 72)
- The Planning (Fees) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 73)
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 74)
- The Planning (Trees) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 84)

- The Planning (Management of Waste by Extractive Industries) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 85)
- The Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 107)
- The Planning (Listed Buildings) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 108)

The above named Rules come into operation on 1 April 2015 and introduce the initial necessary reforms to the planning system to facilitate the transfer of responsibility for the majority of planning functions to the new district councils.

The Department has also made the following commencement orders:-

- The Planning (2011 Act) (Commencement No. 2) Order (Northern Ireland) 2015 (S.R. 2015 No. 25 (C.2)) and
- The Planning (2011 Act) (Commencement No. 3) and (Transitional Provisions) Order (Northern Ireland) 2015 (S.R. 2015 No. 49 (C5)).

Copies of the Rules may be purchased from the Stationery Office at [www.tsoshop.co.uk](http://www.tsoshop.co.uk) or by contacting TSO Customer Services on 0870 600 5522 or viewed online at [www.legislation.gov.uk](http://www.legislation.gov.uk).

Yours faithfully



**ANGUS KERR**