



December 11th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 18th December 2024** at **1:00 pm** in **Council Chamber, O' Hagan House, Monaghan Row, Newry**

Committee Membership 2024-2025:

Councillor D Murphy **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor P Campbell

Councillor C Enright

Councillor K Feehan

Councillor A Finnegan

Councillor C King

Councillor M Larkin

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Councillor J Tinnelly

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

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

Item 6: Cllrs Campbell, Hanna, King, Larkin, McAteer & D Murphy attended a site visit on 28 November 2024.

Item 7: Cllrs Feehan, Finnegan, Larkin, D Murphy, S Murphy & M Rice attended a site visit on 4 December 2024.

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

 [Addendum list - 18-12-2024.pdf](#)






Page 1

Items deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014

5.0 Countryside Policies and Sustainable Development & Climate Change Strategic Policy for Draft Plan Strategy

For Decision

This item is deemed to be exempt under Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) - and the public may, by resolution, be excluded during this item of business.

 Countryside Policies, Sustainable Development & Climate Change Strategic Policy.pdf	<i>Not included</i>
 Appendix A Response to Committee re Countryside Policies and Climate Change (CoF 071224).pdf	<i>Not included</i>
 Appendix B Countryside Policies (CoF 071224).pdf	<i>Not included</i>
 Appendix C SPG Affordable Housing.pdf	<i>Not included</i>
 Appendix D Policy SP1 Sustainable Development and Climate Change.pdf	<i>Not included</i>

6.0 LA07/2023/3370/O - To the rear of 44 Bavan Road, Mayobridge, BT34 2HS - Infill dwelling and garage

For Decision

REFUSAL

On agenda as a result of the call-in process

Cllrs Campbell, Hanna, King, Larkin, McAteer & D Murphy attended a site visit on 28 November 2024.

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

Mr Martin Bailie will be present to answer any questions Members may have

 **LA07-2023-3370-O - Case Officer Report.pdf**

Page 2

7.0 LA07/2023/2827/F - Lands immediately NW of no. 48 Maytown Road, Bessbrook - Erection of dwelling

For Decision

REFUSAL

On agenda as a result of the Call In Process

Cllrs Feehan, Finnegan, Larkin, D Murphy, S Murphy & M Rice attended a site visit on 4 December 2024.

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

Mr Colin O'Callaghan will be present to answer any questions Members may have

 **LA07-2023-2827-F Case Officer Report.pdf**

Page 14

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

For Decision

APPROVAL

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

Speaking rights have been requested in objection to the application by Andy Stephens, supported by Mr Simon Warke, Cannon Francis Brown and Anthony Patterson

Speaking rights have been requested in support of the application by Mr Mark Priestly and Mr Kieran Carlin.

 **LA07-2023-2274-F Case Officer Report.pdf** **Page 21**

 **LA07-2023-2274-F Case Officer Addendum Report.pdf** **Page 58**

 **8. LA07.2023.2274.F - objection.pdf** **Page 83**

 **8. LA07.2023.2274.F - support.pdf** **Page 85**

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

For Decision

APPROVAL

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

Speaking rights have been requested by Mr Ben Aston & Mr Kieran Carlin in support of the application.

 **LA07.2023.2193.F -Case officer Report.pdf** **Page 87**

 **9. LA07.2023.2193.F.pdf** **Page 136**


10.0 LA07/2023/2213/LBC - 1 Town Hall, Bank Parade, Newry - Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade.

Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar island, portion of Needham bridge, portion of East side of Newry canal, area around Bank Parade and Kildare Street

For Decision

CONSENT

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

 [LA07-2023-2213-LBC - Case Officer Report.pdf](#)

Page 137


11.0 LA07/2023/2606/F - 6-10 Fairview, Saintfield, BT24 7AD - Demolition of existing buildings and erection of 14no. apartments including ancillary/associated works (Social Housing)

For Decision


APPROVAL

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

Speaking rights have been requested in support of the application by Mr Mark Hanvey

 [LA07.2023.2606.F - Case Officer Report.pdf](#)

Page 152

 [11. LA07.2023.2606.F - support.pdf](#)

Page 180

12.0 LA07/2023/3269/F - Lands Opposite 76 Upper Dromore Road, Warrenpoint, BT34 3PN - Proposed enabling works to create tiered land platforms and access road for future development

For Decision

APPROVAL

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

 [LA07_2023_3269_F- Case Officer Report.pdf](#)

Page 182


13.0 LA07/2022/0309/O - Approx 30m south of No. 131 High Street

Bessbrook, Newry - Proposed housing development


For Decision

REFUSAL

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

 ***LA07_2022_0309_O_Case Officer Report.pdf***

Page 197

 ***LA07_2022_0309-O Case Officer Addendum Report.pdf***

Page 202

Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Fionnuala Branagh

Cllr Jim Brennan

Cllr Pete Byrne

Cllr Philip Campbell

Cllr William Clarke

Cllr Laura Devlin

Ms Louise Dillon

Cllr Cadogan Enright

Cllr Killian Feehan

Cllr Doire Finn

Cllr Aoife Finnegan

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Roisin Howell

Cllr Tierna Howie

Cllr Jonathan Jackson

Cllr Geraldine Kearns

Miss Veronica Keegan

Mrs Josephine Kelly

Mrs Sheila Kieran

Cllr Cathal King

Cllr Mickey Larkin

Cllr David Lee-Surginor

Cllr Alan Lewis

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Aidan Mathers

Mrs Annette McAlarney

Cllr Declan McAteer

Cllr Leeanne McEvoy

Jonathan McGilly

Maureen/Joanne Morgan/Johnston

Cllr Declan Murphy

Sinead Murphy

Cllr Kate Murphy

Cllr Selina Murphy

Cllr Siobhan O'Hare

Mr Andy Patterson
.....
Cllr Áine Quinn
.....
Cllr Henry Reilly
.....
Cllr Michael Rice
.....
Ms Margaret Rodgers
.....
Mr Pat Rooney
.....
Mr Peter Rooney
.....
Cllr Michael Ruane
.....
Cllr Gareth Sharvin
.....
Donna Starkey
.....
Sarah Taggart
.....
Cllr David Taylor
.....
Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Mrs Marie Ward
.....
Cllr Helena Young
.....

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 18 December 2024

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

- **LA07/2023/3269/F** - Lands Opposite 76 Upper Dromore Road, Warrenpoint, BT34 3PN - Proposed enabling works to create tiered land platforms and access road for future development.
APPROVAL
- **LA07/2022/0309/O** - Approx 30m south of No. 131 High Street Bessbrook, Newry - Proposed housing development
REFUSAL

-O-O-O-O-O-O-



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

Application Reference:	LA07/2023/3370/O
Date Received:	20.09.2023
Proposal:	Infill dwelling and garage
Location:	To the Rear of 44 Bavan Road Mayobridge BT34 2HS

1.0 Site Characteristics & Area Characteristics:

1.1 The application site is located out-with the defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The area is rural although it has become quite built up along the Bavan & Ballykeel Roads.

1.2 The application site is an agricultural field accessible via a field-gate along Bavan Road. The application site is relatively flat and is bounded by a post and wire fence, a wooden fence and hedgerow. The site shares a common boundary with No. 44 to the west and abuts Ballykeel Road to the east. To the north there is a laneway and mature trees. Directly opposite the site on the Ballykeel there is a farm complex.

Image 1 Photo of applicant's site



2.0 Planning Policies & Material Considerations:

2.1 The planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Environment
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

3.0 Site History:

3.1 The site history includes:

- Application P/2000/1196/O – This was an outline application for a site for a dwelling. This was approved.
- P/2003/1945/O – This was an outline application for a site for dwelling with garage with an amended access to the previous application. This was also approved.
- P/2008/0824/RM – This was the reserved matters application for the erection of a dwelling and garage. This was approved.
- P/2010/1082/F – This application was a change of house type for P/2008/0824/RM proposed dwelling and garage. This was also approved.

Note: All the previous applications were approved prior to the introduction of current policy PPS 21: Sustainable Development in the Countryside which was introduced in 2010 and the SPPS introduced in 2015.

The Case Officer's report for P/2008/0824/RM acknowledged that the application did not meet PPS 14 at the time but due to an extant outline application, greater weight was given to the history on the site.

These permissions were never enacted and have now expired, and with the publication of new policy, do not carry determining weight.

4.0 Consultations:

4.1 Consultations were issued to the following consultees:

- NI Water – No objections to the proposal
- DFI Roads – No objections to the proposal
- Environmental Health - No objections to the proposal

5.0 Objections & Representations:

5.1 3 Neighbours were notified on 20th February 2024.

5.2 The application was advertised in the local press on 11th of October 2023. No objections received to date (30-09-24).

Correspondence with agent

5.3 On 12th June 2024, the Department advised the Agent of concerns regarding the principle of development whereby it is considered that there is no substantial and continuously built up frontage given the intervening road, Ballykeel Road.

5.4 The Agent provided a response referring to appeal decisions.

- 2019/A0038 – 30m NE of 75 Benagh Road, Newry.

The break in frontage for the above appeal was a small laneway/driveway to a dwelling. This can be seen in the image below. The Council considered that the proposed development failed Policy CTY 8 as the access lane/driveway breaks the frontage. The Commissioner disagreed with the Council's position: "on the ground the buildings presently read as a continuously built-up frontage I do not agree with the Council that the access lane to No.75A breaks up this frontage and the appeal site represents a small gap in this frontage. The Council's concerns in this respect are not upheld."

Image 2 showing the appeal site 2019/A0038



- 2022/A0003 - Approx. 30m south of 89 Magheralane Road, Randalstown, BT41 2PA. The concern raised by the Council in relation to this appeal was the presence of 3 or more buildings within the frontage. No question was raised regarding the road breaking the frontage.

Image 3 showing the appeal site 2022/A0003



- 2019/A0138 – 70m south east of 119 Rathkeel Road, Broughshane. The concern raised by the Council in relation to this appeal was the presence of a building within the application site (therefore no gap existing). Concerns were also raised regarding the intervisibility between the buildings (particularly the building to the SE of the application site) along the 'frontage'. No questions were raised in relation to the presence of the intervening road.

Image 4 showing the appeal site 2019/A0138



- LA07/2022/1809/F – Infill site between 10 & 10A Islandmoyle Road, Cabra. This application was initially recommended for refused by the Planning Department for failing to meet the provisions of the SPPS, and CTY 1, 8 and 14 of PPS 21 as it was considered that Close Road broke the frontage and therefore there was not a line of 3 or more buildings along a continuous and built up frontage. The application was later approved by Cllrs at Planning Committee.

Image 5 showing application site LA07/2022/1809/F



I do not consider the above examples to stand on all fours with the application site given the differing site characteristics. Whilst the Department does acknowledge that permission has been granted for the infilling of a site with a dwelling along a frontage that is dissected by a road/laneway; the circumstances on ground must be considered whereby the examples referred to above are located along relatively flat and straight sections of road. The topography and alignment of the road is important as it contributes to the intervisibility between the buildings along the frontage.

The application site is located at a crossroads (similar to 2019/A0138). However, what differs is the topography and alignment of Bavan Road which magnifies the presence of the intervening road (Ballykeel Road) thus breaking the frontage and separating the adjacent farmyard from the application site and dwelling at No. 44 Bavan Road.

6.0 Assessment:

6.1 As set out above this is an outline application and therefore no details, elevations or finishes have been submitted as part of this application these would be assessed at reserved matters stage. An indicative Site Layout has been provided. The main objective of this application is to establish the principle of the development on the application site.

All the submitted supporting information in relation to this application have all been considered by the Planning Department when accessing this application.

Banbridge/Newry and Mourne Area Plan 2015

6.2 Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan.

Strategic Planning Policy Statement

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

6.4 Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be development to integrate the new building(s) within the local context.

PPS21- Sustainable Development in the Countryside

6.5 Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes infill dwellings if they meet the criteria set out in CTY8.

CTY 8 – Ribbon Development

6.6 CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built-up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

6.7 It is noted Policy CTY8 is a restrictive policy. The application site is located within an agricultural field abutting No. 44 Bavan Road which is a 1 ½ storey dwelling. A garage is also sited within the curtilage of No. 44. The application site abuts Ballykeel Road to the east and beyond that is a large farm complex. Agricultural fields abut No. 44 to the west. The curtilage of No. 44 extends to Bavan Road. Both the dwelling and garage has frontage to Bavan Road. The curtilage of the farm complex also extends to Bavan Road. The farm sheds have frontage to Bavan Road. However, Ballykeel Road separates the farm sheds from the application site and due to the topography and alignment of Bavan Road magnifies the presence of the intervening road (Ballykeel Road), the road serves as a break in the frontage. The farm complex does not form part of the required 3 buildings along a continuous built-up frontage as Ballykeel Road serves to break this frontage. It is considered that there is not a substantial and continuously built-up frontage on this occasion, thus the proposal therefore fails the initial policy test.

Size, Scale and Siting

6.8 In terms of whether the application constitutes a small gap site relates to the matter of plot size. Having studied the plot sizes of the adjacent dwellings I have the following frontages to note (approximate):

- Number 44 – 48.2m
- Farmyards & sheds – 106m

6.9 The application site has a frontage of approximately 33m. The building to building gap is approx. 59m.

Whilst smaller than the adjacent frontages, it is important to note that appeal reference: 2019/A0001 clearly states that it is not merely a mathematical exercise therefore on this basis it is imperative to consider the surrounds of the application site/area. An indicative site plan has been submitted alongside the application whereby the dwelling is proposed to be sited along the building line of No. 44. Whilst the siting of the dwelling could be considered appropriate subject to landscaping and detailed design this does not detract from the fact the application site does not comply with the other criteria as set out above.

Policy CTY13 – Integration and Design of Buildings in the Countryside

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

- (a) it is a prominent feature in the landscape; or*
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

6.11 The application has been presented as an outline application and therefore no detailed design has been provided. It is considered however, that given the location of the application site and its current characteristics that the application would fail the criteria set out in CTY 13 in that the proposal if approved would be a prominent feature in the landscape.

Policy CTY14 Rural Character

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

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

6.13 As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that the application site is not considered an infill opportunity and therefore would result in the suburban style build-up of development when viewed with existing and approved buildings. Furthermore, it is considered that the proposal if approved would be unduly prominent in the landscape. The proposal is considered therefore to exacerbate and result in ribbon development on the Bavan Road and is therefore considered contrary to CTY 14.

Planning Policy Statement 3 – Access Movement and Parking

DCAN 15- Vehicular Access Standards

6.14 Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. As set out in section 4 DFI Roads were consulted in relation to the proposed development. DFI Roads had no objections to the principle of development on this occasion and provided conditions to be attached to any favourable decision.

Amenity

6.15 Through studying the indicative site layout which has given an indication of the potential siting of the proposed dwelling, it is considered a dwelling on this site could be achieved without resulting in any demonstrable harm to neighbouring dwellings in terms of overlooking, loss of light or overshadowing. No objections from neighbouring properties have been received as part of this application.

PPS 2: Natural Heritage

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

The site is not in close proximity to or adjacent designated sites including any ASSIs, SACs, SPAs, RAMSAR sites and SLNCIs. There are no rivers/stream/hydrological link within the application site. No buildings are to be demolished. The domestic nature of the proposal is also noted whereby airborne pollutants resulting from the development are not considered to be an issue. A small section of hedgerow may need to be removed to facilitate a new access. However, a full landscaping scheme could be submitted at RM stage, if approval was to be granted, showing sufficient compensatory planting. Given the above, the Department is satisfied the proposal complies with PPS 2.

Recommendation: Refusal

7.0 Conditions:

- 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding**

reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, create a ribbon development along Bavan Road and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built-up frontage.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling, if permitted would be a prominent feature in the landscape.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted be unduly prominent in the landscape and create a ribbon of development along Bavan Road and would result in a suburban style build-up of development when viewed with existing and approved buildings; therefore resulting in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature: R.Daly
Date: 30/09/2024
Appointed Officer Signature: M Keane
Date: 30-09-24



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

Application Reference: LA07/2023/2827/F

Date Received: 26/05/2023

Proposal: Erection of Dwelling.

Location: Lands immediately north west of no. 48 Maytown Road, Bessbrook.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limit as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site is set on the edge of the public road although the area for development is just back from the public road with a narrow entrance laneway leading from the public road to the main area of the site. The main area of the site is a small hardcore yard which at the time of inspection had a number of cars and a caravan parked within the yard. The site also contains a small steel container shed which appears to be used for general storage. The site also includes the area adjacent to the public road which includes a shed, aviary style structure and green house, this area is detached from the other portion of the site by a mature evergreen hedge. The site is well screened from views when travelling along the public road by mature vegetation, to the southeast of the site is No 48.

The site is located within a rural area of countryside, a number of other properties are located within the vicinity of the site.

Site History:

LA07/2023/2816/CLEUD - Existing use: Retention of building of temporary construction, area of hardstanding and access - Lands adjacent to 48 Maytown Road, Bessbrook – Permitted Development.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15

- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

NI Water – No objection.

DFI Roads – No objection subject to conditions.

Objections & Representations:

The application was advertised on 05/07/2023, four (4) neighbours were notified on 18/09/2023, no representations or objections have been received.

Consideration and Assessment:

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. The agent for the application submitted a supporting statement in which it states that the proposal should be considered against policies CTY 1 – Development in the Countryside and CTY 2a – New Dwelling in Existing Clusters, the statement and a follow up email provided by the agent provides justification as to how they consider the proposal to be in line with the requirements of CTY2.

CTY 1 sets out types of development that in principle are acceptable, consideration will be given to the proposal to ascertain if the proposal meets the policy requirements set out in CTY 2a.

Policy CTY 2a – New Dwellings in Existing Clusters

A cluster is not defined in Policy CTY2a but the first 3 criteria give an indication of the policies intended meaning. Planning permission will therefore be granted for a dwelling at an existing cluster of development provided *all* the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

It is considered that the cluster lies outside a farm, it is considered that the cluster consists of four or more buildings including properties and buildings to the south-east of the application site. The Council consider the cluster to include residential properties

No's 37, 38, 38a, 44 and 48 Maytown Road and the business at No 19 McClenaghans Hill, the steel container and aviary within the site are not considered to form part of the cluster, the steel container is seen as temporary and can be easily removed from the site.

- the cluster appears as a visual entity in the local landscape;

The cluster is considered to appear as a visual entity in the local landscape given that it is evident when travelling along the public roads associated with the cluster.

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

Whilst there is no focal point at this location such a social/ community building or facility the site is located at a cross-roads formed by Maytown Road and McClenaghan's Hill with development on both roads included within the cluster.

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The site is considered to provide a suitable degree of enclosure although it is not considered that the site is bounded on at least two sides with other development in the cluster.

The submitted site layout drawing shows what is annotated as a shed within the site and north west of the proposed dwelling. Although this shed was seen as permitted development under application LA07/2023/2816/CLEUD given the period of time it had been on the site the description was amended to reflect that it is of a temporary construction as it could be easily removed from the site. As such this shed (steel container) is not considered to represent a building in line with the intentions of this policy. The Planning Department considers that the outcome of the CLEUD application is a material consideration to this application however limited weight should be attached to it given the temporary nature of the container. This is further highlighted by the fact the CLEUD application description was amended during the processing of the application following a detailed site inspection.

It is also considered that the aviary is not a building under the intentions of this policy and as such does not bound the site.

The Planning Department consider that the site is bounded on just one side by development with No 48 to the south, the public road to the east (as per appeal 2017/A0151 a road does not constitute development as it is not a building and cannot therefore enclose the site in the same way a building would), to the west and to the north beyond the temporary structure is open countryside.

The agent was advised of the Planning Departments view in this regard and in a supporting email they stated, "The definition of 'development' as per Section 23(1) of the Planning (Northern Ireland) Act 2011 is "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land". We believe that the development that the applicant is relying on as part of their proposal fits with the definition of development as set out above".

While the above is the definition given within legislation, the application is being considered under regional Planning Policy. It is the Planning Departments opinion that at the time of writing the author would not have intended that the policy include structures of a temporary nature which could easily be removed from the site but was in reference to permanent structures with foundations. It is unimaginable that this type of structure/building would have been in the minds of the policy makers for the purposes of clustering and therefore to rely on it, would have significant implications for the operation of Policy CTY2a.

The proposal is considered to fail this criterion.

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

The proposal will not create a rounding off and consolidation of the existing cluster but instead will further extend the cluster and visually intrude into the countryside. As previously stated the cluster is seen to end at No 48 as the steel container is considered temporary, as such the application site is not part of the cluster and the proposed development would extend the cluster into the open countryside. Within Building on Tradition page 71 sets out it is not acceptable to extend the extremities of a ribbon by creating new sites at each end, in essence, this proposal intends on extending the ribbon east of the defined cluster and would therefore be contrary to policy.

The proposal is considered to fail this criterion.

- development would not adversely impact on residential amenity.

It is considered that given the proposed single storey design along with the existing mature vegetation will ensure that the proposal does no adversely impact on the amenity of the adjacent property No 48.

The proposal is considered contrary to criterion 4 and 5 within policy CTY 2a and as such is not considered as an opportunity for a new dwelling in an existing cluster.

Policy CTY8 – Ribbon Development

As the proposal is considered contrary to CTY2a it must also be considered against CTY8, this policy states that development will be refused for a building which creates or adds to a ribbon of development.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The application site has properties to the south east but there are no properties to the north west as the temporary structure approved under the CLEUD lies within the application site and as such there is no gap. Also, the structure is not considered to have a frontage with the public road given the area that lies between the site and the public road. If, however, it was considered that the existing structure has a frontage this would not remove the fact that it sits within the application site and there are no other buildings adjacent and north west which front the public road.

The proposal is contrary to CTY8 as it fails to meet the provisions for an infill dwelling and would, if permitted, add to ribbon development along Maytown Road. Policy states that development set back can still represent ribbon development.

CTY 13 – Integration and Design of Buildings in the Countryside

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

A new building will be unacceptable where:

(a) it is a prominent feature in the landscape; or

The proposed dwelling is set back from the public road and screened from view it will not be a prominent feature.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or

The site will use existing vegetation to allow the proposed dwelling to integrate.

(c) it relies primarily on the use of new landscaping for integration; or

The proposal makes use of existing vegetation to integrate.

(d) ancillary works do not integrate with their surroundings; or

The ancillary works such as parking already exist given the existing yard approved within the CLEUD, the access will require minimal improvements.

(e) the design of the building is inappropriate for the site and its locality; or

The proposed dwelling is a small single storey property which is quite traditional in appearance, the design is considered appropriate for the site and locality.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

The proposal makes use of existing vegetation to screen and aid integration.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

This application is not for a dwelling on a farm.

The proposal is in line with the requirements of CTY 13.

CTY 14 – Rural Character

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

A new building will be unacceptable where:

(a) it is unduly prominent in the landscape; or

As previously stated the proposal will not be unduly prominent.

(b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or

The erection of a dwelling on this site which has an existing structure along with a number of dwellings to the south east would add to a suburban build-up of development when viewed with existing buildings, the proposal fails this criterion.

(c) it does not respect the traditional pattern of settlement exhibited in that area; or

The proposed dwelling is to have a similar building line to adjacent dwelling and along with being a single storey detached property it respects the traditional building pattern in the area.

(d) it creates or adds to a ribbon of development (see Policy CTY 8); or

As the proposal is considered to fail the tests of CTY8 as outlined above it will add to ribbon development along Maytown Road.

(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

Any ancillary works will have a minimal impact and will not damage rural character.

The proposal is contrary to criteria b and d of CTY 14.

PPS2 Natural Heritage

The proposal will see limited vegetation removed with indication given that existing boundaries are to be retained and supplemented where necessary, it is considered that the proposal will not impact on the biodiversity of this area and as such is in line with PPS2.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable and in accordance with PPS3.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the site does not provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster and the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will visually intrude into the open countryside.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling and would, if permitted, add to ribbon development along Maytown Road and does not represent an exception of policy.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the dwelling would, if permitted be unduly prominent in the landscape
 - the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer: Wayne Donaldson **Date:** 09/10/2024

Authorised Officer: Maria Fitzpatrick **Date:** 11/10/2024



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

Application Reference: LA07/2023/2274/F

Date Received: March 2023

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

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

1.0. Site Characteristics & Area Characteristics:

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

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

2.0. Site History:

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

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

3.0. Planning Policies & Material Considerations:

- 3.1.** The relevant planning policy context is provided by:

- Banbridge / Newry and Mourne Area Plan 2015

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

4.0. Consultations:

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

4.2. The responses are summarised below.

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

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

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

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

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

5.0. Objections & Representations:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed Design and Layout.

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

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

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

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

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

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

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

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

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

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

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

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

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

Impact on Residential Amenity

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

Planning Policy Statement 2 (PPS 2): Natural Heritage

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

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

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

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

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

Proposed Car Parking Provision.

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

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

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

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

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

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

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

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

6.42. The Planning Department has assessed all of the supporting information, as part of its assessment of the application. It also consulted DFI Roads, as outlined above. DFI Roads has confirmed no objections to the proposal, based on the supporting information, subject to a number of planning conditions.

6.43. It is considered that sufficient justification has been provided to support the scheme, including:

- the application site's city centre location, centrally located and easily accessible via several modes of transport, existing working practices and current parking patterns;
- the supporting information, in relation to the level of existing and proposed car parking provision within the City Centre to serve the proposal, which has demonstrated there is sufficient provision of parking within the city centre to serve the development, while also providing further city centre parking provision; and
- the measures outlined in the Transportation and Travel Plan.

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

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

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

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

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

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

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

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

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

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

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

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

PPS 15 – Planning and Flood Risk

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

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

NI Water and Shared Environmental Services (SES)

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

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

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

Environmental Impact Assessment (EIA)

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

Noise/Nuisance

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

Summary

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

7.0. Recommendation: Approval

7.1. Draft Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: Drawing No.s TBC.

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

- ☐ The identification and evaluation of archaeological remains within the site;
 - ☐ Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
 - ☐ Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
 - ☐ Preparation of the digital, documentary and material archive for deposition.
- ☐ Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

4. All site works and development shall be in accordance with the programme of archaeological work approved under the condition above.

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

5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition above.

These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of

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

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

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

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

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

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

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

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

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

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

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

- a) Retaining wall along Abbey Way
- b) Paving slabs
- c) Paving setts
- d) Kerbs
- e) Steps
- f) Handrails and guardings

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

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

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

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

(Northern Ireland) Order 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure the orderly development of the site.

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

Reason: In the interests of residential amenity.

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

Reason: To ensure the orderly development of the site.

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

Reason: To ensure the orderly development of the site.

Case Officer Signature: M Keane

Date: 18 September 2024

Appointed Officer: P Rooney

Date: 18 September 2024

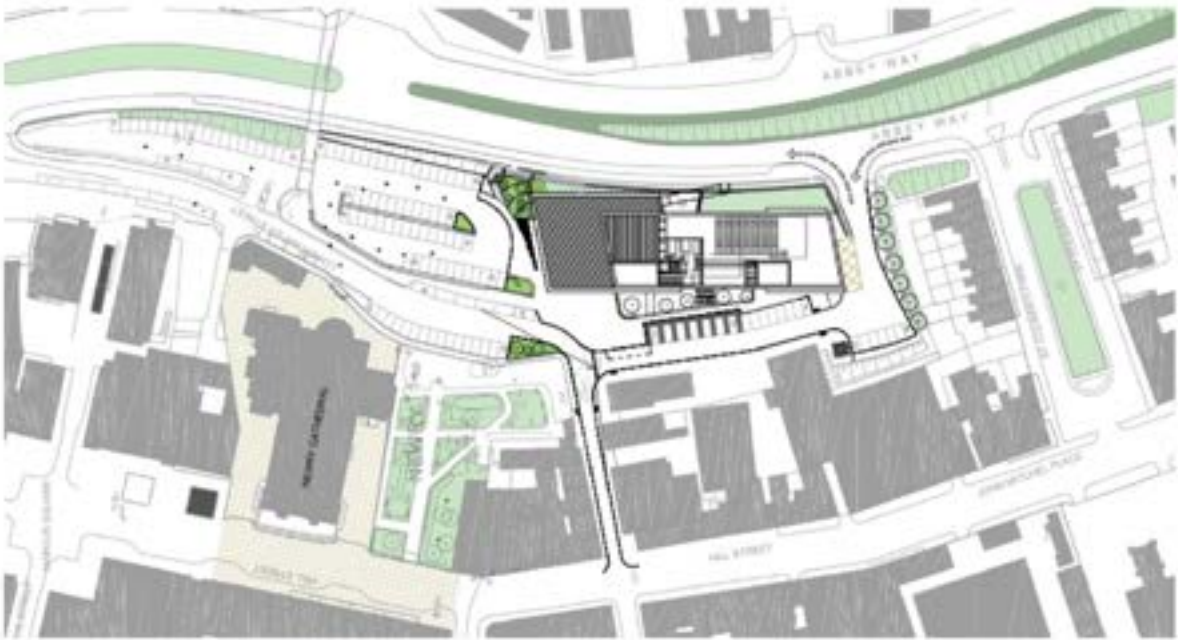
Appendix A. Extent of Application Boundary.



Appendix B. Development Plan Map Extract.

Appendix C. Site Layout and Contextual Elevations.

Proposed Site layout plan below



Contextual North & West elevations



Contextual South & East elevations



Contextual Elevation South 1:200 @ A1



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



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

Application Reference: LA07/2023/2274/F

ADDENDUM REPORT (November 2024)

Date Received: March 2023

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

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

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

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

Re-Advertisement and Re Neighbour Notification have been undertaken.

Background

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

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

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

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

Matters raised

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

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

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

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

Letter from SW Consultancy

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

Email from Matrix Consultancy (11-10-24)

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

Email from Matrix Consultancy (15-10-24)

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

Representation from F Lambe

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

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

Email from Matrix Consultancy (22-10-24)

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

Representation from P Welsh

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

Representation from PM Lambe

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

Representation from M Hanna

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

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

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

Representation from S Begley & Co Solicitors

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

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

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

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

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

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

Assessment

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

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

In response the agent submitted the following information:

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

Publicity

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

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

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

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

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

As noted above, further representations have been received.

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

Re-Consultation

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

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

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

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

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

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

Informatives recommended.

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

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

DFI Roads-

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

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

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

Direction from Department for Infrastructure

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

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

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

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

Application Site location

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

The entire site is located within the boundary of Newry Town Centre as designated within the Banbridge / Newry and Mourne Area Plan 2015 and is also within the boundary of the Newry Conservation Area and Area of Archaeological Potential.

S104 (11) of the Planning Act applies. The site is outside the boundary of the Primary Retail Core and Frontage.

This site is located within an area of mixed use. It is considered the use proposed at this location is appropriate in land-use terms and will compliment the existing uses within the City Centre and will assist in adding critical mass to support local businesses by attracting staff and visitors to the City Centre.

Reconsideration

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

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

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

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

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

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

Policy AMP 1 and AMP 2.

As previously stated, the application site is effectively enclosed by the existing road network, comprising Abbey Way along the eastern boundary and the access road serving the existing multi storey car park. The existing vehicular entrance from Abbey Way is to be retained with a new road layout and access onto Mill Street, (with no

access from Mill Street permitted). DFI Roads has confirmed no objections in principle to the proposals, subject to planning conditions. The proposal complies with the provisions of Policy AMP2.

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

Proposed Car Parking Provision

As outlined previously, Policy AMP7 of Planning Policy Statement 3 (PPS 3) requires that development proposals provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking is determined according to the specific characteristics of a development and its location having regard to the Department's published standards. The Parking Standards guidance document sets out the parking standards to have regard to in assessing proposals for new development.

The Parking Standards guidance document indicates, based on the proposed level of floorspace, that in the region of some 220 parking spaces would be required to serve this proposed office building (approx. 230 when including the wedding suite). The proposals do not provide any specific on-site or in-curtilage parking.

The proposals submitted indicate that the building will accommodate a total of some 215 members of staff, who will be relocated from existing Council offices within Newry. The applicant has also confirmed that Newry Mourne & Down District Council operates a hybrid (agile) working policy and will only provide desks for 162 staff (75%).

A Transport Assessment (TA) and Travel Plan (TP) were submitted in support of the application. These were updated during the course of the application with final versions submitted in August 2024 (dated 31-07-24). Updated parking surveys were also undertaken in 2023 to reflect current trends since the COVID pandemic.

As stated, no parking is being provided for the proposed development, rather a case is made that the parking surveys undertaken, in 2023, demonstrate there is an abundance of parking provision which exceeds demand and that there is sufficient existing car parking capacity within Newry city centre at present; however further city centre provision is also being proposed along Cecil St and North St, via 2 separate planning applications as referenced in the TP.

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

Other measures being proposed as part of the application include the provision of cycle parking spaces for staff and the public (including electric bikes and charging facilities). There will effectively be a number of methods of travel to access this site, given its central city centre location including by private vehicle, walking, cycling and public transport. While concern was raised, in the representations received, regarding the extent of the walking isochrones and local weather, walking is only 1 method of travel. It is also considered reasonable to anticipate a certain level of walking to office and civic buildings within a city centre.

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

The Planning Department has reviewed all of the supporting information, as part of its assessment of the application. It also consulted DFI Roads, as outlined above. DFI Roads has confirmed no objections to the proposal, based on the supporting information, subject to a number of planning conditions. DFI Roads also clarified they are content with the parking survey data provided by the applicant. The Planning Department have no reason to question the veracity of the parking surveys submitted, in the absence of any counter surveys submitted by any third party.

It is considered that sufficient justification has been provided to support the scheme, including:

- the application site's city centre location, centrally located and easily accessible via several modes of transport, existing working practices and current parking patterns;
- the supporting information, in relation to the level of existing and proposed car parking provision within the City Centre to serve the proposal, which has demonstrated there is sufficient provision of parking within the city centre to serve the development, while also providing further city centre parking provision; and
- the measures outlined in the Transportation and Travel Plan.

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

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

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

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

Notwithstanding that the supporting information submitted has demonstrated there is adequate parking capacity within the city centre to accommodate the development proposed, the final TP submitted includes a commitment to provide additional parking.

It is considered this matter can be dealt with by way of a separate planning condition. DFI Roads has confirmed no objection in principle to this approach, based on the following planning condition:

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

A number of objectors, including adjacent church members, have raised the issue of the loss of public car parking spaces, should the proposal go ahead, due to the demolition of the multi storey car park.

By way of background, there is currently a total of some 304 parking spaces on site at present including the multi storey car park, (196 spaces) and an area of surface level area of parking to the north, (108 spaces). There is also on-street carparking in the immediate vicinity of the site (30 spaces). This amounts to an overall total provision of 334 spaces on the site and its immediate vicinity.

The proposal will result in the loss of the multi storey car park, which amounts to some 196 spaces, (although the applicant has stated that the upper deck of the multi storey area of parking, comprising some 61 parking spaces, has been closed for some time, is therefore out of use).

It is proposed to retain 138 of the existing car parking spaces within and adjacent to the planning application site, as indicated on the latest site layout plan, comprising 108 existing spaces on the existing surface level parking spaces to the north of the application site and the 30 on- street parking spaces. The proposals will therefore result in the loss of a total of 196 parking spaces, or 105 operational parking spaces in the city centre, (based on the applicant's contention that the upper deck of the multi-storey has not been operational for a significant period).

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

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

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

Retaining wall/TAS Approval

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

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

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

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

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

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

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

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

Summary

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

Accordingly, Approval is recommended subject to a number of conditions.

Recommendation: Approval

Draft Conditions:

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

☐ Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.
4. All site works and development shall be in accordance with the programme of archaeological work approved under the condition above.
Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.
5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition above.

These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

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

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

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

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

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

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

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

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

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

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

- a) Retaining wall along Abbey Way
- b) Paving slabs
- c) Paving setts
- d) Kerbs
- e) Steps
- f) Handrails and guardings

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

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

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

form a competing focus to it.

12. No drainage shall be laid until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

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

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

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

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

15. The vehicular accesses at Mill Street and Abbey Way, including visibility splays, forward sight distance shall be provided in accordance with Drg No 19048-HAM-XX-XX-DR-A-1001-P6- Proposed Site Plan date published 18-10-24 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter..

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

16. An engineering design solution shall be submitted to the Council prior to the commencement of any other development hereby permitted for agreement in writing by the Council and DFI Roads to ensure only service vehicles can exit from the proposal onto Lower Water Street. Once agreed this measure shall be implemented prior to the commencement of any other development hereby permitted.

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

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

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

18. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing Drg No 19048-HAM-XX-XX-DR-A-1001-P6- Proposed Site Plan date published 18-10-24 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

19. A shuttle bus service, for both staff and members of the public, shall operate to and from the new Civic Hub to car parking at Cecil Street Leisure Centre **at 20 min intervals** between 0800 to 1000 and 1600 to 1800 and every 30 minute intervals between 1000 and 1600 Monday to Friday. This service shall be subject to review following 12 months, from the date the building hereby approved is occupied and with any proposed changes to be assessed and agreed by NM&DC Planning Department in consultation with DFI Roads.

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

20. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

21. The Retaining wall as part of the proposal will be the sole responsibility of the applicant/management company in terms of maintenance and ownership and DFI will have no responsibility for this wall. The Applicant shall enter into a legal agreement with DFI Roads to indemnify the Department against any claims or failures in the public road arising from the implementation of the new civic hub and retaining wall.

As is required, this indemnity will correspond with the TAS approval for the design life of the wall of 120 years as per DMRB standard.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of Design Manual for Roads and Bridges and that the Department is indemnified for failure of structure

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

Reason: To ensure the orderly development of the site.

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

Reason: In the interests of residential amenity.

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

Reason: To ensure the orderly development of the site.

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

Reason: To ensure the orderly development of the site.

DFI Roads INFORMATIVE

1. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involve making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Department for Infrastructure Section Engineer whose address is 3 Springfield Road Newry. A monetary deposit will be required to cover works on the public road.

The developer is required to enter into a legal agreement with DFI Roads to indemnify the Department against any claims or failures in the public road arising from the implementation of the new civic hub and retaining wall prior to the commencement of any other development hereby permitted.

It is a DFI Roads requirement that all structures which fall within the scope of the current version of CG300 of Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing roadside drainage is preserved and does not allow water from the road to enter the site.

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

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

This application, as you will recall was removed from the Planning Committee Schedule of 2nd October 2024, following my detailed objection outlining the **clear and apparent deficiencies and errors** with the Councils own planning application.

It should not fall to a 3rd party objector to audit the application the Council should have been exemplar in its approach, but there is a clear lack of adequate enquiry. The applicant and their agents have accepted the points of objection had validity, by virtue of the additional information they submitted in the intervening period since 2nd October 2024.

Department for Infrastructure (DFI)

Following this deferral the Department for Infrastructure (DFI) issued a Direction on 9th October 2024, under Articles 17 & 18 of The Planning (General Development) Order (Northern Ireland) 2015, **restricting the grant of permission until such time as the Department has the relevant information pertaining to the application and how it has been considered.** The issuing of a Direction, only lends weight to the voracity of the errors and Central Government has had to intervene to

Northern Ireland Audit Office

The Director & Local Government Auditor wrote to the CEO in late August 2024, **raising concerns around the governance arrangements and decision-making processes, as well as the viability of the project**, and the use of ratepayers' funds. It is both significant and noteworthy that no Economic Assessment has been included with this planning application.

Optics - Apparent Bias / Pre-determination

There are now significant and well-founded concerns around the decision-making process of this application. I again remind all 12 members of the Planning Committee that they should ask themselves the question – **Would a fair-minded and informed observer conclude from all the relevant circumstances that there is a real possibility that the decision maker was biased, whether or not there is actual bias?**

Re-advertising

I note the application was re-advertised w/c 7th October 2024, but again additional information and drawings were submitted after this date, which are material to the determination, and to which the public are blissfully unaware.

Planning (Environment Impact Assessment) Regulations (NI) 2017

It is noted that a screening determination was undertaken on 18th September 2024, but it is not available on the planning portal, nor has it been updated to take account of the additional information and objections. I note the NIWater consultation with concerns and note that **no appropriate assessment (AA)** has taken place in respect of the downstream solus or cumulative impacts and refer to the recent **Supreme Court decision in R (on the application of Finch on behalf of the Weald Action Group) (Appellant) v Surrey County Council and others (Respondents).**

Transportation & Car Parking

The application is still completely reliant upon the SYSTRA Transport Assessment (TA), dated 31st July 2024, Travel Plan (TP) and Parking Survey (PS) undertaken on 16th, 17th, 18th & 19th November 2023 – (4days - Thursday to Sunday).

The addendum report presents to members the following; *"As stated **no parking is being provided for the proposed development**, rather a case is made that the parking surveys undertaken in 2023, demonstrate there is an **abundance of parking provision, which exceeds demand**, and that there is sufficient existing car parking capacity within Newry city centre at present; however, further city centre provision is also being proposed along Cecil St and North St, via 2 separate planning applications as referenced in the TP"*.

The above statement is a complete and utter misdirection and demonstrates a lack of adequate enquiry into the issue. It constitutes a failure to what is plainly obvious on the ground if any time is spent in Newry. **The Addendum underscores the lack of adequate enquire as it actually places the onus on 3rd party objectors to provide counter surveys, rather than officers or DFI Roads validating the SYSTRA data.**

It is frightening that Officials have **accepted a "snapshot" of 4 days (2week days and a weekend) in November 2023, as robust and representative** of the parking situation in Newry city centre for a proposal of this size, and scale with a **significant net loss of car parking amount to 781 spaces.**

The staff survey which was eventually uploaded, was out of date and advised that no one wanted to use public transport. It could only be described as tokenism of the highest order.

The audit trail of DFI Roads consultations does not reconcile with their previous concerns, and how they arrived at the latest consultation. It is very apparent from the information online that **Planning, has made direct representations to influence roads decision making.**

Built Heritage

HED has not been reconsulted further to the CONSARC report being submitted, to Officials, with clear evidence that the applicant's assessment is deficient in several aspects, and the **"wireframe" images of specifically View A & F are disingenuous to the actual impacts on the Cathedral.** HED has also misdirected itself in regard to Policy BH11 and the DfC Guidance document. A **PAC decision (2019/A0181) has reinforced the concept of setting and raised the views from the junction of William Street and Abbey Way as being "a wide setting that is characterised by an ecclesiastical visual harmony."** A lack of enquiry has occurred into this aspect.

Conclusion

The proposal **constitutes overdevelopment of the site** helmed in by Abbey Way, requiring retaining walls, which no details has been provided, grossly deficient in the quantum of parking, and significantly reducing existing city centre car parking, whilst **detracting from the critical public viewpoints of the Cathedral.**

Ignoring the well-founded points being made, will only embarrass those involved further. This application is not fit for purpose, let alone to be placed before the Committee.





RIBA Chartered Practice
Hamilton House, 3 Joy Street, The Linen Quarter, Belfast, BT2 8LE | Tel: 028 9033 4250
design@hamiltonarchitects.co.uk | hamiltonarchitects.co.uk

19048 Newry Civic & Regional Hub – Planning Committee Meeting – 18.12.2024

Request for Speaking Rights

Mr. Mark Priestley – Hamilton Architects
Mr. Kieran Carlin – Carlin Planning

Project Overview:

- The Newry Civic & Regional Hub is part of the Newry City Centre Regeneration (NCCR) programme, which is supported by Belfast Region City Deal.
- The project is a key component of the Council's plans to rationalise the Council's estate and centralise services.
- The proposed Civic Hub is designed to adapt to flexible working, with a modern open plan office working environment.

City Centre first:

- The Regional Development Strategy recognises the importance of accessible and vibrant city / town centres.
- This is supported by the Strategic Planning Policy Statement. It requires:
 - ✓ A town centres first approach for the location of future retailing and other main town centre uses – including 'business' uses such as the Civic Hub.
 - ✓ A sequential approach...when decision-taking, to ensure that a proposal does not undermine the town centre first approach.
 - ✓ A diverse range of uses including business, to enhance diversity and attract footfall.
 - ✓ High quality design...sustainable, attractive, accessible and safe environments.
 - ✓ Accessibility to and within the town centre.

Local Development Plan (Banbridge, Newry and Mourne Area Plan 2015):

- The site is located within **Newry City Centre**, where a diverse range of uses are encouraged, including retail, office, commercial, employment, entertainment, cultural, social, religious, community, leisure, sport and transport buildings.

Car Parking:

Existing & Proposed:

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

Policy:

- AMP 7 of Planning Policy Statement 3 states that a reduced level of car parking provision may be acceptable in the following circumstances:
 - ✓ Where Transport Assessment has identified a package of measures to promote alternative transport modes; or
 - ✓ Highly accessible locations well served by public transport; or
 - ✓ Where the proposal can benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
 - ✓ Where shared car parking is a viable option; or
 - ✓ Where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid urban regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.
- It has been robustly demonstrated through the planning application that all of the above criteria have been met. The intention of the town centre first approach is to create a critical

mass of diverse land uses that will enhance the vitality of the city centre. This would not be achieved by encouraging use of the private car for all new development.

- The approach to car parking for this development is robust and justified:
 - ✓ Highly accessible City Centre location.
 - ✓ Policy does not request the retention of existing car parks.
 - ✓ Over half of the existing public parking on the site will be retained.
 - ✓ Package of measures including regular shuttle bus (conditioned).
 - ✓ Available capacity in nearby car parks:
 - Detailed city centre parking surveys were undertaken in **November 2023**, with 1,779 car parking spaces surveyed
 - Maximum surveyed occupancy across the city centre car parks was 60% (Thursday 11:00 – 12:00)
 - Maximum on-street parking occupancy was over 90% throughout Thursday and Friday daytime
 - Robustly demonstrates ample parking is available in the city centre
- Case Officers report provides a robust and detailed analysis of car parking, which does not solely rely on upon DfI Roads consultation responses.

Drainage:

- Well known waste water network capacity issues across Northern Ireland.
- NIWater recognise the need for new solutions:
 - Stormwater contribution to the NIW foul/combined network downstream of the development must be removed. This will be achieved by
 - Separating existing Foul and storm water networks within the site, and additional stormwater offsetting provided onsite
 - Detail to be agreed through the Discharge Consent process.
- Appropriate condition proposed – *“No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water”.*

Retaining wall:

- Existing structure and stone wall to Abbey Wall to remain.
- Proposed new retaining wall will act as support to both the Abbey Way carriageway and the envelope of the Civic Hub building and have a design life of 120 years to comply with DfI requirements.
- Wall will be subject to detailed design in accordance with DMRB standards and Technical Approval of Highway Structures (TAS) will be required.
- The level of detail provided for the proposed wall is thorough and robust to enable the grant of planning permission. DfI have raised no issues with the wall from a land use planning perspective and have accepted that the structural detail should be agreed through the TAS process.
- The sequence of construction is as follows:
 1. Install a Piling Platform, which in fact will likely reduce any current retention on the existing wall.
 2. Install a new Secant-Piled wall from the piling platform level. This is very much a segmental installation process and will have no negative impact on the existing wall.
 3. The new Secant-Piled wall will act as the new 'retaining wall' to Abbey Way and will be fully designed accordingly by the appointed contractor and their design team. No material will be removed nor demolition of the existing car park, until the new wall has been successfully installed and has reached its full structural design capacity.



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

1.0 Application Reference: LA07/2023/2193/F

2.0 Date Received: 19.01.23

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

4.0 Location: 1 Town Hall, Bank Parade, Newry

5.0 Site Characteristics & Area Characteristics:

The site comprises 0.89ha of land of the existing Town Hall (Listed Building), a two-storey building (No.2 Bank Parade) and Sean Hollywood Arts Centre (SHAC).

Whilst comprising of separate buildings with exception of No. 2 Bank Parade, both the existing Town Hall and SHAC read as a collective visual entity when viewed from the immediate area.

The site is located to the SW of Sugar Island occupying a prominent location within Newry City. The existing Town Hall is built above and extends along the Clanrye River on a supported bridge arched structure.

The broader site extends to the W forming a triangular portion of open, disused land with pedestrian connection to the SW to Needham Bridge. Newry Canal and a Schedule Monument extends along the SW boundary with remnants of a stone wall/ wall of former buildings along this boundary.

The east of the site extends to Sugar Island Bridge, taking in Kildare Street to the South and Bank Parade to the north. By virtue of its location within the Conservation Area there are variety of trees within the vicinity which are afforded protection under a Tree Preservation Order (TPO).

Development within the vicinity include a mix of commercial properties located within 2 -4 storey high terraced buildings that extend along Kildare Street, Sugar Island, Trevor Hill and Hill Street.

The site is located within the settlement limits of Newry City, within the limits of Newry City Centre, Newry Conservation Area, Development Opportunity Site (NY84), Local Landscape Policy Area (LLPA - NY114), Disused Transport Route and is located within the confines of a listed buildings/ structures including Newry Town Hall, Armagh Down Bridge, Russian Trophy and Mc Cartan's shop including a Scheduled Monument (Newry Canal)

6.0 Site History:

6.1 Application site:

LA07/2023/2225/DCA - Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar island, portion of Needham bridge, portion of East side of Newry canal, area around Bank Parade and Kildare Street. *Current (Under consideration from DFI)*

LA07/2023/2328/WPT – 1 Town Hall, Bank Parade. Carry out works to protected trees. *Current*

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

LA07/2019/1652/PAD – Bank Parade. Demolition of 1A Sean Hollywood Arts Centre & 2 Bank Parade. Refurbishment and alterations to Newry Town Hall. New three-storey extension to Newry Town Hall comprising new theatre and associated ancillary spaces, new cafe and multi-function rooms. Public realm works to area enclosed by Newry Town Hall, Needham Bridge, Newry Canal and Newry River and Bank Parade. *Current*

LA07/2019/1552/PAN – Bank Parade. Demolition of 1A Sean Hollywood Arts Centre & 2 Bank Parade. Refurbishment and alterations to Newry Town Hall. New three-storey extension to Newry Town Hall comprising new theatre and associated ancillary spaces, new cafe and multi-function rooms. Public realm works to area enclosed by Newry Town Hall, Needham Bridge, Newry River and Bank Parade. *PAN Concluded (0.96ha)*

LA07/2017/1504/LBC – Newry Town Hall, Bank Parade. Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall. *Approved*

LA07/2017/1503/F – Newry Town Hall, Bank Parade. Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall with new galvanized steel staircase with timber cladding and to include alterations to existing footpath and access road. *Approved*

LA07/2016/1660/LBC – Newry Town Hall, Bank Parade. Internal refurbishment works to Newry Town Hall: refurbishment of existing auditorium, stage and back of stage areas, removal of existing control room, installation of new control room to accommodate sound and lighting desks and installation of new light fittings and support rigs. *Approved*

LA07/2015/0476/F – Newry Town Hall, Bank Parade. External refurbishment works to Newry Town Hall. Waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows. *Approved*

P/2015/0028/LBC – Newry Town Hall. external refurbishment works to Newry Town Hall: waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows. *Approved*

P/2012/0375/LDP – Proposed demolition of rear Leader Building. *Approved*

P/2006/2334/CA - No.2 and No.4 Bank Parade including the former Ross Thompson site, Bank Parade, Newry. Partial demolition of No 2 Bank Parade and demolition of No 4 Bank Parade to facilitate mixed use scheme (49 residential units, cafe, offices and associated works). *Approved*

P/2006/2322/F - No. 2 and No.4 Bank Parade, the Former Ross Thompson Site, Bank parade, Newry. Erection of Mixed-Use development (including 49 residential units, cafe and offices and associated works.) *Approved*

P/2006/2201/F - Newry Town Hall and Arts Centre, Bank Parade, Newry. Erection of bridge link between Town Hall and Arts Centre. Erection of staircase and enclosure to Town Hall. Remodelled facade and internal alterations to Arts Centre. *Approved*

P/2006/2161/LB - Newry Town Hall and Arts Centre, Bank Parade, Newry. Proposed bridge link between Town Hall and Arts Centre. Proposed demolition of existing external staircases and erection of new staircases and enclosure. *Approved*

P/2005/1560/LB – Newry town Hall, Bank Parade. Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar capings, and solar panel installation to roof. *Approved*

P/2005/1559/F – Newry Town Hall, Bank Parade. Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar capings and solar panel installation to roof. *Approved*

P/1992/1109 – Town Hall, Bank Parade. Renovations and alterations to Town Hall (Listed Building Consent). *Approved*

P/1992/1108 – Town Hall, Bank Parade. Alterations and renovations to Town Hall. *Approved*

P/1992/0780 – Bank Parade. Retention of oil tank and bin store. *Approved*

P/1976/0806 – Bank Parade. Proposed Arts/ Culture Centre. *Approved*

6.2 Adjacent and NE of Site

LA07/2023/2992/F - Lands incorporating nos. 8-18 Sugar Island and associated lands to the rear along with access to be provided via Bank Parade, Newry City. Proposed refurbishment, alterations and rear façade works to nos. 8-18 Sugar Island along with provision of a new lift and stair core to provide 1st and 2nd floor access to no. 16 & 18 Sugar Island. Provision of new office space at 1st and 2nd floor within nos. 16-18 Sugar Island. Façade and alteration works to no. 8 Sugar Island to provide a carriage arch. Demolition of existing outbuildings and perimeter walls to the rear of nos. 8-18 Sugar Island. The upgrade and widening of existing entrance from Bank Parade (which is to be facilitated via demolition of the Sean Hollywood Arts Centre as proposed by Newry, Mourne & Down District Council under application LA07/2023/2193/F). The provision of a drive-thru restaurant with associated site works to include for all hard and soft landscaping works. Provision of a bin storage area. (Additional plans and information). *Current*.

LA07/2023/2991/DCA - Lands incorporating nos. 8-18 Sugar Island and associated lands to the rear along with access to be provided via Bank Parade, Newry City Demolition of existing outbuildings and perimeter walls to the rear of nos. 8-18 Sugar Island. The upgrade and widening of existing entrance from Bank Parade (which is to be facilitated via demolition of the Sean Hollywood Arts Centre as proposed by Newry, Mourne and Down District Council under application LA07/2023/2193/F). *Current*

7.0 Consultations:

- **HED Monuments (13.09.24)** – Content subject to conditions (Engagement required directly with HED SMC team)

- **HED Buildings (Due 13.09.24)** – Reconsidered impact of the proposal on the listed building based on information uploaded Jun/ Aug/Sep 24 and advise that previous concerns have been addressed and conditions are requested to address outstanding information on the Town Hall and Atrium.

- **DEARA Natural Heritage (06.09.24)** - NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, based on the information provided, has no concerns subject to recommended conditions.

- **DFI Roads (21.11.24)** No objection subject to conditions

- **NIW (28.05.24)** – Approved with planning conditions

- **EH (03.04.23)** – No objection

- **SES (15.03.23)** - As the competent authority for this proposal, Newry, Mourne and Down District Council must itself undertake as much of the assessment process as required under Regulation 43 of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

- **NIE (28.03.23)** – No objection

- **Rivers (03.05.24 and 13.09.24)**

The Planning Department via e-mail dated, 9th May 2023, that the application is deemed as 'Development Proposals of Overriding Regional or Sub-Regional Economic Importance' under the FLD 1 Exceptions.

Rivers Directorate also acknowledges receipt of the Flood Risk & Drainage Assessment from RPS dated January 2023 and Addendum to Flood Risk Assessment dated February 2024.

FLD1 – Rivers Directorate, while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions.

FLD2 - The site is bounded at the south-east by a watercourse (Newry River). Newry River also traverses the site between Bank Parade and Kildare Street. The site is bounded at the east by Newry Canal

The site is also bounded by numerous flood defences which are designated under the terms of the Drainage (Northern Ireland) Order 1973.

It is noted that the proposed development is in close proximity to the Newry Flood Alleviation Scheme, currently under construction. With regard to such respects the applicant is advised to liaise closely with the Department's Capital Projects Team.

Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance.

FLD3 – Rivers Agency have reviewed the recently submitted Drainage Assessment and Micro Drainage Report (9th September 2024).

Rivers Directorate, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. Consequently, Rivers Directorate cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

FLD4 - Not applicable to this site

FLD5 - Rivers Directorate is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir Manager Status'. Consequently, Rivers Directorate has no reason to object to the proposal from a reservoir flood risk perspective.

Flood Risk in the Climate Change Scenario

Rivers Directorate advises the Planning Authority that, based on the most up to date modelling climate change flood maps, indicate that the vast majority of the site lies within the 1 in 100 year fluvial climate change flood plain (Q100CC) and the vast majority of the site lies within the 1 in 200 year coastal climate flood plain (T200CC).

Rivers Directorate considers that in accordance with the precautionary approach, that the vast majority of the development proposal, is at risk of potential flooding in the climate change scenario and, unless the Planning Authority considers it appropriate to apply the 'Exceptions' principle contained within FLD 1, that the proposal would be incompatible with the overall aim and thrust of regional strategic planning policy in relation to flood risk, i.e. to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. The Planning Authority is advised to consider this as a material consideration.

• NIEA (Oct 23)

Water Management – Potential to adversely affect surface water environment. Should approval be given this is subject to conditions and informatives.

Regulation Unit – No objection

- **Fisheries (May 23)** – Defer to the Loughs Agency and do not need to be reconsulted
- **Loughs Agency (Apr 23)** - Loughs Agency would like to outline the potential impacts from this development. Such impacts could include:
 - Increases in silt and sediment loads resulting from construction works
 - Point source pollution incidents during construction
 - Overloading of existing WWTW infrastructure

The Loughs Agency requests that an outline or full Construction Environmental Management Plan (CEMP) is submitted outlining the mitigation measures, particularly during the construction phase, which will be undertaken to limit the impact of the proposed development on nearby watercourses. The proximity of this large development to Newry River requires careful mitigation measures.

8.0 Objections & Representations

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

- Application advertised March 2023 and re-advertised following amended plans on September 2024
- 116 neighbour notifications issued March 2023 and re-neighbour notified following amendments in September 2024
- 56 Objections have been received
- 2 Letters of support have been received
- 1 petition received

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

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

8.1 Issues Raised by objectors:

Development within the Conservation Area:

- Contradicts guidelines set for the Newry Conservation Area which explicitly restricts demolition unless demonstrated the structure detracts from the Conservation Area.

For the detailed reasons set out in this report the Planning Department considered that the proposals meet the requirements of the Planning Act (NI) 2011 ('the 2011 Act') and planning policy in relation to demolition within the Conservation Area.

Protection of Buildings:

- No. 2 Bank Parade contributes to the unique architectural and historic fabric and removal would undermine Newry Conservation Area.

- Historic building should be protected

- UAH – No. 2 Bank Parade and the Sean Hollywood Arts Centre (SHAC) both lie within Newry Conservation Area. Both are unlisted but make a valuable and positive contribution within the Conservation Area..... The Sean Hollywood Arts Centre whilst an older restoration (after significant bomb damage in 1974) is a prominent and positive contributor to the Conservation Area and harks back to the architecture of the city and is of architectural note. The two structures are an integral reason as to why the Newry Area was designated.

Both No. 2 Bank Parade and SHAC are within the conservation area but are unlisted buildings. Their contribution to the Conservation Area is considered in detail in this report.

Whilst acknowledged that the SHAC is much more visually prominent within the Conservation Area than No. 2 Bank Parade and as a civic used building is wider known within the Conservation Area. However SHAC is a newer building largely built of concrete and as a reproduction of a former Savings Bank and is of no historic value. Whilst the front elevation displays some aesthetic value it is not reflective of general built form within the locality. Furthermore when viewed from the NW along Merchants Quay the building is not an appropriate response to the Conservation Area. Therefore its removal will enhance the visual aspect to the wider Conservation Area along with linkage through to the Listed Town Hall which will preserve and enhance the visual aspect of the Conservation Area without detriment but bring a visual betterment and enhancement of the Conservation Area to the benefit of the wider community.

No. 2 Bank Parade is not visually observed within the Conservation Area, it is unlisted, of little historical value due to modifications inside and outside, derelict and makes no valuable contribution to the area. As No.2 currently make no valued contribution to the Conservation Area the removal of this building would have no impact on the setting or appearance of the conservation area but the removal would allow for the enhancement of the existing setting, assist with regeneration, improve the visual appearance of the Conservation Area with improved theatre and conference facilities which will benefit the wider community, local economy and secure long term survival of the venue. Further consideration below within planning report.

HED having reviewed information as part of the planning process have no objection in principle to proposals subject to conditions (see comments 13.09.24).

Objections have been forwarded to HED for consideration.

• **UAH – Case Officer has not considered relevant policies in relation to BH10 and BH14**

The Planning Department have reviewed comments and have considered this within the planning report in assessment of BH10 and BH14. This is further detailed below.

• **Incorporate No. 2 Bank Parade into a new building**

The agent has provided an updated Design, Access and Heritage Statement and supporting information looking at the options for retaining structures and has been demonstrated it is not feasible to retain this building (this is further expanded on in part 18.0 of the planning report). HED have considered information provided and have no objection to proposals as set out within their consultation response dated 13th September 2024.

• **NMDDC intent in destroying a listed building**

The proposed buildings to be demolished are not listed. Notwithstanding this the Planning Department have fully taken account the obligations within the 2011 Act in relation to development and demolition within the Conservation Area as well as relevant planning policy and consider that the proposals are acceptable for the reasons set out below within the planning report and further note HED has no objections subject to conditions.

Flooding:

- Proposed building is not only located in a flood plain but the existing building it is meant to replace was badly flooded on October 23.
- As well as the proposed building being located in an area of high flood risk, it is not unreasonable to say it is also located in an area which is 'virtually certain' to experience flooding in the future.
- Public building with many activities at ground floor level it is reasonable to assume it is now an uninsurable structure and construction of new in current location will expose the rate payer to a higher level of financial risk associated with future flood damage.
- Why is the Council continuing to progress and amend a planning application for a building which was subject to the worst flooding in 50 years, submitting amendments after one week from the flood when the building hasn't had time to dry is beyond comprehension.
- Located in high risk flood area

Matters relating to insurance or financial risk is not within the remit of the Planning Department to comment.

The Planning Department acknowledge the location of the current facilities and redevelopment, the land uses are well established and are located within a flood risk area. Consideration of flood issues have been fully documented below under policy PPS15 in relation to future development taking account climate change. Development proposals have been considered under PPS15, meeting the requirements of policy for the reasons set out.

Consultation issues:

- Amended plans are such a radical departure from the original proposals has happened with no consultation with Newry rate payers, local community or stakeholders.

The Planning Department is satisfied that it has complied with its statutory obligations in relation to consultation and neighbour notification.

Design

- Great to see that Newry is about to embrace a new architectural style for the district so that aspect of the design is pleasing to see.
- Don't like the front view. Keep Duffs elevation
- Retain the façade. The use of red brick to extend the town hall takes away from its beauty.

Matters relating to design have been fully considered within the context of the Listed Buildings, Conservation Area, Local Landscape Policy Area as well as surrounding context. This has resulted in changes to overall design which is now considered acceptable and HED have raised no objection in their consultation response dated 13th September 2024. This is further assessed within the planning report.

Naming of Building

- I think it would be a disgrace if Sean Hollywood's name did not continue to be on the front of the new arts

This is not a planning consideration

Visual Arts

- No dedicated space for visual arts, exhibitions or gallery space or workshop spaces to run courses for visual arts/ arts facilitation in Newry which is a great loss for locals and the tourist industry.

The Planning Department can only assess the proposals before it.

Toilet Facilities:

- Lack of toilet facilities

There are suitable facilities throughout the entire scheme and at all floor levels.

Demolition:

- Do not agree with demolition. The centre could have been adapted or extended to provide theatre space.

Issues in relation to demolition have been fully considered under BH10 and BH14 of PPS6 and relevant legislation including consideration of retention of buildings.

Capacity:

- It is ridiculous that the city of Newry can't provide a theatre holding more than 255 people. The shows that go to Armagh, Omagh, Enniskillen etc will never come here. Ridiculous.

The Planning Department can only assess the proposals before it.

8.2 SUPPORT

- Badly needed along with upgrades will bring this venue up to production industry standards.
- Excellent project which will transform Newry
- Will support the extensive arts population, tourism and provide a place to the community groups to flourish all whilst maintaining the integrity of history. This is a much better spend of money.

The Planning Department note the supporting comments.

The full content of representations received can be viewed online.

The planning matters raised are referenced and assessed throughout this report.

9.0 Planning Policies & Material Considerations:

- The Planning Act (NI) 2011 (Section 91, 104 and 105)
- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge/ Newry and Mourne Area Plan 2015
- A Planning Strategy for Rural Northern Ireland (PSRNI)

- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement & Parking
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS 15 (Revised) - Planning and Flood Risk
- DCAN 10 (Revised) – Environmental Impact Assessment
- DCAN 15 - Vehicular Access Standards
- DOE Parking Standards
- Newry Conservation Area Guide (1983 and 1992) and Newry Conservation Area Extension (2001)
- Newry Conservation Area Map
- Third party representations / objections/ petition/ support

10.0 Development Management Regulations (NI) 2015:

As the site is located within the city centre comprising an area of 0.89 ha it does not breach the thresholds of the regulations in which to be considered as a major application. On this basis the application has been assigned as a 'local' development

11.0 Environmental Impact Screening

The proposals fall within the threshold of Category 10 (b) – Infrastructure Projects of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Planning Department has determined through EIA screening that there will be no likely significant environmental effects, and an Environment Statement is not required.

12.0 Habitats Regulation Assessment and Impact to European Sites

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

NIEA in their consultation response dated 6th September 2024 have advised that they have considered the impacts upon designated sites and have no concerns subject to conditions.

A Shadow Habitats Regulation Assessment was submitted 22.01.24 prepared by RPS on behalf of Newry, Mourne and Down District Council. The Stage 1 screening was completed taking account of impact to European sites within the projects zone of influence and subsequently concluded that 'the proposed project is not directly connected with or necessary to the management of any European site'. It also advised that the possibility of any likely significant Water Quality or Habitat deterioration could be discounted for Carlingford Lough SPA (NI), Carlingford Lough SPA (ROI) or Carlingford Shore SAC (ROI) without the requirement for any further evaluation or analysis. The report also states that all other likely significant effects can be excluded at the screening stage of the appraisal and therefore a Stage 2 appraisal in relation to

implications of the project upon any European site is not required. This was further confirmed by an email from the agent dated 04.09.24.

13.0 Proposal

The proposal consists of demolition of SHAC and 2 Bank Parade and replacement with new four storey theatre and conference centre. Internal and external alterations to the Town Hall with extension to the building to form an Atrium connecting both the Town Hall and Theatre with associated public realm works to Sugar Island/ Neeham Bridge, along Newry Canal, Kildare Street/ Bank Parade and the Mall.

Arts Centre/2 Bank Parade:

The proposal consists of demolition of the existing Arts Centre and 2 Bank Parade (footprint approx. 743qm) and replaced by a four-storey building to form the Theatre and Conference Centre (footprint approx. 1000.21sqm). Widening and resurfacing of the NE entrance from 4.6m to 5.02 m to allow improved access to new ground floor loading bay.

Replacement building is 4 storeys, with external cream brick finish and brick arches with brick vaulted soffits, brick detailing around arches. Full height glazed curtain walling with grey finishes frames, brick arches and brick detail around with Juliet balcony to side and rear. Flat roof with full height metal panel cladding silver housing external plant.

New Theatre and Conference Centre Proposals:

Ground Floor includes provision of new bar external access to terraced area, kitchen, toilets, stage, theatre, dressing rooms, store and loading bay, ancillary spaces and ground floor access to atrium.

1st Floor external balcony to rear accessing external terrace, bar/ seating area within interior, green room, laundry/ wardrobe, dressing room, stores and toilets.

2nd Floor external balcony, bar/seating, plant room, studio space, stores and toilets

3rd Floor external roof plant, rigging, store/good lift and toilets.

Atrium:

Located between the existing Town Hall and proposed Theatre and Conference Centre. Access between the existing and proposed floors along with external access to Bank Parade and Newry Canal walkway. The atrium is two storey with glazed curtain wall, grey finish and flat glazed roof.

Town Hall:

Building will remain as existing with external works at the roof level to accommodate solar panels, bat access and ridge tile with slate finish, external dormer with slate clad, new air handling unit with louvre screen surround, new ventilation duct work and new external access ladder, new windows to match existing.

Internal works throughout the building including changes to some internal walls, new doors, refurbishment of toilets, dressing room, cloak, guest room works to lift and external access to atrium.

Proposed Building on foot of existing (SW of Proposals)

Proposals will be contained within the footprint of an existing disused building to facilitate new NIE sub-station, bin store and switch room. External finish with use of reclaimed stone from demolished wall and reused, existing concrete wall retained and new block wall. Roof retained and repaired with new door and external roller shutter door.

Canal Walk

New railings along Newry Canal and relocation of pillar from Sugar Island entrance. Existing stone/ rendered retained, block work of former building removed, existing gate access to Canal retained. Reduction of boundary walls and retained. Existing Canal wall retained along with retention of existing planting. Walking path from Needham Bridge to Sugar Island, raised timber platform, cantilever set back from Canal edge and enclosed by guarding rail. and event space to rear of Town Hall/ Arts Centre along with interpretive artwork

Public Realm/ Landscape works:

Kildare St – Relocation of kiosk, relocated position of Everest Monument, existing trees retained and contained within planting bed, 1 additional parking bay provide.

Bank Parade – Guarding rail, parking to remain as existing, boundary fence at War memorial replaced with rail and removal of trees.

The Mall (SE) - Planting to outer part of Town Hall, removal of tree and proposed layby.

Needham Bridge – Relocation of CCTV

14.0 Consideration and Assessment:

14.1 RDS and SPPS

RG7 of the RDS aims to support quality facilities required to meet the needs of local people, with those urban settlements having such unique identities which should be recognised, built upon and enhanced. With emphasis on regeneration creating more accessible and vibrant city centre to offer local choice in relation to social activity and recreation. With the aim to encourage urban renaissance through the process of development and redevelopment within urban areas with the focus on integrating new schemes within the existing townscape without causing unacceptable damage to the local character and environmental.

The SPPS sets out core planning principles to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment. Further consideration of these issues will be set out below.

14.2 Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP 2015)



- NY84 – Development Opportunity Site
- NY114 – LLPA
- Disused Transport Corridor
- Within Newry City Centre limits
- Within the Development limits of Newry City
- Newry Conservation Area

14.3 Section 45 of the 2011 Act requires the Council to have regard to the local development plan, so far as material to the application and to any other material considerations.

14.4 NY 01 and NY 75

The BNMAP 2015 operates as the current plan for this site and identified the site as being within the settlement limit of Newry (NY01) and within the City

Centre boundary (NY75). The city centre boundary has been drawn to encompass the usual concentration of existing and planned uses expected within a city centre function, which include that of the existing and proposed uses of the development proposed which is that of entertainment, cultural, social, community and leisure.

Proposals are therefore in accord with zonings NY01 and NY75 associated with the site.

14.5 Conservation Area

The entire site is located within and is encompassed on all surrounding sides by the Conservation Area of Newry.

Development proposals in relation to the Conservation Area will be considered further in relation to prevailing policy, further detailing has been set out below.

14.6 NY 84 – Development Opportunity Site Bank Parade

Development Opportunities Sites have been identified within the BNMAP 2015 to encourage investment and allow for a range of land uses such as leisure, community and cultural uses to which proposals relate. In order to protect land uses from inappropriate development the use of specified key site requirements have been assigned to the land zoning. In relation to the NY 84 zoning, key site requirements include:

- Proposals shall complement the adjacent civic buildings, the Town Hall and Arts Centre
- It shall respect the built form in the area and be of a minimum of 3 storeys in height
- Pedestrian and cycle access shall be maintained through the site from Bank Parade to the Canal side path.

In assessing proposals against NY84 it is considered that along with existing land uses despite the demolition and replacement these uses will continue at the site benefitting the community. The design of the building has been amended several times through the planning process to ensure the design, scale and form will complement the adjacent civic building and as a 4 storey building adheres to the surrounding built form. The scheme will include pedestrian and cycle access along the Canal path with pedestrian linkages available through the proposed Atrium to Bank Parade.

Overall it is considered that the proposals meet the requirements of NY84 of BMAP 2015.

14.7 NY 114 – Local Landscape Policy Area (LLPA)/ SSPS and PPS6 (para 2.23 and 2.24)

NY114 (Local Landscape Policy Area - Newry Canal/ River). The LLPA is designated in accordance with Policy CVN in Volume 1 of the Plan and as indicated in map 3/02b – Newry City Centre. Those features that contribute to the environmental quality, integrity or character of these areas include:

- Area of nature conservation interest including the Newry River and canal corridors and associated vegetation / trees;
- Archaeological sites and monuments, their views and settings including the scheduled Damolly Fort, Mount Mill and Bridge;
- Listed buildings including Newry Town Hall and Court House, their views and settings.

The LLPA is also designated to help protect the environmental assets which in this case relates specifically to the river and canal corridors, nature conservation interests including that of associated vegetation, Scheduled Monument and Listed Buildings at Newry Town Hall.

The Town Hall as a listed building is positioned within the centre of the designation within the river corridor and associated vegetation extending out to either side towards the SW and NE. The remainder of the LLPA is situated to the NW of the site which includes the extent of the Canal and scheduled monument along with associated vegetation.

The land adjacent and W, NW and NE of the site particularly along the Canal Corridor of the LLPA includes remnants of former buildings and outer walls, advertising hoarding accompanied with the vacated No. 2 and SHAC along with overgrown and unkempt vegetation. The area has lay in state of dereliction detracting from the potential scenic quality of the area.

Development proposals will bring much needed regeneration to this important setting and designation. Although there are works proposed to the Town Hall any external works are sympathetic to the host building, there will be no direct impact to the visual aspect.

The landscape/ public realm works to the front of the Town Hall contributing to improvement and relocation of structures with additional parking, there is some loss to trees but this has been kept to a minimum and the rear space to the W and NW of both Town Hall and Theatre and Conference Area will enhance visual aspect. Overall proposed development within this area has taken account the natural setting with design and layout proposals being able to integrate within its surroundings benefitting the LLPA with enhancement of views, ensuring protecting of listed buildings/ structure and protection of natural heritage interests (further consideration of this has been advanced below)

In summary the proposal is in line with plan requirements as well as the SPPS and PPS6 insofar as it relates to LLPAs.

14.8 Disused Transport Route.

There is a disused transport route along the NW portion of the site. Proposals involve reinstatement of the existing path with linkages through at Needham Bridge and Sugar Island which will further link to the existing path network at Merchants Quay and the Greenway beyond as well as Newry Canal tow path to the NE. Newry Canal waterway will also remain untouched through proposals.

Development proposals will ensure protection of the disused transport route without compromising this for future generations.

15.0 SPPS and PPS2 (NH1 – European and Ramsar Sites – International, NH2 - Species Protected by Law and NH5 -Habitat, Species or Features of Natural Heritage Importance)

NED in comments dated 6th September 2024 having considered the impacts of the proposal on designated sites and other natural heritage interests have no issues of concern. Further consideration given below:

- **Designated Sites** – The applicant proposes to use mains for water supply and sewerage. Whilst surface water discharge will be to the watercourse under Schedule 6 consent from Rivers Agency. Although there is a direct hydrological link to Carlingford Lough the site is some 8.5 miles from the European site given the distance and on the balance of probabilities that the development would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. Loughs Agency – have offered no objection.
- **Birds** – On review of the submitted ecology report up to 17 bird species were observed at the site and the assemblage of birds are typical of the mix of habitats found within the area. However, as the site is primarily made up of vacated buildings and hardstanding it was concluded that the site would offer limited opportunity for breeding birds. Whilst a single Sand Martin nest was recorded at the canal wall, this element of the development is not affected by development proposals. Overall proposals will have no direct impact upon bird habitat. The onus is on the developer to ensure that any works are undertaken outside of bird breeding season (responsibilities pertaining to this this will be highlighted by way of a planning informative).
- **Bats** – An updated Bat Survey was submitted August 2024 a number of building/ structures on the application site were observed for potential habitat for bat species however the report concludes that there was no evidence of emerged or re-entry of bats on any structure within the site. Although a single tree was identified has having moderate suitability,

through updated surveying this is no longer considered to be suitable for roosting bats.

Development is located within an urban town centre with the buildings experiencing illumination from artificial lighting from a number of sources including decorative lighting, street lighting and security lighting, with Newry Town Hall illuminated at night by ground level spotlighting which illuminate the front and rear. Given the high levels of artificial lighting within the vicinity, including the direct illumination of the Town Hall and general background noise from pedestrian and vehicular activity may make these areas unsuitable for roosting bats.

The survey also sets out a number of measures to implement as a precautionary measure in the protection of future potential bat habitat in relation to lighting, prior to demolition works an ecologist will check for the presence of bats beforehand and incorporate the use of artificial roots within the fabric of the building (this has already been deployed within the roof design of the Town Hall).

As a precautionary measure the Planning Department will also add conditions/informatives reflecting those recommendations set out by Natural Heritage.

- Otters – There has been no evidence of active otter activity within 30m of the site.
- Badgers – No historical or current badger setts/ activity within the site.
- Hedgehog – Site is situated in an urban city centre location with vast areas of hardstanding with limited sparse scrub or vegetative cover to provide suitable hedgehog habitat.
- Invasive Species – Giant hogweed has been identified within the site. Construction activities have the potential to spread this invasive species. However careful management of the site and an informative can be attached to a decision notice to advise of responsibilities.
- Grassland/ Ephemeral/ Short Perennial – Areas of grassland are managed by grass cutting throughout the year that there is no potential for habitat at this location and any ecological value is at site level only. Recolonised bare ground with several species however this habitat is at ecological level site level only.

From the information provided there is no residual environment effects on ecological resources predicted and can be adequately mitigated and controlled through planning conditions.

Subject to the implementation of planning conditions and on the basis of information provided NED are content with the proposals against PPS2

requirements. Proposals meet the requirements of the SPPS and PPS2 for the reasons set out above.

16.0 SPPS, PPS3, DCAN 15 and DOE Parking Standards:

DFI Roads in their consultation response dated 24.04.23 advised proposals were unacceptable as submitted. A meeting was held 5th October 23 where it stated that use of the Needham Bridge access for vehicular use including that of emergency vehicles was not acceptable for road safety reasons and could be accommodated elsewhere. It was agreed at the meeting that vehicular access would not be implemented at this location.

In relation to parking as there is no intensification of use, no additional parking is required. Given the uses of the existing and proposed development hours of operational use are predominantly in the evening time that there is no expected parking required above and beyond what exists for the site currently with a number of on street and public car parking within close proximity of the site.

A meeting was held 16.09.24 following issue of amended layout and swept path analysis, drawings had points of clarification needed and amendment required.

At the meeting proposals were agreed in principle subject to amendment of the layout to include reinstatement to current road arrangements as on the ground and clarification of kerbs on Needham Bridge. The amendments proposed to the layout are minor in detailing and following revised layout submitted 16.09.24 with further amendment on the 05.11.24 proposals were agreed by DFI Roads to be acceptable in principle (see consultation response dated 21st November 2024) subject to conditions.

Overall proposals are acceptable under the SPPS and PPS3.

17.0 SPPS and PPS6 (BH1 – The Preservation of Archaeological Remains of Regional Importance, BH2 – The Protection of Archaeological Remains of Local Importance and Setting and BH4 – Archaeological Mitigation)

Policy operates a presumption in favour of the physical preservation in-situ of archaeological remains of regional/ local importance and their settings, this also includes Schedule Monument. Proposals include works to the schedule monument known as Newry Canal, this includes retention of the canal wall and lowering of wall to make good. Proposals as presented will improve the visual aspect of the scheduled monument without adverse impact.

HED Monuments in comments dated 13.09.24 have advised that they are content with proposals subject to planning condition. They further add that in

principle the Department is minded to grant Scheduled Monument Consent (SMC) for works that fall within the scheduled area.

An email dated 12.09.24 directly from the SMC Team confirms that 'in principle the Department would be minded to consent the work that falls within the scheduled area with conditions attached'. Whilst further detailing on drawings are required the SMC team are content that this can be worked through.

On the basis of the information provided a condition can be attached to the decision notice to ensure the SMC is in place prior to works. Otherwise, proposals therefore meet the requirements of the SPPS, PPS6: BH1, BH2 and BH4 in relation to archaeological issues.

18.0 Conservation Area (CA) and surrounding Listed Buildings – SPPS (6.12, 6.13, 6.18 and 6.19), PPS6 (BH 8 (Extension or Alteration of a Listed Building), Policy BH 11 (Development affecting the Setting of a Listed Building), BH12 (New Development in a Conservation Area) and BH 14 (Demolition in a Conservation Area) and Newry Conservation Area guidance, Planning Act 2011 (Section 91, 104 and 105)

As the application is located within the Conservation Area of Newry sections 91,104 and 105 of the 2011 Act are applicable in the assessment of the application.

Section 91(2) of the 2011 Act requires the Council to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses. Section 104 relates to conservation areas and provides that special regard must be had to the desirability of—

- (a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;
- (b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise.

This will be further considered below.

Historic Buildings HED in comments dated 13th September 2024 have considered the impacts upon the listed building and on the basis of information provided and subject to planning conditions have no objection.

The application site is located within Newry Conservation Area, as identified by designation NYCA01 of the Plan. Para. 6.18 of the SPPS directs that in managing development within a designated Conservation Area, "...the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise."

Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle.

Development proposals within the Conservation Area will be assessed in accordance with the legislative obligations set out above and prevailing regional policy, which in this case includes PPS6 and Newry Conservation Area (DOE NI), December 1992.

18.1 Policy BH 8 (Extension or Alteration of a Listed Building), BH 11 (Development Affecting the Setting of a Listed Building) and Planning Act 2011 (Section 91, 104 and 105)

In considering whether to grant planning permission for development that affects a listed building or setting the Department must have regard to the desirability of preserving the building or its setting or any features of special architectural or historical interests in which it possesses as well as taking account the requirements of the SPPS and PPS6 in which a number of criteria must also be met.

Proposals include the refurbishment of the existing Town Hall (Listed Building) with extension to form a connective atrium to a new state of the art Theatre and Conference facility which will involve the demolition of No. 2 Bank Parade and the current Sean Hollywood Arts Centre (SHAC) with new public realm scheme.

In supporting information, the agent outlines the small scale availability of theatre/ arts performance within the district which is currently fragmented. They have looked at the renovation and extension of the existing buildings and associated costings but difficulties arise in terms of conflict of service access and public access, little connectivity to public space to rear, requires level changes and DDA access between both buildings, irregular form of buildings create a lot of insufficient space, high level of circulation required to link both buildings impacting on existing buildings. The agent has given consideration to an off site location for the delivery of a new venue elsewhere however the repercussions of this could displace and create substantial risk to the long-term survival of the existing Listed Building -Town Hall without an alternative use for the protected building.

The development proposals align with the desirability of preserving the building or its setting or any features of *special architectural or historical interests*.

The Town Hall is a Grade B1 listed building which will remain as part of proposals with the essential character of the building and setting retained and features of special interest remaining intact and enhanced.

Although this will involve the removal at No. 2 Bank Parade and the SHAC these buildings are non-listed. The outworkings of the development will ensure prominence of the Grade B1 Newry Town Hall with a single contemporary building which will contrast with the ornate red brick façade of the historic building. Reinforcing its central location within the settlement for the existing and creation new footfall through Newry City Centre and can become the nexus for regeneration within Sugar Island and ensures long term protection of the venue as well as having significant social and economic benefit to the area. The works proposed will make use of traditional and sympathetic building materials and techniques with architectural details in keeping with the existing building with development proposals a nod to the architectural detailing found at the Town Hall.

The agent has considered the retention of the SHAC as part of proposals (See Updated DAS Aug 24). The SHAC was acquired in the 1980, demolished and redeveloped which included the reconstruction of the front elevation on concrete a reproduced façade of the old bank building with steel frame to rear with building bearing no relation to the massing and platform of the original building and is of no historical value. Whilst a widely known building in terms of aesthetics when viewed from Merchants Quay is not an appropriate response to the Conservation Area although the front façade may offer some aesthetic value it is noted that this is not an original façade.

No.2 Bank Parade is excluded from views within the Conservation Area and has been modified inside and out. Whilst it is noted has an attractive façade this has little bearing on the setting and makes no material contribution to the Conservation Area.

The agent has considered all viable options in retention of all buildings at the site. To afford protection and long-term security of the site the resultant cost of retention of non-listed buildings would hinder the venue and cultural offering. However, it has been demonstrated above that the redevelopment through extension of the existing Town Hall will enhance and preserve the listed building, will enhance the visual setting of the conservation area, bring much need regeneration and secure the long-term viability of the Town Hall.

The overriding benefits of redevelopment proposals provide opportunity to provide high quality facilities to enhance tourism, social and economic benefits for the wider community.

HED are satisfied with the external changes in relation to alterations including the extension through to the atrium/ new theatre and conference centre proposals in terms of distinguishment of colour and contrast which will not detract from the Town Hall. They have noted a number of internal alterations which remain to be resolve. However, these can be dealt with by way of planning condition. They have also considered impact of development upon the setting within comments dated 02.09.24 and overall are content with proposals subject to planning conditions.

Subject to planning conditions, proposals overall meet the requirements of the SPPS, PPS6: BH8 and BH11.

18.2 SPPS, Policy BH 12 (New Development in a Conservation Area) and Policy BH 14 (Demolition in a Conservation Area) and Planning Act 2011 (Section 104 and 105)

As the application site is currently within the designated Conservation Area special regard must be given to the treatment of buildings and land within the designation with legislative requirements outlining the desirability to a) preserve the character and appearance of that area where an opportunity for enhance its character or appearance does not arise and b) enhancing the character or appearance of that area where an opportunity to do so arise. BH12 of PPS6 further expands on the criteria, which must also be met for development within the Conservation Area to be found acceptable.

Policy BH12 of PPS6 directs that development proposals for new buildings alterations, extension and changes of use in, or which impact on the setting of, a conservation area will normally only be permitted where all of the listed criteria (a to g, see below) are met, highlighting the requirement to preserve or enhance the character and appearance of the area.

The Conservation Area Guide also directs that attention to detail is a vital consideration, and successful development will depend on the use of materials, design, finishes and detailing.

In considering the criteria required to be met under BH 12, the following comments are noted:

- *BH12 (a) - The development preserves or enhances the character and appearance of the area.*

The agent has provided supporting evidence which includes costings, justification for demolition, feasibility study and a Design, Access and Heritage Statement (updated Aug 24).

With exception of the Town Hall the remainder of lands encompassing the existing canal path from Needham Bridge, lands to the rear of the existing SHAC including the vacated buildings at No. 2 Bank Parade and SHAC and remnants of former buildings/ structures and advertising hoarding have lain derelict with parts of the site overgrown and abandoned.

The site occupies a prominent location within the city, with its current state of dereliction and unattractive visual aspect which is particularly evident when viewed on approach from the Mall/ Needham Bridge and Merchants Quay.

The agent has given consideration to a number of scenarios relating to the feasibility of the site as well as ensuring that proposals preserve and enhance the character of existing buildings and setting.

One of these options was to retain existing buildings to be utilised together to create a new Theatre and Conference centre. Whilst acknowledged this provides a good level of small-scale provision, delivery is fragmented and hinders the venue and cultural offering provided by the SHAC and Town Hall and is unable to deliver on market requirements for extended performance as existing provision is limited within the district.

The retention of the non-listed buildings will continue to restrict service and public access to buildings, does not allow connectivity to the public rear space which will curtail opportunity to enhance the Conservation Area and Canal area to the rear. It will require level changes and DDA access between buildings, irregular form creates inefficient space, high levels of circulation required to link both buildings impact on built form and accessibility issues and compromises on the future economic viability in terms of attracting future business given the restricted uses. It is considered that the unsightly elevation of the current SHAC makes no valuable contribution to the Conservation Area and No.2 makes no contribution whatsoever when viewed from the river/ canal corridor and Merchants Quay. This option remaining as is, will do nothing to enhance or preserve the current character and setting of the conservation area.

Consideration was also given to a new purpose-built building and delivery of a new venue somewhere else. However, given the potential displacement impact of a new venue elsewhere, this may have implications for the future viability of the Town Hall, buildings and surrounding land with the potential for degradation of the Conservation Area. This would run contrary to the essence of policy and legislation to preserve and enhance where possible, buildings and settings in the Conservation Area.

The third option considered include an extension to the existing Town Hall to provide a new and enhanced Theatre and Conference facility to the benefit of the wider community. (See photos below). This will include the refurbishment of the existing listed Town Hall which will preserve, enhance, maintain and retain a historically and visually important building within the Conservation Area and setting. The extension with new atrium connecting the Town Hall to a new Theatre Conference facility will enhance public access to the rear back lands within the Conservation Area and bring much needed regeneration and access to areas within the Conservation Areas which were previously not as readily accessed.

The demolition of these non-listed buildings will provide the project with the flexibility and opportunity to create a high-quality Theatre and Conference Centre which will ensure the long-term survival of cultural/ recreational uses at the site but also securing the longevity of Newry Town Hall.

No. 2 Bank Parade previously had the benefit of Demolition Consent (P/2006/2334/DCA), has had extensive modifications internally and externally and has not been afforded protection by listing. Whilst noted it has some architectural merit this is not grounds in which to retain. Furthermore, it is not visually read within the confines of the Conservation Area from key viewpoints and overall it is not considered to make a contribution to the overall character and setting of the Conservation Area.

The SHAC on the other hand is acknowledged as being much more notable and prominent within the Conservation Area when viewed from Needham Bridge/ River Street reading as a collective with the Town Hall. This building is a rebuild (having been re-built in 1980s) as a reproduction of a former savings bank and as such has no historical value. The rear elevation is prominent and out of context within the Conservation Area and detracts from the setting of the Town Hall and hampers access to back land within the Conservation Area and River/ Canal corridor. It is considered that this building makes no material contribution to the Conservation Area by its retention. Its replacement with an improved and accepted design as shown will bring stark improvements to appearance which will preserve and enhance the character and setting of existing buildings of the wider Conservation Area and adjacent Listed building.

The new development will allow improved public access to rear back lands and enhance the river/ canal walkway, the design of the building has taken account of existing views and will have a better rear aspect which along with the public realm scheme will enhance and preserve the Conservation Area.

It will also reinforce the existing uses and create further footfall through Newry, with opportunity to solve access issues without compromising views or openings. Ensures long term protection of site uses ensuring prominence of the Grade B1 listed building (Town Hall) with a single contemporary building which will stand out within the Conservation Area due to its sympathetically designed building and improved aspect, enhancing as well as protecting buildings, views as well as the character and setting of the area. In reviewing supporting costing information the creation of the 200-250 seater theatre is economically viable and attractive for professional touring companies and spaces could be used for conference venue and other uses which will have socio-economic benefits.

The scheme will regenerate a key disused brownfield site within the Conservation Area. Provided the development is carried out in accordance with the approved plans, given its prominent and strategic location within the city redevelopment proposals will bring visual betterment, enhancing views and improving the setting of the LLPA, Conservation Area and streetscape particularly when viewed from the surrounding areas of public access.

In this regard, the proposal is considered to enhance the character and appearance of the area. Thus, meeting criteria BH12 a.



View from Neeham Bridge



View from Mall



View from Merchants Quay



View from Merchants Quay



View from Merchants Quay

- *BH12 (b) – The development is in sympathy with the characteristic-built form of the area;*
- *BH12 (c) – the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area.*

Comments from HED dated 02.09.24 (see also 13.09.24 HED comments) acknowledge the change to the setting of the Town Hall and nearby listed buildings specifically in relation to development proposals in relation to the extension of the Town Hall to incorporate the replacement of No. 2 Bank Parade and SHAC.

The scale and form of the theatre and conference facility is considerably higher and has a larger footprint than the existing buildings at the application site. However, the scale, height, massing and alignment are respectful of symmetry and the order observed at Bank Parade and is akin to the existing SHAC façade.

The design of proposals have been altered with external finish with a light cream brick finish which is in keeping with the light stone and render facade found within the locality and the use of arched openings relate to the arches on the Town Hall and, to a lesser degree, on the Armagh Down and Sugar Island Bridges

Overall HED have no specific objection to the characteristic built form, scale, form, materials and detailing with current proposals offering betterment from the original design proposals before the Department.

Proposals now meet the requirements of criterion b and c of BH12.



Visual Representation of Proposals – For Information Only

- *BH12 (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area.*

Environmental Health are content with the proposal, subject to mitigating conditions.

Proposals meet criteria d of BH12

- *BH12 (e) – Important views within, into and out of the area are protected.*

The Town Hall will remain insitu albeit with internal and external alterations. It is the extension beyond the north gable of the Town Hall which will facilitate connection to a new glazed atrium, theatre and conference area. Proposals will involve the demolition of existing building including that of No. 2 Bank Parade and SHAC. The remnants of buildings/ structures/ advertising hoarding and No. 2 Bank Parade is unlisted but is largely hidden from view due to location which makes no material contribution to the Conservation Area. Although the SHAC is much more prominent within the built fabric of this locale it is also unlisted and is often mistaken as an historical building.

However, the redevelopment proposals presented will replace unlisted buildings which in their own right make no material contribution to the setting. Along with landscape/ public realm proposals this development will provide a betterment to the visual appearance of the streetscape when considered against the existing built form displayed within the vicinity. The proposal before the Department will not impact on important views within, into or out of this area but rather enhance this aspect.

Development proposals satisfy criteria e of BH12.

- *BH12 (f) – Trees and other landscape features contributing to the character or appearance of the area are protected.*

A tree preservation order extends to all trees within the Conservation Area regardless of condition and are afforded protection. The tree survey (See LA07/2024/2328/WPT) and landscape plan (100 REV P05) has identified 27 individual trees and group of trees within the site. Development proposals will retain the vast majority of trees and will be incorporated into the scheme along with measures to secure future protection maintaining the visual aspect and affording protection of such important landscape assets.

However, initial proposals involved the removal of 7 trees and 1 tree group. These trees have been identified as having low or moderate arboriculture value. These trees are spread across the site with loss of 2 trees on Kildare Street, 2 trees on Bank Parade, 1 tree on the Mall and a tree group along the canal walkway that the loss of such will have negligible visual impact when considered within the wider site/ Conservation Area.

Trees along Kildare Street are in close proximity to existing parking bays that long term survival for these and remaining trees are not guaranteed, but removal will have limited visual impact and improve current parking/ road safety arrangements as well as affording protection to existing trees.

The tree to the north of the Arts Centre must be removed to facilitate service access as well as for access by emergency vehicles as this cannot be facilitated at the rear at Neeham Bridge. The loss of the tree group along the canal is in close proximity to the watercourse again that future survival may be compromised, the additional planting along the waterside will compensate that such loss is less apparent. The removal of trees will be compensated by additional planting.

Following consultation with the TPO officer, an amended landscape drawing to include the retention of more original trees. The TPO officer has no objection to the proposed subject to conditions.

Condition will be imposed on retention of trees within the application site.

Overall proposals satisfy the conditions of criteria f of BH12.

- *BH12 (g) – The development conforms with the guidance set out in Conservation Area documents*

The proposal largely conforms with the Newry Conservation Area Guide in terms of continuity of rhythm, scale, massing, detailing, materials, texture,

colour of adjacent buildings. It is noted flat roof aspect is not considered to be traditional / reflective of the character of the Conservation Area, however given it is reflective of the original SHAC roof line is, it is considered acceptable as it would not detract from the special character of the Conservation Area.

Taking account of the Conservation Guidance (Newry Conservation Area 1992) in relation to materials there are 'no hard and fast rules can be applied in the selection of and use of materials, but they should be considered in the context of surrounding properties and open spaces and their likely impact on the street scene'. HED comments dated 02.09.24/13.09.24 are generally content with materials proposed which are in keeping with those found within the setting and have raised no concerns in relation to its impact upon the relationship, views or setting of the listed buildings.

Overall, the Planning Department has carefully assessed the proposed demolition of the unlisted buildings and their contribution to the character of the Conservation Area. It is considered, given their design and appearance, that they do not make any material or significant material contribution to the character and appearance of the Conservation Area. The Planning Department is also satisfied that the proposed redevelopment scheme, as approved, will preserve and enhance the character of the area for the reasons outlined in this report.

18.3 SPPS and PPS6 (BH14 - Demolition in a Conservation Area and BH10 Demolition of a Listed Building) and Planning Act 2011 (Section 91, 104 and 105)

Development proposals are located within the designated Newry Conservation Area and adjacent to listed buildings. Taking account legislative requirements as development proposals include works that affect the listed building i.e. Newry Town Hall. Listed Building consent is required separately, and this has been sought and currently being considered under LA072023/2213/LBC.

Proposals include demolition of unlisted buildings within the Conservation Area which requires separate consent for Demolition within a Conservation Area (DCA). Again, this has been sought under planning reference LA07/2023/2225/DCA and will be considered separately from the Planning Department by the Department of Infrastructure (DFI).

Taking account legislative requirements, the Planning Department have also considered proposals under relevant policy consideration as set out below.

The matter of demolition of unlisted buildings within the Conservation Area is considered against Sections 91 and 104 of the Planning Act (NI) 2011, SPPS, PPS6, Policy BH14 requirements as well as the criteria within BH10.

As set out earlier in this report, Section 91(2) of the 2011 Act requires the Council to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses. Section 104 relates to conservation areas and provides that special regard must be had to the desirability of—

(a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;

(b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise.

These statutory obligations in relation to listed buildings and enhancing/preserving the character of the Conservation Area have been addressed above.

In accordance with PPS6, the Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted, this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition. The Department will operate a presumption in favour of retaining any building which makes a positive contribution to the character or appearance of a conservation area and as such in assessing proposals the Department will have regard to the same broad criteria outlined above for the demolition of listed buildings (para 6.5 and policy BH 10).

Demolition extends to No. 2 Bank Parade and SHAC (unlisted buildings) including building/ structures to rear of SHAC. The existing derelict site and vacated buildings together with rear concrete yard. As proposals represent total demolition of non-listed buildings policy BH10 is applicable but also of note is the relevance of paragraph 6.25 in the consideration of this assessment.

The agent has provided supporting information to justify the case for demolition of No. 2 Bank Parade and SHAC to support the redevelopment proposals. This includes costings for retention of the existing buildings and demolition with redevelopment, feasibility study and Design Access, Heritage Statement (August 24).

The site is located within a prominent location in Newry Conservation Area within a highly sensitive area impacting upon the setting of listed buildings and scheduled monument and a key location within the Conservation Area. The Planning Department along with HED throughout the assessment of the project, highlighted the need for robust justification for the demolition of the SHAC and No. 2 Bank Parade as a presumption in favour of the retention of buildings would preside unless they make no material contribution to the

Conservation Area and would only be conditional on prior agreement of an accepted redevelopment proposal.

In supporting evidence, the SHAC was acquired by the Council in the 1980s who demolished the building and redeveloped the site, including the small gap site to the west to form Newry Mourne and Down District Arts Centre. This included the reconstruction of the front elevation in concrete, reproducing the facade of the old bank building with a new steel frame building behind. The Historic Building database noted incorporation of original portico, platband and some windows and comparison of historic photos detailing of projecting cornice and coursing of the ashlar to porch differs. Though not a faithful stone by stone reproduction of the original. It goes on to say that the building bears no relation to the massing and planform of the previous building with primary elevation having little evidential value with the remainder of the building having no evidential value. As a reproduction building it has no historical value. Whilst noted it has aesthetic value when viewed from the SE in terms of setting and fitting however views from NW from Merchants Quay is not an appropriate response, turning its back on the Conservation Area nor helped by the inaccessibility of rear lands. As such the building does not make a valuable contribution to the Conservation Area.

The agent further elaborates that the decline in use of the SHAC due to its restricted nature and technical constraints this included small fixed auditorium format with small seating area, restricted backstage get in, constrained in size, no vehicle access, no level access, back of house facilities limited, no internal connection with Town Hall, the two buildings are unable to work together to provide coordinated programme for larger conferencing and performance facilities thus impacting and making the venue unable to host a range of productions, has become underused resulting in a venue which is operationally and financially unviable for production companies.

The agent has also looked at the retention of the building with detailed Design and Access Heritage Statement however this opens up a number of issues in relation to design which may have ramification for future accessibility, and economic viability of the proposal.

In relation to No, 2 Bank Parade the agent in supporting evidence has advised that the building has been modified inside and outside except for the primary elevation but overall retains no original features. Whilst acknowledged the elevation offers some evidence of style and massing of the area prior to the construction of the Town Hall. It is nevertheless of little historical value and is lost within the Conservation Area offering no aesthetic value, the building is in an advanced state of dereliction and the rear return has been demolished and contributes to poor townscape character. Whilst taking account the possibility of retaining the elevation within the facade of the new building has been deemed inappropriate and would have created a 'stage set' feeling to the atrium which would be incongruous with the rest of the design. Whilst the elevation is attractive it makes no significant contribution to the Conservation

Area. Therefore, the benefits of keeping are outweighed by the benefits of replacing.

A cost analysis was provided for consideration for the retention and renovation versus redevelopment and replacement of buildings. Whilst the costings for retention with renovation and repair was marginally lower. The benefits do not outweigh the additional cost to provide an improved facility which will have a wider benefit to the community, tourism, recreational and economic sectors but the added value of regeneration, improve the visual aspect of the setting and character of the Conservation Area as well as improving linkages through to the rear enhancing connectivity and supporting sustainable patterns of movement as well as securing long term use and survival of the Town Hall with enhanced facilities. This will ensure that the condition of the listed building is preserved and enhanced along with the additional public realm proposals and opening up of the wider Conservation Area which was originally not as easily accessed with the current buildings turning their back onto important vistas. The new redevelopment opportunity benefit outweighs the retention of buildings for the reasons set out above.

The Planning Department whilst recognising policy and legislative requirements for the retention of buildings within Conservation Areas, consider that the redevelopment proposals put forward are acceptable and will both enhance and preserve the character of the Conservation Area.

The matter of demolition of the existing buildings is considered separately under application LA07/2023/2225/DCA (this is currently being considered by the Department of Infrastructure).

Having regard to the requirements of Policy BH14, including the same broad criteria outlined for the demolition of listed buildings (para 6.5 and Policy BH 10,) as directed by Para 7.17 of the justification and amplification text to BH14, the proposed demolition is considered acceptable, and the proposed redevelopment represents an opportunity for enhancement of the Conservation Area.

The scheme is considered, on balance, acceptable to the requirements of the SPPS, PPS6 (Policies BH8, BH10, BH12 and BH14) and Newry Conservation Area Guide, subject to the works being carried out in accordance with the submitted plans.

19.0 SPPS (3.6) - Land Contamination

DAERA Regulation Unit in comments dated 24.05.23 have noted the previous activities adjacent to the site in terms of mineral works, ceramics, cement and asphalt manufacturing may have caused the land to be affected by contamination. Following submission of a Preliminary Risk Assessment (PRA) and a Generic Quantitative Risk Assessment these comments have been reviewed by DAERA which now advise they have no objections.

Proposals meet guidance set out within the SPPS (para 3.6).

20.0 SPPS (4.11 and 4.12) Safeguarding Residential and Work Environs

The site is surrounded by a mix of commercial properties with no known residential properties within the immediate vicinity. The proposed redevelopment will continue with a similar land use to previous that there are no significant changes above and beyond what exists at present in terms of noise etc. EH in comments dated 03.04.23 have no objections.

Proposals satisfy the conditions of SPPS (4.11 and 4.12).

21.0 Water/ Sewerage

NIW in comments dated 28.05.24 have recommended approval subject to condition.

22.0 SPPS and PPS15 (Revised) – Planning and Flood Risk

The application is located within an existing flood plain. The site is bounded at the SE by Newry River which traverses the site between Bank Parade and Kildare Street as well as to the E by Newry Canal as well as numerous flood defences.

Proposals will increase capacity of users at the site thus involving an intensification of the use of the site. Notwithstanding this in line with 6.15 of PPS15 (revised) justification and amplification text. Whilst such development is not desirable in the context of flood risk, this factor must be balanced against other material considerations, including the provisions of other Planning Policy Statements that may tend to favour higher density development in urban areas.

Accordingly, the Planning Department will determine each application on its individual merits taking account of the scope for mitigation of the residual flood risk. In weighing all of these matters, the proposal is considered to meet the exceptions test to FLD1 for reasons of overriding planning significance, given the nature of the proposal and the unique site circumstances. This was set out within email correspondence to Rivers Agency dated 09.05.23.

A Flood Risk Assessment (FRA) and Drainage Assessment has been submitted to and appraised by Rivers Agency.

FLD1 - Development in Fluvial and Coastal Flood Plains

From the information provided within the Flood Risk Assessment Section 3 mapping shows no increase in flood rise elsewhere as a result of the proposed development. Modelling results have also been provided which show a potential increase in flood dept by 10mm as result of the proposed development. The information submitted has taken a conservative approach to modelling the extent of the impact within flood plain. In assessing the information Rivers Agency whilst acknowledging they are not responsible for the preparation of the

FRA are satisfied with the logic applied and have no reason to disagree with its conclusions.

Rivers Agency go on to advise that they cannot comment on the acceptability of the flood evacuation plan and its acceptability. The acceptability of such a plan is not the responsibility of the Planning Department and lie outside its remit. The onus is on the developer that such measures are implemented. This can be dealt with by way of condition/ informative. *Otherwise, proposals meet the requirements of FLD1.*

FLD2 - Protection of Flood Defence and Drainage Infrastructure

Rivers Agency in comments dated 13.09.24 note that the proposed development is in close proximity to the Newry Flood Alleviation scheme which is currently under construction and therefore recommend that the developer work closely with the Department's Capital Projects Team and also ensure provision is made for working strip to facilitate future maintenance.

Proposals meet FLD 2, and condition subsequently applied in relation to provision of a working strip.

FLD3 - Development and Surface Water

Whilst proposals will utilise existing mains for water supply and sewerage, proposals will involve the discharge of surface water into the existing watercourse.

A Drainage Assessment has been submitted for consideration. Rivers Agency have sought additional information in relation to drainage calculations and a Schedule 6 consent to discharge.

The agent was contacted by email to request such information with the Planning Department informed this is an ongoing matter.

An email was received 03.09.24 from the consultants on behalf of the agent advising that they have been liaising with Rivers Agency in relation to the Schedule 6 application. Rivers Agency have indicated that a method statement from the appointed contractor prior to works commencing when other matters are agreed to satisfy the Schedule 6. A further email was received from the agent dated 13.09.24 and confirmation from Rivers Agency that the Schedule 6 application has been accepted. Further consultation took place with Lough Agency (confirmed by email 13.09.24) who are also satisfied with no objection to proposals.

In relation to drainage calculations the email dated 03.09.24 also confirmed that in relation to the discharge rate DfI requested additional proof of drainage connectivity to Newry River. The consultant has confirmed that this information has already been forwarded to Rivers following a survey of the area with discharge levels less than anticipated and was tied in with the Schedule 6 application.

It further confirmed that on the basis of the information provided to them that Rivers Agency were generally content from a flood risk perspective.

On the basis of clarification from the agent in relation to drainage issues the Planning Department is satisfied that drainage issues appear resolved, whilst engagement has taken place with Rivers Agency this has been concluded. This was further confirmed by Rivers Agency's consultation response dated 13.09.24 which had no objection in principle.

Overall proposals meet the SPSS and FLD3.

FLD4 - Artificial Modification of Watercourses

DfI Rivers Agency confirm this policy is not applicable to this site.

FLD5 - Development in Proximity to Reservoirs

DfI Rivers reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Camlough Reservoir. DfI Rivers is in possession of information confirming that Camlough Reservoir has 'Responsible Reservoir Manager Status'. Consequently, DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

Proposals are in accord with FLD 5

Flood Risk in the Climate Change Scenario

Rivers Agency have advised in relation to climate change and predicted flood risk that the vast majority of the site lies within the 1 in 100 year fluvial climate change flood plain and 1 in 200 year coastal climate flood plain.

The existing and proposed development are already located within an area of flood risk with the current uses long established at this location and will be continued as such. Although there is a potential future risk, the Planning Department would remain of the opinion that proposals would continue to meet exemption principles as set out within policy and for this reason would still be in compliance with FLD1 of PPS15.

23.0 PSRNI (DES2)

Proposals are acceptable in terms of the retention of and continuation of land uses at the site, no impact to amenity is envisaged and amended design is now acceptable (design issues also considered above)

Meets DES 2 of PSRNI

24.0 Summary Consideration and Assessment

- Proposal are in line with regional policy aims of sustainable urban development in existing urban areas and is acceptable to SPPS and Plan (Banbridge/ Newry and Mourne Area Plan 2015).
- Following revisions to the scheme and additional information, the proposal is considered acceptable to legislative requirements, prevailing policy, Design and Conservation Area guidance requirements, including SPPS, PSRNI, PPS2, PPS3, PPS6, PPS15,
- Third-party representations received have been fully considered (see above).
- Late representations have been forwarded to HED should they wish to make comment (on writing no comment has been made by HED). It is noted that previous comments dated 13th September 2024 raised no objection.
- Approval is recommended, subject to the attached planning conditions being met.

25.0 Recommendation: Approval

26.0 DRAFT CONDITIONS:

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

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

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

Drawings nos. are attached on a separate word document to be later inserted

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

3. No drainage shall be laid until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: In the interests of public health.

4. No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution is shown on a solution design drawing to mitigate the downstream foul capacity. This shall be submitted to and agreed in writing by the Planning Department to the satisfaction of NIW and shall be implemented as agreed.

Reason: In the interests of public health.

5. The development shall not be operation under the developer has complied with all the requirements set out within the agreement entered into with NIW under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006. The details of which shall be submitted to and agreed in writing by the Planning Department.

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

6. NIW public sewer/s traverse the proposed development site. No construction works are permitted, trees planted, or other obstruction permitted over this sewer/ watermain, or within the permitted wayleave width without the prior consent of NIW. The details of which shall be submitted to and agreed by the Planning Department.

Reason: To prevent disturbance / damage to existing sewers and in the interest of public safety.

7. No development shall commence until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016. The details of which shall be submitted to and agreed in writing by the Planning Department.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

8. A formal water / sewer connection including re-use of existing connections application shall be submitted to and agreed by NIW prior to operational use. The details of which shall be submitted to and agreed by the Planning Department, the connections shall be implemented as agreed.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

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

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

10. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 9 have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

11. A working strip shall be provided along the watercourse and shall have a minimum width of 5 metres, this shall be provided with clear access and egress at all times.

Reason: To facilitate future maintenance access by Rivers Agency or any other statutory undertaker or the riparian landowners.

12. The development hereby permitted shall not commence until all fuel storage tanks (and associated infra-structure) are removed as part of the development and are fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2 and GPP 27) and the Remediation Strategy detailed in the RPS Generic Quantitative Risk Assessment Report IBR1193. The quality of surrounding soils and groundwater shall be suitably verified and, should any additional contamination be identified during this process, works shall cease and the conditions as detailed for new contamination or risks will apply.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. In the event that piling is required, no development or piling work shall commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing with the Planning Department.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

14. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease, and the Local Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance (available at <https://www.gov.uk/guidance/land-contamination-how-to-managethe-risks>.) In the event of unacceptable risks being identified, a remediation strategy shall be agreed in writing with the Planning Department and subsequently implemented in accordance with the approved details and timeframe.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

15. After completing all remediation works under Conditions 13 and prior to operational use of the development, a verification report shall be submitted to and approved in writing by the Planning Department. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

16. Before work begins, details shall be approved in writing by the Planning Department to ensure that precautions are taken to secure and protect the following features of interest during the building work:
 - a. Entrance lobby, glazed and mosaic tiles;
 - b. Entrance lobby, glazed door and screen;
 - c. Office L00.01 (staff canteen)- fireplace and wall safe;
 - d. Auditorium balcony columns, metal balustrade and polished timber handrail
 - e. Staircases, including metal balustrade and polished timber handrails;
 - f. Timber panelling, wainscotting, window surrounds, architraves and skirting boards throughout; and
 - g. Decorative plasterwork at ceilings, cornices, roses, corbel brackets and pilasters to Lobby, Rotunda, Office L00.06, Committee Room and Main Auditorium.

The agreed measures shall be carried out in full. Under no circumstances must these features be disturbed to install services.

Reason: To ensure that the development is not detrimental to the character, appearance or special interest of the Listed Building in accordance with PPS6 BH8. Approval is required upfront to safeguard original features of the building.

17. No works shall commence on site unless a Detailed Method Statement for the following works to the Town Hall been submitted to and agreed in writing by the Council:
 - a. Internal down takings and new openings in the external walls including means of supporting and protecting the retained structures and fabric both during the works and afterwards; b) Stone repairs and cleaning;

- c) Conservation repairs of historic fabric including windows, doors, metalwork, steps and plasterwork; and
- d) Construction of foundation structures and piling for the new extension, including means of supporting and protecting the retained structures and fabric.

The works and activities shall not be carried out unless in accordance with the approved Detailed Method Statement.

Reason: To ensure that the development is not detrimental to the character, appearance or special interest of the Listed Building in accordance with PPS6 BH8. Approval is required upfront to safeguard original features of the building.

18. No works shall commence on site unless details for the new external window and goods lift doors have been submitted to and approved in writing by the Planning Department. The details shall be at a scale of 1:20 or less and include the depth of reveals, sections, details of heads and sills, materials and finishes. The works shall not be carried out unless in accordance with the approved details.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

19. Wiring to services mounted on external façade to Town Hall, within Atrium space (Section BB, Hamilton's drawing 4100 Rev C04), shall be fed from the inside face of the wall, i.e. no surface mounted conduits or chased brickwork.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

20. Prior to the commencement of any works associated with the new goods lift, detailed drawings, at a minimum scale of 1:20, of the proposed lift structure, pit, foundations, over-run and roof shall be submitted and agreed in writing by the Council. The works shall thereafter be carried out solely in accordance with the approved details.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

21. All fixings to the existing stonework shall be specified as non-expanding and nonferrous to prevent corrosion, damage and staining.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

22. Unless shown on the approved plans, no satellite dishes or other aerials, alarm or metre boxes shall be affixed to the exterior of the Town Hall unless in accordance with details that shall have first been submitted to and approved in writing by the Planning Department.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

23. Unless otherwise specified on the approved drawings, all new external and internal works and any works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance. Detailed finishes schedules and samples are required for approval on any changes proposed.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

24. Final coat of paint to all external joinery shall be brush-applied on site (i.e. not factory finished).

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

25. External railings at Bank Parade, as shown on Paul Hogarth's Guardrails drawing No. 915 Rev P01, shall not be fixed to the Armagh Down Bridge.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

26. No development, including site clearance, site preparation, demolition and the formation of foundations and trenches, shall commence on site unless the detailed design of the HGV entrance screen/shutter has been submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:20. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the listing building, in accordance with PPS6 BH8; and in the interests of maintaining the character and appearance of the setting to the other listed buildings, in accordance with PPS6 BH11. Approval is required in advance because the design of these element is fundamental to the overall appropriateness of the building

27. The atrium shall not be installed unless in accordance with details of the specialist glazing system that shall have first been submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:50, together with construction details to a minimum scale of 1:20, illustrating the design, profile, materials, finish and colour of all framing members and glazing units. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the listing building, in accordance with PPS6 BH8; and in the interests of maintaining the character and appearance of the setting to the other listed buildings, in accordance with PPS6 BH11. Approval is required in advance because the design of these element is fundamental to the overall appropriateness of the building.

28. No external brickwork shall be constructed unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Planning Department. The sample panel provided on site shall include an arch, be a minimum of 1m x 1m, and made available for inspection by the Council for the duration of the construction works. The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

29. No external roofing, including screening to roof-top services, shall be constructed or applied unless in accordance with a written specification and a physical sample, details of which shall have first been submitted to and approved in writing by the Planning Department. The sample shall be provided on site and made available for inspection by the Planning Department for the duration of the construction works.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

30. No rainwater goods, including guttering and downpipes, shall be installed unless in accordance with details that shall have been submitted to and approved in writing by the Planning Department before they are installed.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

31. External flue/s shall be metal, paint finished and permanently retained as such.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

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

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

33. No flood barrier system shall be installed adjacent to the Town Hall until details that shall have first been submitted to and approved in writing by the Planning Department. The details shall include any fixings required on or adjacent to the listed building, whether temporary or permanent.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

34. Prior to commencement of external works, samples shall be submitted and approved in writing by the Planning Department in respect of all hard landscaping materials. The work shall be carried out fully in accordance with the details approved.

35. Prior to installation of the canopy to the cantilever platform the detailed design shall be submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:50. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of the listed buildings.

36. A suitable buffer of at least 10m must be maintained between the boundary of the adjacent watercourse and the refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc.

Reason: To prevent adverse impacts on the features of the designated sites.

37. Prior to discharge into Newry River, any surface water generated during the construction phases of the development must first pass-through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To prevent adverse impacts on the features of the designated sites.

38. No retained tree, shown as retained on the landscape layout (drawing) shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction-Recommendations.

Reason: To ensure continuity of the biodiversity value afforded by existing trees

39. During the first available planting season after the operation use of the development hereby permitted, or as otherwise agreed in writing by the Planning Department, landscaping shall be carried out in accordance with the (Drawing No date stamp received) and maintained thereafter.

Reason: In the interest of visual and residential amenity.

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

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

41. The open space and amenity areas as indicated on the drawing No date stamp received (Landscape Layout) shall be managed and maintained in accordance with a detailed Landscape Management and Maintenance Plan which shall be submitted to and agreed by the Planning Department prior to the operational use of the development hereby approved. This shall be implemented as approved.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual amenity.

42. Prior to commencement of development a detailed Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing by the Planning Department to the satisfaction of NIEA/ Loughs Agency. The CEMP shall, include methods of control of run-off from working areas, and mitigating measures to prevent pollution of watercourses.

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

43. Prior to the commencement of the development hereby approved a Dust and Noise Management Plan shall be submitted to and agreed in writing by the Planning Department to the satisfaction of Newry, Mourne and Down District Council Environmental Health Department. The Management Plan and shall contain mitigation measures against the impacts of noise and dust.

Reason: In the interest of public health.

44. Needham Bridge access shall be used for pedestrian use only and retained as such in perpetuity.

Reason: In the interests of road safety.

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

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

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

46. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 45.

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

47. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 45.

These measures shall be implemented, and a final archaeological report shall be submitted to the Planning Department within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Planning Department.

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

48. No site works of any nature or development shall take place until Scheduled Monument Consent (SMC) has been granted by Historic Environment Division the details of which shall be submitted to and agreed in writing by the Planning Department.

Reason: To prevent damage or disturbance to Newry Canal (ARM29:500) a monument of regional importance

49. Newry, Mourne and Down District Council shall implement the Flood Management Plan as stated in in 5.3 and of the Flood Risk Assessment dated (Flood Warning and Flood Emergency Evacuation Plan).

Reason: To ensure the safety of the general public

50. A revised Landscape Layout shall be submitted to and agreed by the Planning Department prior to the commencement of any works, the revised layout shall show the agreed works required for DFI Roads and the retention of TPO trees, removal and compensatory measures as agreed at the Planning Meeting dated 16th September 2024. The landscape layout plan shall be implemented as agreed.

Reason: To ensure adequate road safety measures and ensure adequate protection of TPOs.

51. Condition on birds - The onus is on the developer to ensure that any works are undertaken outside of bird breeding season.

52. The vehicular access, including visibility splays, forward sight distance and pedestrian safety measures shall be provided in accordance with Drg No GB01T22H79 / I / GL01 Rev A and 100 REV P11 date published 05-11-24 prior to the operation of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

53. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 100 REV P11 date published 05-11-24

The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out to which a road bond will be required.

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

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

55. Largest vehicle allowed to use proposed access will be a 10m Rigid Vehicle as indicated on drawings GB01T22H79 / I / SPA010 and GB01T22H79 / I / SPA011.

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

19047 Newry Theatre and Conference Centre – Planning Committee Meeting – 18.12.2024

Request for Speaking Rights for Ben Aston of Hamilton Architects and Kieran Carlin of Carlin Planning.

Project Overview

- City Centre Regeneration programme and is supported by Belfast Regional City Deal
- Newry Theatre & Conference Centre is a project within the NCCR programme
- New purpose-built theatre with back-of-house facilities & vehicle get-in
- Enhanced Town Hall, supported by new extension
- Conference capability, Bar & Café
- Outdoor event space
- Catalyst for regeneration

City Centre First

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

Conservation Area

Reconstruction of Sean Hollywood Arts Centre in 1982

- Community benefit that will be delivered by the facility
- Rebuilding allows for a larger auditorium, larger new building, vehicle get-in, more front & back-of-house facilities, etc.
- Case Officers report provides a robust analysis of the built heritage and relevant policy considerations.

Flood Risk

Exceptions Test –

- deemed to be of overriding regional or sub regional economic importance and meets both of the following criteria:
 - o Exceptional benefit to the regional or sub-regional economy;
 - o Demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- a) All sources of flood risk to and from the proposed development have been identified; and
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development

Detailed Flood Risk and Drainage Assessment has been submitted and accepted by DfI Rivers.

RIBA Chartered Practice

Hamilton House, 3 Joy Street, The Linen Quarter, Belfast, BT2 8LE | Tel: 028 9033 4250

design@hamiltonarchitects.co.uk | hamiltonarchitects.co.uk



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

1.0 Application Reference: LA07/2023/2213/LBC

2.0 Date Received: 19.01.23

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

4.0 Location: 1 Town Hall, Bank Parade, Newry, BT35 6HR

5.0 Site Characteristics & Area Characteristics:

The site comprises 0.89ha of land of the existing Town Hall (Listed Building), a two-storey derelict building (No.2 Bank Parade) and Sean Hollywood Arts Centre (SHAC).

Whilst comprising of separate buildings with exception of No. 2 Bank parade both the existing Town Hall and SHAC read as a collective visual entity when viewed from the immediate area.

The site is located to the SW of Sugar Island occupying a prominent location within Newry City. The existing Town Hall is built above and extends along the Clanrye River on a supported bridge arched structure.

The broader site extends to the W forming a triangular portion of open, disused land with pedestrian connection to the SW to Needham Bridge. Newry Canal and a Schedule Monument extends along the SW boundary with remnants of a stone wall/ wall of former buildings along this boundary.

The east of the site extends to Sugar Island Bridge, taking in Kildare Street to the South and Bank Parade to the north. By virtue of its location within the

Conservation Area there are variety of trees within the vicinity which are afforded protection under a Tree Preservation Order (TPO).
Development within the vicinity include a mix of commercial properties located within 2 -4 storey high terraced buildings that extend along Kildare Street, Sugar Island, Trevor Hill and Hill Street.

The site is located within the settlement limits of Newry City, within the limits of Newry City Centre, Newry Conservation Area, Development Opportunity Site (NY84), Local Landscape Policy Area (LLPA - NY114), Disused Transport Route and is located within the confines of a listed buildings/ structures including Newry Town Hall, Armagh Down Bridge, Russian Trophy and Mc Cartan's shop including a Scheduled Monument (Newry Canal)

6.0 Relevant Site History:

See planning history outlined in associated file LA07/2023/2193/F

7.0 Planning Policies & Material Considerations:

- Banbridge/ Newry and Mourne Area 2015 (BNMAP)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS6 - Planning, Archaeology and the Built Heritage
- The Planning Act 2011 (Section 91, 104 and 105)

8.0 Consultations:

- **HED Buildings (13.09.24)** – Reconsidered impact of the proposal on the listed building based on information uploaded Jun/ Aug/Sep 24 and advise that previous concerns have been addressed and conditions are requested to address outstanding information on the Town Hall and Atrium.

9.0 Objections & Representations:

As required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, the application details were advertised in the local press in April 2023. Neighbours re-notified September 24 following initial notification. No objections received (56 objections, 1 petition and 2 letters of support were received in relation to full application LA07/2023/2193/F which were considered under this application)

10.0 Consideration and Assessment:

Proposals are being considered in tandem with application LA07/2023/2193/F and LA07/2023/2991/DCA (considered separately by DFI)

The site is located within Newry Conservation Area as defined in the Banbridge, Newry and Mourne Area Plan 2015. There are no objections to the proposal with regard to the Area Plan/ SPPS. Prevailing weight is attached to PPS6 in this assessment.

As there is no significant change to the policy requirements for development of this nature following the publication of the SPPS, it is somewhat less prescriptive. That the retained policies of PPS6 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

11.0 SPPS (para 6.12 6.13 & 6.15) and PPS6 (BH8, 10, 11 and 14) – Planning, Archaeology and the Built Heritage and Planning Act 2011 (Section 91, 104 and 105)

As the application is located within the Conservation Area of Newry sections 91,104 and 105 of the Planning Act 2011 are applicable in the assessment of the application.

Section 91(2) of the 2011 Act requires the Council to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses. Section 104 relates to conservation areas and provides that special regard must be had to the desirability of—

- (a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;
- (b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise.

This will be further considered below.

Historic Buildings HED in comments dated 13th September 2024 have considered the impacts upon the listed building and on the basis of information provided and subject to planning conditions have no objection.

The application site is located within Newry Conservation Area, as identified by designation NYCA01 of the Plan. Para. 6.18 of the SPPS directs that in managing development within a designated Conservation Area, "...the guiding principle is to afford special regard to the desirability of enhancing its

character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise."

Accordingly, there will be a general presumption against the grant of planning permission/ listed building consent for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle.

Development proposals within the Conservation Area will be assessed in accordance with the legislative obligations set out above and prevailing regional policy, which in this case includes PPS6 and Newry Conservation Area (DOE NI), December 1992.

Policy BH 8 (Extension or Alteration of a Listed Building), BH 11 (Development Affecting the Setting of a Listed Building) and Planning Act 2011 (Section 91, 104 and 105)

In considering whether to grant planning permission for development that affects a listed building or setting the Department must have regard to the desirability of preserving the building or its setting or any features of special architectural or historical interests in which it possesses as well as taking account the requirements of the SPPS and PPS6 in which a number of criteria must also be met.

Proposals include the refurbishment of the existing Town Hall (Listed Building) with extension to form a connective atrium to a new state of the art Theatre and Conference facility which will involve the demolition of No. 2 Bank Parade and the current Sean Hollywood Arts Centre (SHAC) with new public realm scheme.

In supporting information the agent outlines the small scale availability of theatre/ arts performance within the district which is currently fragmented. They have looked at the renovation and extension of the existing buildings and associated costings but difficulties arise in terms of conflict of service access and public access, little connectivity to public space to rear, requires level changes and DDA access between both buildings, irregular form of buildings create a lot of insufficient space, high level of circulation required to link both buildings impacting on existing buildings. The agent has given consideration to an off site location for the delivery of a new venue elsewhere however the repercussions of this could displace and create substantial risk to the long-term survival of the existing Listed Building -Town Hall without an alternative use for the protected building.

The development proposals align with the desirability of preserving the building or its setting or any features of *special architectural or historical interests*.

The Town Hall is a Grade B1 listed building which will remain as part of proposals with the essential character of the building and setting retained and features of special interest remaining intact and enhanced.

Although this will involve the removal at No. 2 Bank Parade and the SHAC these buildings are non-listed. The outworkings of the development will ensure prominence of the Grade B1 Newry Town Hall with a single contemporary building which will contrast with the ornate red brick façade of the historic building. Reinforcing its central location within the settlement for the existing and creation new footfall through Newry City Centre and can become the nexus for regeneration within Sugar Island and ensures long term protection of the venue as well as having significant social and economic benefit to the area. The works proposed will make use of traditional and sympathetic building materials and techniques with architectural details in keeping with the existing building with development proposals a nod to the architectural detailing found at the Town Hall.

The agent has considered the retention of the SHAC as part of proposals (See Updated DAS Aug 24). The SHAC was acquired in the 1980, demolished and redeveloped which included the reconstruction of the front elevation on concrete a reproduced façade of the old bank building with steel frame to rear with building bearing no relation to the massing and platform of the original building and is of no historical value. Whilst a widely known building in terms of aesthetics when viewed from Merchants Quay is not an appropriate response to the Conservation Area although the front façade may offer some aesthetic value it is noted that this is not an original façade.

No.2 Bank Parade is excluded from views within the Conservation Area and has modified inside and out. Whilst it is noted has an attractive façade this has little bearing on the setting and makes no material contribution to the Conservation Area.

The agent has considered all viable options in retention of all buildings at the site. To afford protection and long-term security of the site the resultant cost of retention of non-listed buildings would hinder the venue and cultural offering. However, it has been demonstrated above that the redevelopment through extension of the existing Town Hall will enhance and preserve the listed building, will enhance the visual setting of the conservation area, bring much need regeneration and secure the long-term viability of the Town Hall.

The overriding benefits of redevelopment proposals provide opportunity to provide high quality facilities to enhance tourism, social and economic benefits for the wider community.

HED are satisfied with the external changes in relation to alterations including the extension through to the atrium/ new theatre and conference centre proposals in terms of distinguishment of colour and contrast which will not detract from the Town Hall. They have noted a number of internal alterations which remain to be resolved, however these can be dealt with by way of planning condition. They have also considered impact of development upon the setting within comments dated 02.09.24 and overall are content with proposals subject to planning conditions

Subject to planning conditions, proposals overall meet the requirements of the SPPS, PPS6: BH8 and BH11.

18.3 SPPS and PPS6 (BH14 - Demolition in a Conservation Area and BH10 Demolition of a Listed Building) and Planning Act 2011 (Section 91, 104 and 105)

Development proposals are located within the designated Newry Conservation Area and adjacent to listed buildings. Taking account legislative requirements as development proposals include works that affect the listed building i.e. Newry Town Hall which are considered within this consent application.

Proposals include demolition of unlisted buildings within the Conservation Area which requires separate consent for Demolition within a Conservation Area (DCA). Again, this has been sought under planning reference LA07/2023/2225/DCA and will be considered separately from the Planning Department by the Department of Infrastructure (DFI).

Taking account legislative requirements, the Planning Department have also considered proposals under relevant policy consideration as set out below.

The matter of demolition of unlisted buildings within the Conservation Area is considered against Sections 91 and 104 of the Planning Act (NI) 2011, SPPS, PPS6, Policy BH14 requirements as well as the criteria within BH10.

As set out earlier in this report, Section 91(2) of the 2011 Act requires the Council to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses. Section 104 relates to conservation areas and provides that special regard must be had to the desirability of—

(a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;

(b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise.

These statutory obligations in relation to listed buildings and enhancing/preserving the character of the Conservation Area have been addressed above.

In accordance with PPS6, the Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted, this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition. The Department will operate a presumption in favour of retaining any building which makes a positive contribution to the character or appearance of a conservation area and as such in assessing proposals the Department will have regard to the same broad criteria outlined above for the demolition of listed buildings (para 6.5 and policy BH 10).

Demolition extends to No. 2 Bank Parade and SHAC (unlisted buildings) including building/ structures to rear of SHAC. The existing derelict site and vacated buildings together with rear concrete yard. As proposals represent total demolition of non-listed buildings policy BH10 is applicable but also of note is the relevance of paragraph 6.25 in the consideration of this assessment.

The agent has provided supporting information to justify the case for demolition of No. 2 Bank Parade and SHAC to support the redevelopment proposals. This includes costings for retention of the existing buildings and demolition with redevelopment, feasibility study and Design Access, Heritage Statement (August 24).

The site is located within a prominent location in Newry Conservation Area within a highly sensitive area impacting upon the setting of listed buildings and scheduled monument and a key location within the Conservation Area. The Planning Department along with HED throughout the development of the project highlighted the need for robust justification for the demolition of the SHAC and No. 2 Bank Parade as a presumption in favour of the retention of buildings would preside unless they make no material contribution to the Conservation Area and would only be conditional on prior agreement of an accepted redevelopment proposal.

In supporting evidence, the SHAC was acquired by the Council in the 1980s who demolished the building and redeveloped the site, including the small gap site to the west to form Newry Mourne and Down District Arts Centre. This included the reconstruction of the front elevation in concrete, reproducing the facade of the old bank building with a new steel frame building behind. The Historic Building database noted incorporation of original portico, platband and some windows and comparison of historic photos detailing of projecting cornice and coursing of the ashlar to porch differs. Though not a faithful stone by stone reproduction of the original. It goes on to say that the building bears no relation to the massing and planform of the previous building with primary elevation having little evidential value with the remainder of the building having no evidential value. As a reproduction building it has no historical value. Whilst noted it has aesthetic value when viewed from the SE in terms of setting and fitting however views from NW from Merchants Quay is not an appropriate response to the Conservation Area nor helped by the inaccessibility of rear lands. As such the building does not make a valuable contribution to the Conservation Area.

The agent further elaborates that the decline in use of the SHAC due to its restricted nature and technical constraints this included small fixed auditorium format with small seating area, restricted backstage get in, constrained in size, no vehicle access, no level access, back of house facilities limited, no internal connection with Town Hall, the two buildings are unable to work together to provide coordinated programme for larger conferencing and performance facilities thus impacting and making the venue unable to host a range of productions, has become underused resulting in a venue which is operationally and financially unviable for production companies.

The agent has also looked at the retention of the building with detailed Design and Access Heritage Statement however this opens up a number of issues in relation to design which may have ramification for future accessibility, and economic viability of the proposal.

In relation to No. 2 Bank Parade the agent in supporting evidence has advised that the building has been modified inside and outside except for the primary elevation but overall retains no original features. Whilst acknowledged the elevation offers some evidence of style and massing of the area prior to the construction of the Town Hall. It is nevertheless of little historical value and is lost within the Conservation Area offering no aesthetic value, the building is in an advanced state of dereliction and the rear return has been demolished and contributes to poor townscape character. Whilst taking account the possibility of retaining the elevation within the facade of the new building has been deemed inappropriate and would have created a 'stage set' feeling to the atrium which would be incongruous with the rest of the design. Whilst the elevation is attractive it makes no significant contribution to the Conservation

Area. Therefore, the benefits of keeping are outweighed by the benefits of replacing.

A cost analysis was provided for consideration for the retention and renovation versus redevelopment and replacement of buildings. Whilst the costings for retention with renovation and repair was marginally lower. The benefits to retain do not outweigh the additional cost to provide an improved facility which will have a wider benefit to the community, tourism, recreational and economic sectors but the added value of regeneration, improve the visual aspect of the setting and character of the Conservation Area as well as improving linkages through to the rear enhancing connectivity and supporting sustainable patterns of movement as well as securing long term use and survival of the Town Hall with enhanced facilities. This will ensure that the condition of the listed building is preserved and enhanced along with the additional public realm proposals and opening up of the wider Conservation Area which was originally not as easily accessed with the current buildings turning their back onto important vistas. The new redevelopment opportunity benefit outweighs the retention of buildings for the reasons set out above.

The Planning Department whilst recognising policy and legislative requirements for the retention of buildings within Conservation Areas, consider that the redevelopment proposals put forward are acceptable and will both enhance and preserve the character of the Conservation Area.

The matter of demolition of the existing buildings is considered separately under respective application LA07/2023/2225/DCA (this is currently being considered by the Department of Infrastructure).

Having regard to the requirements of Policy BH14, including the same broad criteria outlined for the demolition of listed buildings (para 6.5 and Policy BH 10,) as directed by Para 7.17 of the justification and amplification text to BH14, the proposed demolition is considered acceptable, and the proposed redevelopment represents an opportunity for enhancement of the Conservation Area.

The scheme is considered, on balance, acceptable to the requirements of the SPPS, PPS6 (Policies BH8, BH10, BH12 and BH14) and Newry Conservation Area Guide, subject to the works being carried out in accordance with the submitted plans.

12.0 Consideration and Assessment Summary:

Having had regard to the development plan and all other material considerations (including the Planning Act, SPPS and PPS6) the proposed

scheme meets the requirements of planning policy and is therefore recommended for approval subject to the necessary planning conditions outlined below.

13.0 Recommendation: Approval

14.0 Draft Conditions:

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

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

-

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

3. Before work begins, details shall be approved in writing by the Planning Department to ensure that precautions are taken to secure and protect the following features of interest during the building work:

- a. Entrance lobby, glazed and mosaic tiles;
- b. Entrance lobby, glazed door and screen;
- c. Office L00.01 (staff canteen)- fireplace and wall safe;
- d. Auditorium balcony columns, metal balustrade and polished timber handrail
- e. Staircases, including metal balustrade and polished timber handrails;
- f. Timber panelling, wainscotting, window surrounds, architraves and skirting boards throughout; and
- g. Decorative plasterwork at ceilings, cornices, roses, corbel brackets and pilasters to Lobby, Rotunda, Office L00.06, Committee Room and Main Auditorium.

The agreed measures shall be carried out in full. Under no circumstances must these features be disturbed to install services.

Reason: To ensure that the development is not detrimental to the character, appearance or special interest of the Listed Building in accordance with PPS6 BH8. Approval is required upfront to safeguard original features of the building.

4. No works shall commence on site unless a Detailed Method Statement for the following works to the Town Hall been submitted to and agreed in writing by the Council:

- a) Internal down takings and new openings in the external walls including means of supporting and protecting the retained structures and fabric both during the works and afterwards; b) Stone repairs and cleaning;
- c) Conservation repairs of historic fabric including windows, doors, metalwork, steps and plasterwork; and
- d) Construction of foundation structures and piling for the new extension, including means of supporting and protecting the retained structures and fabric.

The works and activities shall not be carried out unless in accordance with the approved Detailed Method Statement.

Reason: To ensure that the development is not detrimental to the character, appearance or special interest of the Listed Building in accordance with PPS6 BH8. Approval is required upfront to safeguard original features of the building.

5. No works shall commence on site unless details for the new external window and goods lift doors have been submitted to and approved in writing by the Planning Department. The details shall be at a scale of 1:20 or less and include the depth of reveals, sections, details of heads and sills, materials and finishes. The works shall not be carried out unless in accordance with the approved details.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

6. Wiring to services mounted on external façade to Town Hall, within Atrium space (Section BB, Hamilton's drawing 4100 Rev C04), shall be fed from the inside face of the wall, i.e. no surface mounted conduits or chased brickwork.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

7. Prior to the commencement of any works associated with the new goods lift, detailed drawings, at a minimum scale of 1:20, of the proposed lift structure, pit, foundations, over-run and roof shall be submitted and agreed in writing by the Council. The works shall thereafter be carried out solely in accordance with the approved details.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

8. All fixings to the existing stonework shall be specified as non-expanding and nonferrous to prevent corrosion, damage and staining.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

9. Unless shown on the approved plans, no satellite dishes or other aerials, alarm or metre boxes shall be affixed to the exterior of the Town Hall unless in accordance with details that shall have first been submitted to and approved in writing by the Planning Department.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

10. Unless otherwise specified on the approved drawings, all new external and internal works and any works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance. Detailed finishes schedules and samples are required for approval on any changes proposed.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

11. Final coat of paint to all external joinery shall be brush-applied on site (i.e. not factory finished).

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

12. External railings at Bank Parade, as shown on Paul Hogarth's Guardrails drawing No. 915 Rev P01, shall not be fixed to the Armagh Down Bridge.

Reason: In the interests of safeguarding the special architectural and historic interest of the Listed Building, in accordance with PPS6 BH8.

13. No development, including site clearance, site preparation, demolition and the formation of foundations and trenches, shall commence on site unless the detailed design of the HGV entrance screen/shutter has been submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:20. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the listing building, in accordance with PPS6 BH8; and in the interests of maintaining the character and appearance of the setting to the other listed buildings, in accordance with PPS6 BH11. Approval is required in advance because the design of these element is fundamental to the overall appropriateness of the building

14. The atrium shall not be installed unless in accordance with details of the specialist glazing system that shall have first been submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:50, together with construction details to a minimum scale of 1:20, illustrating the design, profile, materials, finish and colour of all framing members and glazing units. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the listing building, in accordance with PPS6 BH8; and in the interests of maintaining the character and appearance of the setting to the other listed buildings, in accordance with PPS6 BH11. Approval is required in advance because the design of these element is fundamental to the overall appropriateness of the building.

15. No external brickwork shall be constructed unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Planning Department. The sample panel provided on site shall include an arch, be a minimum of 1m x 1m, and made available for inspection by the Council for the duration of the construction works. The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

16. No external roofing, including screening to roof-top services, shall be constructed or applied unless in accordance with a written specification and a physical sample, details of which shall have first been submitted to and approved in writing by the Planning Department. The sample shall be provided on site and made available for inspection by the Planning Department for the duration of the construction works.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

17. No rainwater goods, including guttering and downpipes, shall be installed unless in accordance with details that shall have been submitted to and approved in writing by the Planning Department before they are installed.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

18. External flue/s shall be metal, paint finished and permanently retained as such.

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

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

Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

20. No flood barrier system shall be installed adjacent to the Town Hall until details that shall have first been submitted to and approved in writing by the Planning Department. The details shall include any fixings required on or adjacent to the listed building, whether temporary or permanent.



Reason: To ensure the materials and detailing are sympathetic and in keeping with the nearby listing buildings, in the interests of maintaining the character and appearance of their setting, in accordance with PPS6 BH11.

21. Prior to commencement of external works, samples shall be submitted and approved in writing by the Planning Department in respect of all hard landscaping materials. The work shall be carried out fully in accordance with the details approved.
22. Prior to installation of the canopy to the cantilever platform the detailed design shall be submitted to and approved in writing by the Planning Department. The details shall include plan, section and elevation drawings to a minimum scale of 1:50. The development shall not be carried out unless in accordance with the details so approved.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the setting of the listed buildings.

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/2606/F	Target Date:
Proposal: Demolition of existing buildings and erection of 14no. apartments including ancillary/associated works (Social Housing)	Location: 6-10 Fairview, Saintfield, BT24 7AD
Applicant Name and Address: Cityside Developments Ltd & Arbour Housing Association 40 Lisburn Road Hillsborough	Agent Name and Address: Mark Hanvey Gravis Planning 1 Pavillions Office Park Kinnegar Drive Holywood
Date of last Neighbour Notification:	07 November 2024
Date of Press Advertisement:	20 November 2024
ES Requested: No	
Consultations: See Report	
Representations: see report	
Letters of Support	1
Letters of Objection	8
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report
<p>Site Location Plan: The site is located at 6-10 Fairview, Saintfield.</p>
<div data-bbox="181 398 737 1048">  </div> <div data-bbox="742 405 1353 1048">  </div>
<p>Date of Site Visit: 24th July 2023</p>
<p>Characteristics of the Site and Area</p> <p>The site comprises currently vacant premises with a small concrete yard to the rear (south east boundary). An existing row of terraced two storey buildings front onto an area of parking which is located just off the Ballynahinch Road. The row of terraces comprise block rendered walls painted various colours. All properties have pitched tiled roofs. The site also comprises a number of buildings that are located directly to the rear of these terraced buildings which comprise both two storey and single storey buildings some of the buildings are boarded up and some are in a state of disrepair, with portions of the rear roof returns having collapsed. The site is bounded by two laneways which run along the north west and south east boundaries. The area is a mix of both commercial and residential.</p>
<p>Description of Proposal</p> <p>Demolition of existing buildings and erection of 14no. apartments including ancillary/associated works</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The site is located within the village of Saintfield as designated within the Ards and Down Area plan 2015. The site lies outside but adjacent to Saintfield Conservation Area.</p>

The application is assessed using the following policies:

Ards and Down Area Plan 2015

Regional Development Strategy

Strategic Planning Policy Statement (SPPS)

PPS 2 - Natural Heritage

PPS 3 – Access, Movement and Parking

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 7 – Quality Residential Environments

PPS 7 – Addendum Safeguarding the Character of Established Residential Areas

PPS 15 – Planning and Flood Risk

Guidance

Creating Places

DCAN 8 – Housing in Existing Urban Areas.

DCAN 15 Vehicular Access Standards

Parking Standards

Saintfield Conservation Guide

PLANNING HISTORY

Planning on site

Application Number: LA07/2017/1849/F

Decision: Appeal Dismissed

Decision Date: 22 March 2019

Proposal: Erection of 9 no domestic dwellings (Townhouses)

Location: 6-10 Fairview, Saintfield

Application Number: LA07/2015/0164/A

Decision: Consent Granted

Decision Date: 17 November 2015

Proposal: Window Advertisement

Location: 7 Fairview, Saintfield

Application Number: LA07/2016/0160/F

Decision: Permission Granted

Decision Date: 08 April 2016

Proposal: Erection of war memorial

Location: Fairview, Saintfield

Application Number: R/1993/0507

Decision: Permission Refused

Decision Date: 22 November 1993

Proposal: Change of use of premises to funeral directors and trade embalmer

Location: 10 Fairview, Saintfield

Application Number: R/1984/0606
Decision: Permission Refused
Decision Date: 19th October 1984
Proposal: Change of use to restaurant and carry-out
Location: 9 &10 Fairview, Saintfield

Application Number: R/1977/0113
Decision: Permission Granted
Decision Date: 26th April 1977
Proposal: Use front area as dining area and change stores to toilet and kitchen
Location: 9 Fairview, Saintfield

Application Number: R/1976/0521
Decision: Permission Granted
Decision Date: 26th October 1976
Proposal: Change Of Use To Restaurant
Location: 9-10 Fairview, Saintfield

Application Number: R/1974/0702
Decision: Permission Granted
Proposal: Conversion Of Dwelling Into Shop
Location: 8 Fairview

Application Number: LA07/2022/1740/PAD
Decision Date: 08 November 2022
Proposal: 14 Apartments, including vehicular access, in-curtilage parking and communal open space

Consultations:

NI Water – Waste Water Treatment Facilities (Saintfield WwTW) are presently available to serve this proposal.

DFI Roads – No objections subject to conditions.

Historic Environment Division Historic Monuments – No objections

Historic Environment Division Historic Buildings – No objections subject to a condition

NIEA Regulation Unit – No objections subject to conditions and informatives

NIEA Natural Heritage (NED) – No objections (informatives to be included on any decision notice)

Environmental Health – No objections (informative)

DFI Rivers – No objection subject to a condition

Objections & Representations

In line with statutory requirements neighbours have been notified on 04/07/2023, 09/08/2023 and with amended plans on 10/06/2024 and an amended proposal description on 07/11/2024. The application was advertised in the Down Recorder on 14/06/2023 and 20/11/2024 (expiry date 04/12/2024).

REPRESENTATIONS

Objection to this planning.

- Access to their home is extremely difficult on a normal day if building is granted this will block access to home further.
- planning consent should only be given on condition that the health and wellbeing of occupants is protected, something that appears to be missing.
- Saintfield has a serious problem with excessive vehicle noise at the proposed site. Excessive vehicle noise is not just a public nuisance but it is a public health issue. Not everyone is affected by vehicle noise equally. It discriminates against and disproportionately affects the health and development of those living in poor quality rented accommodation. Something that is often next to main roads, like this planned development.
- It appears from the plans that the developer intends to install sash windows. That must not happen. Developers love sash windows because they are cheap. For occupants they are appalling to live with. They are neither airtight nor do they provide any sound insulation.
- If these apartments are constructed without best practice noise insulation methods and materials then the occupants will suffer ill health as a result. Children will suffer the most with poor health, stunted development and poor educational attainment. All of which are avoidable.
- Object to the development as currently designed because of the environmental impact from open fires in high density accommodation at the centre of Saintfield. Open fires have no place in modern housing and should not be allowed. The use

of open fires defeats the intended purpose of the latest building regulations part F to reduce the carbon footprint of buildings.

- Cold and draughty chimneys increase the overall heating demand and will increase the burden of heating costs for the eventual residents, all of which is unnecessary. Chimneys have no place in modern buildings and should not be permitted, especially in high concentration in urban areas where public health will be harmed from a high level of particulate emissions.
- Should there be approval this planning application then please impose a condition on the developers that they must install an electric vehicle charger (min 7KW) in each designated parking space, with a minimum of one charger per apartment.
- Social housing in the village has already resulted in increased antisocial behaviour from those residents. Village is in need of assisted living properties to provide support for our elderly neighbours & should be a priority.
- Parking - This area is used now already for unauthorised parking. Note that plans include only 14 parking spaces which will in no way be sufficient for 14 apartments when Northern Ireland has the highest number of cars per household in the UK where the average is 1.24 per household.
- Already this area along the front of 6-10 Fairview is being used as a car park by staff in shops and offices on the Main Street and also by visitors to the hairdressers and shops along numbers 1-5 Fairview.
- Intensification of traffic and access to an already congested area, most days you could wait 10 minutes and at busy times more to get out to join the roundabout for Ballynahinch Road / Lisburn Road. A further 14 vehicles (at least) trying to exit here will certainly cause accidents to happen also this footpath is used by pedestrians going to Library and Health Centre and walking to Fairgreen Terrace.
- Change in character of the area – concern is that general Social Housing would not be suitable for this quiet residential area which has a number of elderly residents and young families. Fold Housing for the elderly people and those who need care or indeed over 55's housing would be more appropriate for this area which is within the town centre clearly something more beneficial to elderly people striving to retain independence. Objector would be interested to know the proposed make-up of this development.

- Concerns regarding the overlooking of any apartment block to the back garden and yards of existing residents as well as the concerns regarding the blockage of light to existing properties.
- Neighbourhood notification – I would like it to be noted that letter of notice of planning proposal for this area was dated 4th July 2023 this letter was not in possession of No 12 until 19th July and that No 14 Fairview did not receive any notification at all.
- Concerns with contamination as this property was a former garage with petrol pumps.
- Car Park area in front of the proposal floods 1-2 hrs after rainfall. The proposal for 14 apartments will put a lot of strain on the already malfunctioning draining systems.
- Concerns regarding the time of day/night when the parking survey was undertaken.

In support of the proposal and rebutting objector comments

- It is remarkable that in such a short period of time that a potential vendor of adjacent development land who previously liked the scheme would now have so many concerns with the application including a perception of a change of character of the area.
- In relation to her concerns regarding contamination we have checked public records and can find no reference of fuel pumps. Upon inspection of the site we can find no evidence of fuel storage. As a responsible developer if during the development works contamination is encountered it will be fully investigated in accordance with government land contamination risk management and a verification report will be submitted to the council prior to occupation. We are content to accept planning approval with this obligation as a condition.

The objections are summarised as above but all have been read in full and are available to read on the planning portal. The issues raised will be considered either through the consultation process or afforded appropriate weight as part of this consideration.

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming,

its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application is the aim of supporting good design and positive place making while preserving and improving the built and natural environment. It also addresses housing in settlements. It repeats the planning control principles listed in PPS12.

PPS 7 -Planning Policy Statement 7 Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with, or cause adverse impacts upon adjacent land uses.

Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhood's are important matters to consider. DCAN 8 explains that demolition and redevelopment of existing houses presents the greatest challenge in terms of retaining the character and integrity of the established street scene. Without great care and attention to detail in terms of the siting of buildings, their massing and architectural treatment, the use of materials and the maintenance of the existing landscape, there is a danger that redevelopment schemes will detrimentally affect the quality and character of the residential environment.

Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

The headnote of Policy QD1 states that the design and layout of residential development should be based upon an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area. The amplification of the policy indicates that in assessing proposals in established residential areas particular account will be taken of the spacing between buildings, the safeguarding of privacy, the scale

and massing of buildings and the use of materials. The acceptability of any scheme is thus dependent on its design and details as well as site-specific features and the context of the surrounding area.

On consideration of the initial submission, concerns were raised with the agent at the outset that it was deemed the proposal was not a considered a quality residential development, through over development and inappropriate scale, massing and design, with issues regarding parking and a lack of usable amenity space. On this basis the agent was afforded an opportunity to amend the proposal and to address the issues raised, however, these amendments were not considered sufficient to overcome the issues involved. Following an opinion to refuse the application, a meeting was held at the request of Cllr Andrews, in a bid to resolve the issues. The Planning Consultant, developer and architect along with Cllr Terry Andrews and planning representatives attended the meeting.

The agent indicates that the proposed development is a 'design and build' social housing scheme now submitted jointly by Cityside Developments Ltd and Arbour Housing Association. This is confirmed in a letter by Arbour Housing Association who fully support the scheme. Arbour HA indicate that the Newry, Mourne and Down council area has a high social housing need, and the Northern Ireland Housing Executive (NIHE) have included this scheme within the Social Housing Development Programme for delivery as social housing. The NIHE's Commissioning Prospectus for Social Housing Development Programme indicates a projected (5-Year) social housing need (2023-28) for 58 homes within the Saintfield area and the above scheme will contribute to meeting this projected need.

On this basis the proposal has since been amended to indicate the joint applicant with Arbour Housing Association as a social need's provider. The application was re-advertised and re neighbour notified on this basis. This assessment is therefore based on the latest amended plans and amended proposal description to include that this is a scheme for social housing.

All proposals for residential development will be expected to conform to all of the following criteria:

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

The site is approx. 0.2ha in size and extends from a portion of land beyond the frontage of the buildings in a south westerly direction with an overall depth of approx. 35m – 65m and a frontage of approx. 30m with a maximum width of approx. 36m.

The scheme involves demolition of all the buildings and replacing these with 14no. 2-bed apartments accommodated in one large building along the street frontage with access to the rear via a vehicular underpass.

The building will be 3 storeys in height and have a ridge height of 11.2m. The building is staggered in height and has different colour blocks to give the idea of a row of terraces. The building is set back by approx. 1.9m from the pavement edge (coloured bitmac footway). The building has a rear return on the SW portion of the building. There are 7 parking spaces indicated along the immediate frontage of the site, with a further 10 spaces located adjacent to the road access within the rear of the site.

The site is immediately adjacent to a terrace of listed buildings at 1-5 Fairgreen and in proximity to another listed building at No.92 Main Street. From the consultation response of Historic Buildings section of Historic Environment Division, it is apparent that the building is acceptable to HED in terms of eaves and ridge height which have 'been articulated to reflect the original plot sizes, to follow extant topography and present a sympathetic relationship between No5 Fairview and the north-eastern side of the proposed development, in compliance with PPS6 BH11 criteria (a)'. In terms of the specified materials, HED are also in agreement that the roof covering in natural slate with corbelled eaves, cast metal rain water goods, painted timber sliding sash windows and external doors, are also in compliance with PPS6 BH11 criteria (b).

The provision of apartment units compatible with the design of the listed buildings is not of itself demonstrative of the acceptability of the scheme. The acceptability of the overall proposal is dependent on the site layout and development concept with particular regard to the proposed amenity space and in-curtilage parking provision.

Following submission of amended plans, showing more useable amenity areas, an overall improvement to the fenestration and front elevation of the apartment block, so that it is presented as a row of dwellings as opposed to a large apartment block. It is therefore deemed that the proposal would respect the surrounding context as the layout now presents betterment. On balance the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposal complies with criterion (a).

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

As referred to above the site is located immediately adjacent to a terrace of listed buildings at 1-5 Fairgreen and in proximity to another listed building at No.92 Main Street. HED were consulted and subject to a condition, HED deem that the proposal satisfies the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) para 6.12 (setting) and Policy BH 11 (Development Affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. On this basis there are no issues with regard to features of archaeological interest and built heritage.

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

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. The provision of amenity space within a proposed new development is a design consideration that falls within this section of the SPPS. Specific policy relating to the provision of private open space in residential development can be found in Policy QD1(c) of PPS7 (as above). Criterion (c) seeks to ensure that adequate provision is made for private open space. When read with paragraph 4.31 of the amplification to the policy, it is clear that the provision of private open space is regarded as particularly important whereby well-designed space around buildings can add greatly to the attractiveness of a development, indicating that for apartment developments private open space may be provided in the form of communal gardens where appropriate management arrangements are agreed.

Paragraph 5.20 of Creating Places also supplements policy on this issue, highlighting that in the case of apartment or flat developments, or 1 and 2 bedroomed houses on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to around 30 sq m per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. The guidance states that generally developments in inner urban locations and other high-density areas will tend towards the lower figure. There is clearly flexibility in respect the level of provision, but the thrust of the guidance is that it is

anticipated that all new residential units are provided some level and form of private amenity space.



Proposed site layout

Options of taking the access from the side, rather than having an underpass were explored, but this could not be achieved to the satisfaction of DFI Roads. Therefore the layout is partly constrained by the access road and the parking area to the rear. A compromise on the width of the access was achieved that still met with the satisfaction of DFI Roads. The previous green space has been improved by adding benches to the area, and creating two other separate sitting and outdoor eating areas therefore the quantum of the proposed amenity space for the 14 apartments meets the recommended standard and is more useable in the way it has been laid out. The proposal now makes adequate provision for communal private amenity space for the type (3-person 2 bedroom apartments) and the number of units on the site. The proposal therefore complies with criterion (c) of Policy QD1.

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

Given the nature of the proposal there would be no requirement to provide local neighbourhood facilities.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way,

provides adequate and convenient access to public transport and incorporates traffic calming measures;

The site is located within the settlement limit of Saintfield within the village, there are no issues with regard to walking and provision of public transport is already in place within Saintfield.

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

The requirement for adequate provision for parking is also set out in Policy AMP7 of PPS3. Policy AMP7 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The policy goes on to state that the precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in a development plan. There would be a total of 10 parking spaces accommodated within the development site to the rear and an additional 7 spaces are indicated immediately along the front of the site, this land is within the red line and it is noted that DFI Roads have been served notice as Partial landowner (land to front of existing buildings). On this basis anyone could park along these spaces. There are a further two spaces indicated on the layout plan, but these are to the front of 1-5 Fairview and outside the red line. Based on parking standards the figure should be 21spaces - 14@1.5spaces) This quantum of parking would not meet the normal car parking standards espoused in Creating Places. As the application is now being considered on the basis of social housing, the agent has put forward a parking survey and further justification for the reduction in parking.

Specific factors, which go beyond those in planning policy AMP7 (listed above), are set out in DCAN 8 to determine the appropriateness of reducing the level of car parking provision in existing urban areas. These are whether:

- a site enjoys a high level of pedestrian accessibility to local facilities and public transport, such as sites
- within 800m of a town centre (including analysis of the range and quality of local facilities and public transport facilities),
- the townscape character of the surrounding area would be undermined by in-curtilage parking,
- car ownership among future residents is likely to be below average (including analysis of existing car ownership and likely future car ownership).

The agent deems that the proposed development site is:

- in a highly accessible location, located near bus routes,
- in an area where the car ownership of future residents is likely to be below average,
- The development benefits from spare capacity available in nearby public car parks or adjacent on-street car parking.

Overnight parking surveys have been conducted in the surrounding area including Lisburn Road, Main Street and the off street parking adjacent to the site. These were undertaken after 7pm on Thursday 10 October 2024 and on Wednesday 26 October 2024 before 7am, ie time periods when demand for residential parking is high. These surveys show ample on street parking is available with 43 spaces empty in the first survey and 54 empty spaces in the second survey. The surveys are drawn up with referenced photographs, enclosed in Appendix 1 of the parking statement (available to view on the planning portal).

The objectors have highlighted that this parking area is already subject to parking difficulties. Given now that the application has been submitted jointly by a social housing provider, greater weight can be attached to the fact that car ownership is likely to be below average. Given also the results of the parking survey and its location within the village where more sustainable forms of transport can be accessed, then planning is content that the proposal could attract reduced standards in terms of the level of car parking offered. On balance the proposal would comply with criteria (f).

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

The proposed scheme is larger in scale and massing than the building being replaced, and the scheme is higher (3 storey with 11.1m ridge) both in bulk and massing especially with the rear return. The response from HED is generally positive, and they are content with the eaves height in terms of the impact the proposal would have on the listed buildings adjacent at 1-5 Fairview.

The site is located immediately adjacent to the conservation area and the impact on the conservation area lies with Planning to assess. In terms of the design, a well-designed building on the plot could go higher given the topography of the land with the buildings currently stepping up towards the terrace house further along Fairview. However, this would be dependent on the design, scale and massing and the proportions of the building, particularly in relation to gable depths and rear returns. The relationship of solid to voids, windows with a vertical emphasis and fenestration treatment whereby the windows are vertical in emphasis and they get smaller the higher up the building and is reflective of the listed buildings within the Conservation area. Following a series of amendments, it is considered that the design is now sufficiently cognisant of the listed buildings in terms of reflecting the design. The underpass has been reduced in width

and is now deemed to be acceptable. The amendments included improvements to the fenestration, reduction of windows in both gables, the insertion of doors on the front elevation to each section along with the colour variation to each block, which is now more reflective of a terrace of dwellings. There are no issues with the proposal materials which include a slate roof, corbelled eaves and rendered walls, painted double-glazed sliding sash hardwood windows (front and side elevations), which would all be acceptable.

The proposal would comply with criteria (g).



FRONT STREET ELEVATION TO WEST

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

Paragraph 4.38 of PPS 7 states that the protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and that it is a particularly important consideration where new development is proposed adjacent to existing properties. Guidance recognises that great care will be needed in designs where new residential development, such as apartments, include living rooms on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties.

The overall development has been assessed against Creating Places guidance. While there are two windows to the side elevation these are bedrooms at upper floor level and any living area windows have since been removed. The proposed building has a side to side relationship with the terrace along Fairview to the NE of the site (which has a blank gable wall), where these buildings have retail element on the ground floor. On the

opposite side elevation, windows have also been reduced in number, with no side windows on the rear return with all windows directed to the rear where the separation to the rear boundary is 27m at its longest reducing to 10m of the far side. There are also side windows to the main gable elevation, these would not overlook the rear private amenity space of the adjacent property but are directed to overlook the front garden area (to the south of the site along Fair Green Lane which is set back with a longer front garden (the front garden is not considered to be private amenity space). While the properties are larger in height, with windows to the rear, they are sufficiently separated in this urban setting that they would not cause overlooking, loss of light or overshadowing so significant that would warrant refusal of the application. On balance, and taking into account the objectors concerns, the proposal would comply with criteria (h).

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

It is considered that the proposal would not give rise to crime or antisocial behaviour and should promote personal safety.

APPS 7

Consideration must also be given to the Policy LC1 of Addendum to PPS 7 which states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7, and all the additional criteria set out below are met:

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

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

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

Paragraph 2.7 of Policy LC 1 states that for a residential development scheme to be successful, the extent of the surrounding area will need to be fully considered as well as factors including:

- existing densities and layouts;
- plot sizes;
- ratios of built form to garden area;
- spacing between buildings;
- scale, height, and massing of buildings;
- landscaping and boundary treatments;
- impacts of proposals, including that of parking provision, on the street scene.

In consideration of the above the proposal, while the proposal is for 14 units the density could not be considered to be significantly higher than that found in the established residential area and would therefore comply with criteria A. Following the amendments the proposal would now be considered to be in keeping with the overall character and environmental quality of the established residential area. It would therefore comply with criteria B.

In consideration of criteria C of APPS, proposed 3-person 2-bedroom unit has a floorspace of approx. 61m² which would comply with Annex A of APPS 7 which indicates the floorspace standard should be between 60/65m² for a 3-person/2-bedroom flat. The proposal would meet this.

Planning Strategy for Rural NI Policy DES 2 – Townscape

This policy requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Following the amendments to the scheme it is now deemed that that the site is suitable for residential use of a higher density to that existing. Given its now compliance with policies QD1 of PPS 7 and LC 1 of the addendum PPS7, on balance it is considered that the proposal would respect the existing character in terms of design, scale and massing and the proposal is compliant with DES 2.

Planning Policy Statement 2 – Natural Heritage

PPS 2 deals with a commitment to sustainable development and to conserving and where possible enhancing and restoring our natural heritage.

Natural Environment Division was consulted regarding the proposal. The site was subjected to a bat survey after the initial Preliminary Ecological Appraisal identified several bat roost potential features within the onsite building. The survey results show that bats were observed commuting over the building and in the surrounding area, however no emergence or re-entry to the building was recording, suggesting that no bats are roosting on site. The site has therefore been assessed as holding negligible roosting potential. NED are content that the development will not have any detrimental impacts to roosting bats.

The building and vegetation on site are likely to support breeding birds and NED would like to remind the applicant that all wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED advise any removal of vegetation or demolition on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August.

The proposal complies with NH 2 - Species Protected by Law and NH 5- Habitats, Species or Features of Natural Heritage Importance.

PPS 3 – Access, Movement and Parking

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

Policy AMP 1 seeks to ensure that a new development creates an accessible environment for all including people with disabilities or impaired movement. The use of lifts to access the apartments ensures this is the case with ground floor access to the amenity area and ground floor access to pedestrian pavements and roads from units at ground floor level.

Policy AMP 2 Access to Public Roads

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

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

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

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Department's published guidance.

Consideration will also be given to the following factors:

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

Policy AMP 7 Car Parking and Servicing Arrangements

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
 - where the development is in a highly accessible location well served by public transport;
- or
- where the development would benefit from spare capacity available in nearby public car

parks or adjacent on street car parking; or

- where shared car parking is a viable option; or
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building

Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances.

In assessing car parking provision, the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

DFI Roads have been consulted and have no objections to the proposal in terms of the access arrangement subject to conditions. Dfi Roads have also noted the objection letters.

In consideration of the above the units would have a parking requirement of 1.5 spaces per unit. Parking lies with the Council and as per above it has already been demonstrated that there is adequate parking for the proposal to serve the proposal. This is on the basis that the proposal is for social housing, therefore it is important to condition any approval on this basis. The proposal complies with AMP1, 2 and 7.

Planning Policy Statement 6 – Planning, Archaeology and Built Heritage

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage sets out planning policy for the protection and conservation of archaeological remains and features of the built heritage.

Historic Environment Division HED:HB who are the competent authority have been consulted regarding the proposal. The application is in close proximity to the following listed buildings, which are of special architectural and historic importance, protected by Section 80 of the Planning Act (NI) 2011:

HB18 01 008A-E No.1-5 Fairview, Saintfield, 3 storey Georgian terrace B1

HB18 01 007 No. 92 Main Street, 3 storey Georgian end-of-terrace house B1

The proposed development site is outside of the Area of Archaeological Potential defined for Saintfield in the local area plan. A site inspection has confirmed that the buildings to be demolished have been subject to alteration over time and are not considered to be of archaeological significance. HED (Historic Monuments) has assessed the application

and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

HED Historic Buildings, has considered the impacts of the application on the Listed Buildings and based on the information provided, advises that subject to a condition (in relation to hardwood doors and windows to be hand painted as opposed to factory finish) the proposal satisfies the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) para 6.12 (setting) and Policy BH 11 (Development Affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Planning Policy Statement 15 – Planning and Flood Risk

The application is assessed against FLD 1- 5 of PPS 15. On this basis DfI Rivers were consulted.

FLD1 - Development in Fluvial and coastal Flood Plains – The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or the 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable to this site. The site may be affected by undesignated watercourses of which we have no record. In the event of an undesignated watercourse being discovered, policy FLD 2 will apply.

FLD3 - Development and Surface Water – DfI Rivers has reviewed the revised Drainage Assessment by Civil Design Services, dated April 2023 and comments as follows: DfI Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.

It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15). The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained within the attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption. However, in order to ensure compliance with PPS 15, therefore DfI Rivers requests that the Planning Authority includes a condition in relation to a final drainage assessment as part of its planning permission if granted.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

Consequently DFI Rivers have no objection to the proposal.

Other Issues

NI Water and Waste Water Treatment Works

NI Water have been consulted regarding the proposal and have stated that Waste Water treatment Facilities (Saintfield WWTW) are currently available to serve this proposal until January 2025.

Land Contamination

An objector raised an issue with regard to historical land contamination. On this basis a Preliminary Risk Assessment (PRA) has been provided by Tetra Tech Ltd in support of this planning application. The PRA summarises the site history and environmental site situation. The site has a number of potentially contaminating historical activities on or adjacent to the planning area which cannot be investigated prior to demolition and site clearance. There is the potential for risks to environmental and human health receptors which have not been fully assessed and will require investigation and risk assessment. Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any planning decision notice as recommended.

Conclusion

Taking into account all material considerations including the objections, the proposal would comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

Recommendation:

Approval

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

Conditions

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

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

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

Site location plan – 22.1129.01

Proposed Site layout plan – 22.1129.SK06 REV N

Proposed Floorplans (1st and 2nd floor) – 22.1129.SK07 REV G

Proposed Elevations – 22.1129.SK08 REV G

Proposed Side elevations & Section – 22.1129.SK09 REV H

Proposed landscaping proposals – 24-073-L101

Landscape Management Plan

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 22.1129.SK06 REV N on the planning portal on 07/11/2024 **prior to the commencement** of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The access gradient(s) to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100-year event.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

6. All hard and soft landscape works shall be carried out in accordance with Landscaped management Plan and landscaping Plan 21-04-L101, **prior to the occupation** of any part of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planting shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

7. The open space and amenity areas shall be managed and maintained thereafter in accordance with the landscaping plan 24-073-L101 and the landscape management plan (LK Design Space) uploaded to the planning portal 7th November 2024.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

8. All hardwood windows and doors shall be hand painted on site as opposed to factory finish. Factory applied primer is acceptable.

Reason: To ensure that the materials and detailing proposed is traditional and in keeping with the essential character of the adjacent listed buildings, to ensure compliance with PPS6 BH11 criteria(b).

9. No development shall commence until the applicant has submitted evidence in writing to the Planning Authority for its agreement demonstrating that the risks to environmental receptors and other receptors due to on-site contamination of the ground and groundwater have been effectively assessed. This evidence should include:
 - Site investigations designed and undertaken in accordance with the British Standards BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated land sites.
 - Land Contamination Risk Assessment(s) in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

- If unacceptable risks to environmental receptors or any other receptors are identified provision of remedial criteria as soil and groundwater concentrations that would not pose a risk to receptors. The remedial criteria may be derived through quantitative risk assessment based on the conceptual site model. If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental Regulation Unit receptors identified from Condition 9. This strategy must be submitted in writing and agreed with the Planning Authority and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 10 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

12. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

13. After completing the remediation works under Conditions 10, 11 & 12; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

14. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Planning Authority. The methodology is available at: Regulation Unit <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

15. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2 & GPP 27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 12 will apply.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

16. The development hereby approved shall be a social-led scheme managed in its entirety by a registered Housing Association.

Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.

Informatives

1. Bats

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young;or
 - iii. Impair its ability to hibernate or migrate;
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal;
 - or
 - e) To damage or destroy a breeding site or resting place of such an animal.
- If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

2. Birds

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

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

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should

be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

- 3 The site is in a close proximity to residential properties. All demolition and construction activities should be undertaken in line with best practice guidance. Demolition and construction activities should pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites and IAQM Guidance (2014): Guidance on the assessment of dust from Demolition and construction. This Service may be minded to recommend a condition requiring the developer to instruct the appointed contractor to produce a demolition and construction environmental management plan to identify appropriate controls for noise, dust and vibration during demolition and construction.

4. Legislation & policy

1. The Planning Act (NI) 2011
2. Strategic Planning Policy Statement for Northern Ireland (SPPS NI) – Planning for Sustainable Development.
3. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage. Guidance
4. Historic Environment Division advice and guidance in the planning process
<https://www.communities-ni.gov.uk/articles/historic-environment-advice>
and guidance-planning-process
5. Consultation Guide -
<https://www.communitiesni.gov.uk/sites/default/files/publications/communities/consulting-hed-developmentmanagement-applications-consultation-guide.pdf>
6. Development Practice Note 5 – Historic Environment , September 2017 -
<https://www.planningni.gov.uk/index/advice/practice-notes/dmpn05-historicenvironment.pdf>
7. Please also see HED guidance

<https://www.communitiesni.gov.uk/sites/default/files/publications/communities/ourplanning-services-and-standards-framework.pdf>

8. HED Setting Guidance, Feb 2018
<https://www.communitiesni.gov.uk/publications/guidance-setting-and-historic-environment>

9. Historic Environment Map Viewer -
<https://dfcgis.maps.arcgis.com/apps/webappviewer>

5.	<p>Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of DFI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is Newcastle Rd Seaforde. A monetary deposit will be required to cover works on the public road. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.</p> <p>The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.</p>					
6.	<p>This decision relates to planning control and does not cover any other approval which may be necessary under other legislation.</p>					
7.	<p>This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.</p>					
8.	<p>This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</p>					
<table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Neighbour Notification Checked</td> <td style="width: 30%; text-align: center;">Yes</td> </tr> </table>			Neighbour Notification Checked	Yes		
Neighbour Notification Checked	Yes					
<p>Summary of Recommendation – Approval</p>						
<table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">Case Officer Signature: C Moane</td> <td style="width: 40%;">Date: 04 December 2024</td> </tr> <tr> <td>Appointed Officer Signature: A.McAlarney</td> <td>Date: 04 December 2024</td> </tr> </table>			Case Officer Signature: C Moane	Date: 04 December 2024	Appointed Officer Signature: A.McAlarney	Date: 04 December 2024
Case Officer Signature: C Moane	Date: 04 December 2024					
Appointed Officer Signature: A.McAlarney	Date: 04 December 2024					



11th December 2024

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

Dear Fionnuala,

Re: LA07/2023/2606/F - 6-10 Fairview, Saintfield

Demolition of existing buildings and erection of 14no. apartments including ancillary/associated works

I request speaking rights at the upcoming planning committee meeting on 18th December 2024 in order to answer questions if required in relation to Item 11 on the agenda.

The planning application is recommended for approval and as the planning agent I support the recommendation of the Council's Planning Department.

The aim of the proposed design is that the building is sympathetic with the characteristic built form of the locality and enhances this key entrance to the Saintfield Conservation Area.

The proposed development is a 'design and build' social housing scheme submitted by Cityside Developments Ltd and Arbour Housing Association. The proposed development has been included in the Northern Ireland Housing Executive's programme for 2023-2026. Newry, Mourne and Down Community Planning Partnership's Housing Needs Action Plan 2024 states that 58 units are required for Saintfield in the Rowallane DEA.

ROWALLANE	Ballynahinch (Dunmore)	95
	Crossgar / Annacloy	64
	Killyleagh	44
	Kilmore / Loughisland	1
	Saintfield	58
	Shrigley	1
	Total	263

Appendix 1 - Newry, Mourne and Down Community Planning Partnership Housing Needs Action Plan 2024

The total number of schemes on-site at the time of the report within the Rowallane DEA was 0.

SOCIAL HOUSING DEVELOPMENT PROGRAMME
SCHEMES ON-SITE AT MARCH 2024

DEA	URBAN	RURAL	TOTAL UNITS
CROTLIEVE	0	0	0
DOWNPATRICK	67	0	67
NEWRY	406	0	406
ROWALLANE	0	0	0
SLIEVE CROOB	0	0	0
SLIEVE GULLION	0	9	9
THE MOURNES	46	0	46
TOTAL	519	9	528

Appendix 3 - Newry, Mourne and Down Community Planning Partnership Housing Needs Action Plan 2024

The proposed development will provide 14 units to address the identified social housing need within Saintfield and the wider Rowallane DEA.

The proposed development provides the opportunity to enhance an area adjacent to the Saintfield Conservation Area. The existing buildings have been vacant for a considerable period and this scheme allows for the sympathetic regeneration of the subject site.

NI Water has advised in its consultation response 5th July 2023 that there is available capacity at the Waste Water Treatment Works and has recommended approval. The above information is valid for a maximum period of 18 months from the date of this consultation response. It is therefore crucial that planning permission is issued before January 2025 to secure connection to the public sewer.

Yours sincerely,



Mark Hanvey
Gravis Planning



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

Application Reference: LA07/2023/3269/F

Date Received: 18 Aug 2023

Proposal: Proposed enabling works to create tiered land platforms and access road for future development

Location: Lands opposite 76 Upper Dromore Road, Warrenpoint, BT34 3PN.

Site Characteristics & Area Characteristics:

The lands outlined in red extend to include a sizeable portion of rural lands at present, directly off the Upper Dromore Rd, which formerly comprised fields. The lands have since been worked with ground levels altered. The topography of the area is such that the lands initially drop from the public road before rising steadily to the far end of the site (NE boundary). New storage units have recently been constructed just outside the bottom corner of the site.

This site is located entirely within the boundary of the settlement development limit of Warrenpoint/Burren on land zoned for economic development (WB24) as identified in the Banbridge, Newry & Mourne Area Plan 2015. The NE boundary of the site forms the edge of the settlement limit, whereby the Upper Dromore Rd, also marks the edge of the settlement limit to the western side of the site. Donaghaguy Rath is also located immediately adjacent to the site. There is also a small undesignated water course running across the site, part culverted and part exposed. The site is also within an AONB.



Planning Policies & Material Considerations

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 4- Planning and Economic Development
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- Planning Policy Statement 15- Planning and Flood Risk

Site History:

A history search has been carried out for the site and surrounds whereby the most relevant history observed includes:

LA07/2022/1126/PAN- Proposed enabling works to created tiered land platforms and access road for future development, PAN Acceptable

LA07/2019/1682- New Storage Unit (B4) and Associated Site Works - (Access to Upper Dromore Road approved under LA07/2019/0091), Full, Approval, 14-12-21

LA07/2019/0091- Enablement works for industrial development, creation of new access road including right hand turning lane, Full, Approval, 29-10-19

LA07/2018/0147/PAD- Proposed infrastructure works to existing economic development zoned lands to facilitate new business park (under separate application) access road including new right-hand turn lane from Upper Dromore Road. Lands adjacent to 88 Upper Dromore Road. Warrenpoint. BT34 3PN. PAD concluded. PAD response stated: "In relation to the Planning elements, the Planning Department would welcome this proposal to uptake an industrial use on these zoned economic lands".

LA07/2020/0117/CA- Alleged unauthorised infilling of land, Enforcement case Pending.

As this current application (LA07/2023/3269) falls within the category of Major applications, as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015, it was preceded by a Proposal of Application Notice (Ref: LA07/2022/1126/PAN).

There is a statutory duty on applicants for planning permission to consult the community in advance of submitting an application, if it falls within the major category as prescribed in the Development Management Regulations.

An applicant, prior to submitting a major application must give notice, known as a 'proposal of application notice' (PAN), to the appropriate council. This PAN must contain a description in general terms of the development, postal address, outline of the site, and contact details.

As outlined, a PAN was submitted (LA07/2022/1126/PAN) which is considered has satisfied the above requirements.

A pre-application community consultation report has been submitted with this application.

Environmental Impact Assessment

An EIA screening has been undertaken. It has been determined that the application does not require to be accompanied by an Environmental Statement.

Habitats Regulations Assessment:

A HRA screening was initially carried out which indicates that the site may be hydrologically linked to designated sites within Carlingford Lough, including Ramsar and SPA via proposed on-site drainage measures.

SES, the competent authority in this regard, was consulted and concluded that having considered the nature, scale, timing, duration and location of the proposal, it is concluded by SES that it is eliminated from further assessment because it would not have any conceivable effect on a European Site.

Consultations:

Having account the nature of this proposal, location of the site and constraints of the area, consultation has been undertaken with a number of bodies including- DFI Roads, DFI Rivers Agency, HED, NIEA, SES and Environmental Health.

DFI Roads- (Feb 2024) No objections in principle subject to condition

DFI Rivers Agency- (May 2024). No objections in principle.

HED- (July 2024)- HED (Historic Monuments) has considered the impacts of the proposal, and offers no objections in principle, subject to conditions.

NIEA- (Aug 2024)- NED, no objections in principle subject to conditions. April 2024 WMU and Regulation Unit offer no objections in principle.

SES- (July 2024)- Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. No objections in principle.

Env Health- (Feb 2024) No objections in principle subject to condition.

Consultation has been undertaken with the relevant bodies in respect of this site, having account the nature of the proposal and constraints of the area, whereby no objections have been offered in principle.

Objections & Representations:

Neighbour notification and advertising was undertaken in line with statutory requirements.

Neighbour notification was undertaken in Jan 2024, while advertising was undertaken in Oct 2023.

1 representation in opposition to the proposals has been received to date (02-12-24) from Rostrevor Action Respecting the environment (RARE), whereby the main issues raised include:

- serious concerns at the use of documents which would appear to be inaccurate and misleading enough to risk contaminating the decision-making process in this case,
- accuracy of description of works- create or created tiered,
- extent of works already done without planning permission (destruction of hedgerows, wetlands, culverting, excavations, removal of earth,
- inaccurate and misleading information submitted, which raises red flag warnings, with reference to "The NI Audit Office Planning Fraud Risks Guide",
- proximity to rath,
- information contained in supporting documents is outdated/does not accurately reflect that on the ground,

The above is a summary of main issues raised. This full representation is available for viewing online.

It is disappointing works were carried out without securing the relevant permission and that a decision must be taken in retrospect. The Planning Dept has noted the various supporting documents submitted with the application and the associated dates therein and is also aware of both the pre-existing and current ground conditions.

The Planning Dept consider the information submitted including site location plan, site layout plan, section, landscaping plan, are sufficient to make an informed decision for the works proposed. The supplementary supporting documentation is also noted.

Planning Assessment & Consideration.

In summary, this full planning application is for enabling works to create tiered land platforms and access road for future development on the subject lands, which are zoned for economic use/development.

In support of the application a site location plan, pre-existing site plan, proposed site plan with section and landscaping plan were submitted.

Also, a Preliminary ecological Appraisal Report (Oct 2022 & updated version June 2024), Preliminary Risk Assessment (Oct 2022), Construction Environmental Management Plan (CEMP) (Oct 2022), Drainage and Flood Risk Assessment (Oct 2022) and drainage layout plan, were each submitted.

There are no current applications/pending approved for units on this site, aside from the storage unit approved under LA07/2019/1682 and access approved under LA07/019/0091,

The lands comprising the application site extend to some 5 hectares off the Upper Dromore Rd. The site accesses and extends from the Upper Dromore Rd in a NE direction, whereby the levels

initially drop from the road and then rise steadily. Significant ground works have already been carried out with regrading evident.

The accuracy of the proposal description was raised with the agent, who confirmed they are content it is accurate.

The Planning Dept consider the site address and description provided is sufficiently detailed to inform any interested party as to the location of the site and nature of the proposal.

The main issues to be considered in this assessment include: the principle of development, effects on the setting of heritage and archaeology, impacts on protected sites and habitats, design and integration, impact on the AONB, impacts on amenity and road safety.

Regional Development Strategy 2035 & Strategic Planning Policy Statement for Northern Ireland (SPPS):

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.

Banbridge, Newry & Mourne Area Plan (BNMAP) 2015:

Section 45 of The Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The relevant LDP is the BNMAP 2015, which as noted, identified that the entire site is located within the boundary of the settlement development limit of Warrenpoint/Burren, on land zoned for economic development (WB24) as identified in the Banbridge, Newry & Mourne Area Plan 2015.

Key site requirements include:

- *"Access arrangements and industrial layout shall ensure that buildings do not back onto Upper Dromore Road;*
- *Any open storage areas shall be located so as to be screened from view from Upper Dromore Road;*
- *On the eastern boundary of the site adjacent to the zoned housing land WB 22, the existing vegetation shall be retained and augmented by additional planting; Where no vegetation exists, a 3-5 metre belt of trees of native species shall be planted to screen development on the site and protect the amenities of occupiers of future residential properties;*
- *The existing vegetation on the northern and western site boundaries shall be retained and augmented by the planting of a 3-5 metre belt of trees of native species to assist integration of development on the site;*
- *The Upper Dromore Road frontage of the site shall be planted with a 3 metre belt of trees of native species."*

The above requirements are noted. This application solely seeks enabling works to create tiered land platforms and access road for future development. These works are largely completed with tiered levels created on the ground. It is noted the works have altered the levels of the grounds with levelled tiers created, however it is considered the general topography continues to respect the landform, whereby the levels continue to fall from the eastern boundary towards the Upper Dromore Rd. No units are proposed as part of this application. The access has been constructed. The application site comprises the northern end of this zoning and does not adjoin housing zoning WB22. The remaining requirements in relation to planting to the northern, eastern, western and along the Upper Dromore Rd boundaries can be dealt with by way of appropriately worded conditions at this time. (Consideration must also be given to the current time of year and seasonal weather).

It is noted the eastern boundary of the site forms the boundary of the settlement limit, which is an important boundary separating the settlement limit from the rural countryside. This boundary requires a belt of planting to assist in integration and to form a mature boundary.

While it is noted a landscaping plan has been submitted for a section of the eastern boundary, it is considered a more comprehensive landscaping plan is required for the entire development. This will be conditioned accordingly, which will ensure the development integrates in the landscape and complies with the requirements of the area plan.

There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained policies listed above.

There is little change in the SPPS from that of the policies within the listed policies, and it is arguably less prescriptive, therefore the retained policies will provide the material considerations for this application

PPS3- Access, Movement and Parking

Policy AMP1 of PPS3 sets out how it is the Department's aim to create a more accessible environment for everyone. Accordingly, developers need to take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of new development.

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

The proposals include an access onto the Upper Dromore Rd (already constructed). DfI Roads has been consulted and offer no objections in principle. The previous permission LA07/2019/0091 is also noted.

PPS6- Planning, Archaeology, and Built Heritage

As stated previously, the site is adjacent to Donaghaguy Rath (DOW051:047), an early medieval enclosure with substantial remains of a bank and inner raised platform, whereby this landscape is considered to be archaeologically sensitive.

Accordingly, the provisions of the SPPS and PPS6 apply.

HED were consulted, whereby Monuments have noted the monument sits on a prominent ridgeline overlooking the surrounding landscape where a number of other recorded archaeological sites are located – DOW 051:065, DOW051:046, DOW 051:045. The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site

Monuments noted the extensive unauthorised works which have been carried out (and current Enforcement case), however consider there still remains archaeological potential within this area. Consequently, a programme of archaeological mitigation is required as part of any enforcement action and ahead of any further development works at the site.

Furthermore, Monuments has reviewed the landscaping proposals submitted and are content that this will aid integration of the scheme into the surrounding historic landscape.

Monuments has considered the impacts of the proposal and are content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. Conditions recommended.

The Planning Dept have reviewed the comments from HED and accept their findings and recommendations, whereby the proposals are not considered to offend policy PPS6 or the SPPS to the extent that a refusal could be sustained. A condition to require a more comprehensive landscaping scheme for the entire development is to be included.

PPS2- Natural Heritage

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

The potential impact of this proposal on any designated sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It is not considered that the proposal will have a likely significant effect on this site or any other European Sites. Policies NH 1, 3 and 4 have not been offended.

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

The site outlined in red extends to comprise some 5 hectares of lands. These lands, although located inside the development limits, were previously undeveloped, comprised fields in agricultural use. Unauthorised works were then undertaken with the lands worked and regraded, which resulted in the loss of several field boundaries and grass lands. It is noted several field boundaries along the perimeter of the site remain intact.

As the works are largely completed, any bio-diversity which existed on site has likely been lost or displaced.

It is acknowledged that the removal of hedging is not development and in this case was not protected and as such did not require permission to be removed. However, the applicant is reminded how certain species are protected.

As stated above a Preliminary Ecological Appraisal (PEA) has been submitted (updated in June 2024).

This PEA noted that areas of NI Priority Habitat were identified within 2km of the site, however only Hedgerow Priority Habitat was present within/bounding the site and is to be retained. Previously mentioned Wet Woodland Priority Habitat has been identified by the ecologist as being located outside the application site boundary.

It is noted a landscaping plan has been submitted with compensatory planting now proposed as part of the application (as well as that existing retained), consisting of a mix of native species hedgerows and trees, which is welcomed and can be conditioned.

It is noted NIEA have been consulted and offer no objections in principle.

Taking into account all factors, it is considered the proposals do not offend policies NH2 and 5 to the extent a refusal is justified or can be sustained.

As stated above, the site is also located in an AONB, thus policy NH6 is also engaged.

Although located in an AONB, the site is inside the settlement development limits of Warrenpoint/Burren on land zoned for economic development.

The location and topography of the lands would have been fully considered as part of the Plan process in zoning these lands, whereby the zoning includes key site requirements, the purposes of which are to ensure the site is suitably bounded and enclosed, thus protecting the setting of this AONB setting.

It is considered that appropriately worded conditions will ensure compliance with the Area Plan zoning while also ensuring the site and future development does not adversely impact on this sensitive setting and designation. As stated previously this application does not include any proposed units, its solely for the regarding of the lands.

Accordingly, it is considered the proposals do not offend policy NH6.

Given the above, the Department is satisfied the proposal complies with PPS 2.

PPS4- Planning and Economic Development

This Planning Policy Statement sets out the Department's planning policies for economic development uses.

As stated previously, the lands comprising the application form part of zoning WB24 which includes an extensive parcel of lands located off the Upper Dromore Rd.

This application does not include any economic proposals, rather is for the enabling/ground works already carried out, access onto the Upper Dromore Rd and internal access road, thus does not offend this policy.

PPS15 (Revised) – Planning and Flood Risk:

DfI Rivers offer no objections to the proposals. It is noted a Drainage and Flood Risk Assessment were submitted.

DFI Rivers note the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain, therefore, FLD1 is satisfied.

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesigned watercourse which has open and culverted sections traverses the site. The site may be affected by other undesigned watercourses of which we have no record.

The drainage layout drawing previously uploaded to the portal 13th January 2023 showed the development to be suitably distanced from the culvert/watercourse with the required maintenance strip in place. As such revised PPS 15 FLD 2 is satisfied.

In respect of FLD3, DFI Rivers have reviewed the information submitted, and acknowledge it has been demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained in the online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event.

It is noted that the proposed culverting has approval from Dfi Rivers Area Office under Schedule 6 of the Drainage Order 1973. Culverting is permitted to provide access to a development site or for engineering reasons.

It is noted the small undesigned watercourse which crosses the site is part culverted and part open and has been for some time. The site zoning and extent of culverting and reasons for doing so are considered to fall within the exceptions, whereby the proposals do not offend FLD4. DFI Rivers also acknowledge a refusal cannot be sustained under this policy.

No objections to FLD5.

As stated above, DFI Rivers offer no objections in principle to the proposals.

Scheme of Delegation

In line with operating protocols and the Councils Scheme of Delegation, although there is a live Enforcement case associated with this site, as this is a major application, it is required to be referred to the Planning Committee.

Summary

While it is noted there has been local opposition to the application, the Planning Dept also acknowledge the site is zoned for economic development. It is disappointing works took place without securing permission which has resulted in this retrospective application and while the zoning, designation and constraints of the site are noted, extensive consultation has been undertaken with the relevant statutory bodies, who offer no objections in principle. The Planning Dept has fully assessed all information submitted in support of the application and also the content of the representation received, whereby it is considered the proposals as outlined are acceptable, sufficient information has been submitted to make an informed decision and there are no grounds to sustain a refusal.

Accordingly, approval is recommended subject to a series of conditions.

Recommendation: Approval

Conditions (Draft):

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans drawing No's. 500, 501 Rev A, 502.

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

3. Prior to ANY FURTHER WORKS BEING CARRIED OUT ON SITE, all existing trees shown on Drawing No.501 Rev A and Drawing No.502 as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Reason: To protect the biodiversity value of the site, including protected species.

4. The existing vegetation along the northern, eastern and western boundaries of the site shall be retained and augmented by the planting of a 3-5 metre belt of hedgerows and trees of native species.

Reason: To assist integration of the development on the site

5. No retained tree/hedge shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree/hedge other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species.

6. If any retained tree or hedge is removed, uprooted or destroyed or dies, another tree(s)/hedge shall be planted at the same place and shall be of such a size and species and shall be planted at such time as may be specified by the Planning Authority.

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

7. A landscaping scheme showing the following shall be submitted to and approved by the planning authority within 3 months of the approval hereby granted:

a) a 3-5m belt of planting of native species hedgerow at not less than 1m high (above ground level) along the entirety of the eastern, northern and western (Upper Dromore Rd) boundaries of the site outlined in red.

b) the retention of all existing trees and hedgerows along the entirety of the eastern, northern and western boundaries of the site outlined in red.

c) the location, numbers, species and sizes of trees and shrubs to be planted within the site.

The scheme of planting as finally approved shall be carried out in its entirety during the first planting season following the date of this permission. All Hedgerows shall be allowed to grow on and retained to a minimum height of 1.5m.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape and in the interests of visual amenity and integration.

8. 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.

9. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works must cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. After completing all remediation works required under the Condition 9, and prior to operation of the development, a verification report shall be submitted in writing and agreed with the Planning Authority. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

The verification report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

Reason: In the interests of road safety and convenience of road users.

12. The Construction Environmental Management Plan, dated October 2022 shall be implemented in full.

Reason: To ensure the orderly development of the site.

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

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

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

14. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 13.

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

15. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 13.

These measures shall be implemented and a final archaeological report shall be submitted to the Planning Authority within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Planning Authority.

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

16. A final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed with the Planning Authority within 6 months of the date of this permission. The Final CEMP shall include a Construction Method Statement (CMS) which covers any proposed culverting.

Reason: To ensure the orderly development of the site.

Informatives:

1. The applicant shall comply with all the relevant Pollution Prevention Guidelines in order to minimise the impact of the project on the environment, paying particular attention to:

- GPP 1 Understanding your environmental responsibilities – good environmental practices
- GPP 5 Works and maintenance in or near water

2. Bats and Otter

The applicant's attention is drawn to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes the otter (*Lutra lutra*) and all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) Deliberately to disturb such an animal in such a way as to be likely to;

- i. affect the local distribution or abundance of the species to which it belongs;
- ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
- iii. Impair its ability to hibernate or migrate;
- d) Deliberately to obstruct access to a breeding site or resting place of such an animal, or
- e) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat and/or otter activity on the site, all works should cease immediately and further advice sought from the Wildlife Team, Department of Agriculture, Environment and Rural Affairs, Northern Ireland Environment Agency, Clare House, 303 Airport Road West, Belfast BT3 9ED. Tel. 028 9056 9558 or 028 9056 9557.

Badgers

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Department of Agriculture, Environment and Rural Affairs, Northern Ireland Environment Agency, Clare House, 303 Airport Road West, Belfast BT3 9ED. Tel. 028 9056 9558 or 028 9056 9557.

Birds

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

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

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

3. The purpose of the Conditions 4 and 5 is to ensure that any site risk assessment and

remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part III of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

4. The applicant shall note that for developments where the risks due to potential or actual contamination have not been adequately managed during the development, the site could subsequently be determined as contaminated land under the forthcoming contaminated land regime (i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997). It remains the responsibility of the developer to undertake and demonstrate that all works have been effective in managing all risks.
5. The applicant shall ensure that the management of all waste materials onto and off this site during development are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. Further information can be obtained from:
<https://www.daera-ni.gov.uk/articles/waste-management-licensing>
<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>
<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>
6. RU recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from:
<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>
7. RU would recommend that the applicant considers the production of a Site Waste Management Plan (SWMP) for this proposed development. SWMPs are promoted as an example of best practice in the construction industry and a SWMP is a document that describes, in detail, the amount and type of waste from a construction project and how it will be reused, recycled or disposed of. Following the SWMP procedure could help to reduce the amount of waste produced and will help manage waste more effectively.
 Further information can be obtained from:
<https://www.nibusinessinfo.co.uk/content/what-site-waste-management-plan-shouldcontain>
8. Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc. requires the written consent of DfI Rivers. This should be obtained from the Eastern Regional Office at Reverent House, Altona Road, Largymore, Lisburn BT27 5Q
9. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

10. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
11. The applicant shall comply with all the relevant NIEA Standing Advice documents and Guidance for Pollution Prevention (GPPs) in order to minimise the impact of the project on the environment. Paying particular attention to:
 - Understanding your environmental responsibilities - good environmental practices:
GPP 1
 - Above ground oil storage: GPP 2
 - Use and design of oil separators in surface water drainage systems: GPP 3
 - Works and maintenance in or near water: GPP 5
 - Working at construction and demolition sites: GPP 6
 - Safe storage and disposal of used oils: GPP 8
 - Vehicle Washing and Cleaning GPP 13
 - Dewatering underground ducts and chambers: GPP 20
 - Pollution incident response planning: GPP 21
 - Dealing with spills: GPP 22
 - Safe Storage of Drums and Intermediate Bulk Containers (IBCs): GPP 26
 - Installation, decommission and removal of underground storage tanks: GPP 27
 - CIRIA guidance documentation C532 'Control of water pollution from construction sites: guidance for consultants and contractors.
 - The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Industrial and Commercial Developments.
 - The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidance.
 - The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Sustainable Drainage Systems.
 - The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Discharges to the Water Environment.
 - The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Abstractions and Impoundments.
 - Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010

Case Officer Signature: M Keane

Date: 03-12-24

Appointed Officer Signature: A McAlarney

Date: 03-12-24



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

Application Reference: LA07/2022/0309/O

Date Received: 17/02/2022

Proposal: Proposed housing development

Location: Approx. 30m south of no. 131 High Street, Bessbrook, Newry

Site Characteristics & Area Characteristics:

The application site comprises part of a larger agricultural field located to the north of McGinns Park, Bessbrook. The roadside boundary is well defined by hedgerow with levels on the site falling towards the rear. The site adjoins the settlement limit of Bessbrook but is located outside the settlement limit, within the countryside.



*Approximate site boundaries outlined in red.
Settlement boundary defined in black*

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- Planning Policy Statement 21- Sustainable Development in the Countryside

Site History:

- **P/1985/0064-** Erection of dwelling at High Street, Bessbrook. Application withdrawn.
- **P/2006/0461/F-** Erection of residential development (consisting of 55 No. units and ancillary works) Lands to the north-west and rear of Nos. 17-30 McGinn Park and Nos. 7-10 Woodside Park, High Street, Bessbrook (extending northwards to the rear of 6 McGinn Terrace, with access between McGinn Park and No. 131 High Street). Permission refused 24/08/2007.

Consultations:

- **Historic Environment Division-** HED (Historic Buildings) has considered the impacts of the proposal (LA07/2022/0309/O) on the listed building (HB16/23/010- Derrymore House Bessbrook Newry Co. Down, Grade A) and on the basis of the information provided, advises that it is sufficiently removed in situation and scale of development from the listed building as to have negligible impact. Relevant policies include Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

- **NI Water-** Refusal. Subject to successful discussions and outcomes regarding issues NI Water may reconsider its recommendation.
- **DFI Roads-** No objections in principle to the proposal.

Objections & Representations:

Twelve neighbours were notified of the application on 26/04/2022 and the application was advertised within one local newspaper with statutory expiry on 23/03/2022. No objections or submissions have been received.

Assessment:**Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21- Sustainable Development in the Countryside.

The application was submitted with an accompanying 'Statement of Case from Applicant' which sought to outline the zoning history of the site in the Newry Area Plan 1984-1999 and advising that planning permission in 2006 was rejected on the grounds of prematurity until the adoption of the current plan. This statement also states that the houses would be built by the applicant for the rental market only.

A Design and Access Statement was also submitted by the Agent advising the application seeks approval under Policy CTY5 for approx. 6 new homes to add to the social housing stock with the applicant remaining the landlord of these properties.

The Planning Department advised the Agent that *"the supporting statement is seeking approval under Policy CTY5 of PPS21. Policy CTY5 is clear that "planning permission may be granted for a group of no more than 14 dwellings adjacent to or near a small settlement or within a designated Dispersed Rural Community to provide social and affordable housing to meet the needs of the rural community. Planning permission will only be granted where the application is made by a registered Housing Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive which cannot readily be met within an existing settlement in the locality"*

As the application has not been made by a registered Housing Association (documentation advising units to be built by applicant for the rental market with applicant remaining landlord) nor is Bessbrook considered to be a small settlement for the purposes of CTY5, on this basis the application will be likely recommended for refusal. Without prejudice, DFI Roads and NI Water require further information/ amendments to the scheme".

The Agent provided amendments for DFI Roads and correspondence relating to the NI Water response but nothing has been received regarding the principle of the development. The application will be progressed based on the information currently available.

Policy CTY 5 states that: *"Planning permission may be granted for a group of no more than 14 dwellings adjacent to or near a small settlement or within a designated Dispersed Rural Community to provide social and affordable housing to meet the needs of the rural community. Planning permission will only be granted where the application is made by a registered Housing*

Association and where a demonstrable need has been identified by the Northern Ireland Housing Executive which cannot readily be met within an existing settlement in the locality."

Policy is clear that planning permission will only be granted where made by a registered Housing Association, the application was submitted by Patrick McGinn of 127 High Street Belfast who intends to privately rent out the proposed dwellings. The application is therefore not acceptable in principle under Policy CTY5.

In addition, the application site adjoins the settlement limit of Bessbrook Village, the Banbridge/Newry and Mourne Area Plan advises that there is no social housing need requiring Plan intervention in Bessbrook. Para 5.26 of CTY5 clarifies that for the purposes of this policy, a small settlement is defined as having a population of around 2250 (or less). Census 2011 population statistics state that on Census Day 2011 there were 2,714 people in Bessbrook settlement, it is considered this number will increase in the Census 2021 statistics.

As the application is not made by a registered Housing Association and Bessbrook is not considered a small settlement, the application is contrary to Policy CTY 5 of PPS 21. It follows therefore that it is also contrary Policy CTY 1 of PPS21.

As the principle of the proposal is not acceptable, it is not necessary to assess the site in terms of the sequential test in terms of location.

Policy CTY15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. If approved, the proposed housing development would mar the distinction of the settlement limit of Bessbrook and result in urban sprawl, contrary to Policy CTY15. In marring the settlement limit, the proposal would also result in a sub-urban style build-up of development, contrary to criterion b of CTY14.

PPS3- Access, Movement and Parking

DFI Roads have been consulted and have no objections subject to conditions.

PPS6- Planning Archaeology and the Built Heritage

HED (Historic Buildings) has considered the impacts of the proposal (LA07/2022/0309/O) on the listed building (HB16/23/010- Derrymore House Bessbrook Newry Co. Down, Grade A) and on the basis of the information provided, advises that it is sufficiently removed in situation and scale of development from the listed building as to have negligible impact. Relevant policies include Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Drawings

The drawings considered as part of this assessment are as follows: 101 Rev A, 102A Rev B.

Recommendation: Refusal**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY5 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not adjacent to a small settlement and the application has not been made by a registered Housing Association.
3. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Bessbrook and the surrounding countryside and result in urban sprawl.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature: E. Eastwood

Date: 05/10/2022

Appointed Officer Signature: C Cooney

Date: 6th October 2022

Addendum to LA07/2022/0309 – Proposed housing development at lands approximately south of No.131 High Street Bessbrook

The application was presented at Committee on 26th July 2023 as a refusal with the following refusal reasons referenced.

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY5 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not adjacent to a small settlement and the application has not been made by a registered Housing Association.
3. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Bessbrook and the surrounding countryside and result in urban sprawl.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.

Following a detailed discussion Cllr Hanna proposed to defer the Planning Application in order to allow the applicant to provide further information on the proposed social housing provider for the Committee to consider. Cllr D Murphy seconded the proposal.

Since July 2023 the Department has contacted the agent on a number of occasions to provide an update on the application and confirm whether a housing association has been appointed. To date no clarification has been provided on this matter. It should be noted that on the 1st August 2023 a letter from Northern Ireland Housing Executive was received which supported the need for the proposal.

As a substantial period of time has now passed in which no new material has been submitted to allow the proposal to be reassessed the Department is therefore recommending refusal for the reasons detailed above.

Authorised Officer: M Fitzpatrick

Date: 3rd December 2024