



April 17th, 2025

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 30th April 2025 at 10:00 am** in **Council Chamber, O' Hagan House, Monaghan Row, Newry**

Committee Membership 2024-2025:

Councillor D Murphy **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor P Campbell

Councillor C Enright

Councillor K Feehan

Councillor C King

Councillor M Larkin

Councillor D McAteer

Councillor S Murphy

Councillor A Quinn

Councillor M Rice

Councillor J Tinnelly

Agenda

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

 *Close of speaking rights.pdf*

Page 1

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, Feehan, Hanna, McAteer, D Murphy, S Murphy and Tinnelly attended a site visit on 17 February 2025.

4.0 Minutes of Planning Committee held on 2 April 2025 and Predetermination hearing of 9 April 2025

to follow

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

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


6.0 LA07/2021/1479/F -Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works

For Decision

REFUSAL

On agenda as a result of the call in process

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

 *LA07.2021.1479.F - Case Officer Report.pdf*

Page 2

Development Management - Planning Applications for determination

7.0 LA07/2023/2274/F - Lands at Abbey Way Multi-Storey Car Park Mill Street & Lower Water Street, 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 Operating Protocol and Scheme of Delegation.

 LA07-2023-2274-F Original.pdf	Page 18
 LA07-2023-2274-F Addendum.pdf	Page 55
 Pre Determination Report.pdf	Page 80
 LA07-2023-2274-F Post PDH Report.pdf	Page 83

8.0 LA07/2022/0951/F - 22 Belfast Road, Newry, BT34 1EB - Demolition of existing dwelling and erection of 8no. semi-detached dwellings and 2 apartments with associated site works

For Decision

APPROVAL

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

 LA07.2022.0951.F - Case Officer Report.pdf	Page 90
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9.0 LA07/2022/1833/F - Former St Johns Parish Church, Main Street, Hilltown, BT34 5UH - Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access.

For Decision

APPROVAL

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


 LA07.2022.1833.F - Case Officer Report.pdf	Page 108
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10.0 LA07/2022/1834/LBC - Former St Johns Parish Church, Main Street, Hilltown, BT34 5UH - Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access.

For Decision

CONSENT GRANTED

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

 **LA07.2022.1834.LBC - Case Officer Report.pdf**


Page 115

11.0 LA07/2024/0537/F - Housing Development - Junction of Chancellors Road/Watsons Road Newry and opposite Ashton Heights and Dunbrae Housing developments

For Decision

APPROVAL

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

 **LA07.2024.0537.O - Case Officer Report.pdf**


Page 120

12.0 LA07/2024/0185/F - 30m north of 43 Ballycoshone Road, Hilltown, Newry, BT34 5XE - Proposed conversion and reuse of existing stone barn (incorporating new roof, reconstruction of part external wall and new first floor structure and internal layout) to create a new dwelling

For Decision

REFUSAL

On agenda as a result of the call in process

 **LA07.2024.0185.F - Case Officer Report.pdf**

Page 138

13.0 LA07/2023/3277/F - 285m N of 40 Ballyhornan Road, Downpatrick, Co. Down BT30 6RH - Farm dwelling & attached carport

For Decision

REFUSAL

On agenda as a result of the call in process

**14.0 LA07/2024/0055/O - 20m SE of 15 Drummond Road
Cullyhanna, Newry, BT35 0LN - Erection of a farm dwelling.**

For Decision

REFUSAL

On agenda as a result of the call in process

**15.0 LA07/2023/2800/O - Lands to the rear of 24 Downpatrick Road
Strangford Down BT30 7LZ - Detached dwelling and garage**

For Decision

REFUSAL

On agenda as a result of the call in process

**16.0 LA07/2023/3476/O - Lands between 12 and 20 (on private lane)
off Raleagh Road, Crossgar - Proposed infill for 2 dwellings,
garages and associated site works**

For Decision

REFUSAL

On agenda as a result of the call in process

For Noting

**17.0 LA07/2023/2275/DCA - Abbey Way Car Park, Abbey Way,
Newry - Proposed Demolition of existing split deck/multi-
storey car park and construction of 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 Information

Notice to approve Consent from DFI

18.0 LA07/2023/2225/DCA - Town Hall, 1 Bank Parade, Newry, BT35 6HR - 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.

Notice to approve Consent from DFI

19.0 Historic Action Sheet

Invitees

Cllr Terry Andrews
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Cllr Callum Bowsie
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Fionnuala Branagh
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Cllr Jim Brennan
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Cllr Pete Byrne
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Mr Gerard Byrne
.....
Cllr Philip Campbell
.....
Cllr William Clarke
.....
Cllr Laura Devlin
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Ms Louise Dillon
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Cllr Cadogan Enright
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Cllr Killian Feehan
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Cllr Doire Finn
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Cllr Aoife Finnegan
.....
Ms Joanne Fleming
.....
Cllr Conor Galbraith
.....
Cllr Mark Gibbons
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Cllr Oonagh Hanlon
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Cllr Glyn Hanna
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Cllr Valerie Harte
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Cllr Martin Hearty
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Cllr Roisin Howell
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Cllr Tierna Howie
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Ms Catherine Hughes
.....
Cllr Jonathan Jackson
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Cllr Geraldine Kearns
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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
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Cllr Aidan Mathers
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Mrs Annette McAlarney
.....
Cllr Declan McAteer
.....
Cllr Leeanne McEvoy
.....
Jonathan McGilly
.....
Cllr Andrew McMurray
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Maureen/Joanne Morgan/Johnston
.....

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



SPEAKING RIGHTS/WRITTEN SUBMISSIONS

PLANNING COMMITTEE MEETING

WEDNESDAY 30th APRIL 2025

The closing date/time for requests for speaking rights and accompanying written submissions for Planning Applications listed on the agenda for the above Planning Committee Meeting is as follows: -

**Wednesday 23rd April 2025
by 5.00pm**

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

democratic.services@nmandd.org

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

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

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

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



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

Application Reference: LA07/2021/1479/F

Date Received: 06.08.2021

Proposal: Erection of Petrol Filling Station with ancillary retail element, car parking, rear storage yard and all associated site and access works on lands opposite 3 Newtown Road, Belleek, Newry.

Location: Immediately opposite no. 3 Newtown Road, Belleek, Newry.

Site Characteristics & Area Characteristics:

The site takes in a rectangular roadside portion of a larger parcel of land that has since been re-configured from the previous excavation on site. The application form describes the current use as a disused quarry and therefore likely has a NIL use. The topography is relatively flat at the roadside with a significant rise in level to the SE. The site is located along the main Newtown Road just outside and adjacent to the designated Settlement Limit for Belleek on the approach from Newtownhamilton.

Site History:

Application Number: P/2001/1475/F Decision:

Permission Granted Decision Date: 03 October 2001

Proposal: New 11KV O/H Electric Lines and alterations to existing electric lines.

Application Number: P/2010/0243/F

Decision: Permission Granted Decision Date: 13 December 2010

Proposal: Construction of a 300mm and 250mm diameter trunk main from Jerretspass WPS, Jerretspass to Belleek.

Consultations:

DFI Rivers – No objection

Dev Plan Section – Proposal would establish a precedent for development outside of the existing settlement development limit, would impact on the integrity of the LLPA and adversely affect the physical setting of Belleek.

DFI Roads – Following several amendments, no objection subject to compliance with attached conditions.

Environmental Health – No objection subject to compliance with attached conditions.

NIEA – No objections, conditions recommended.

SES - Eliminated from further assessment because it could not have any conceivable effect on a European site.

NI Water – No objection, conditions attached.

Objections & Representations

15 Neighbours notified most recently on 06.06.2023 and the application was advertised on 21.06.2023 to reflect amendments. 9 objections and 2 representations of support received.

Areas of Objection

1. Environmental effects on wildlife, for a and fauna.
2. Road Safety
3. Impact on neighbourhood
4. Ground water and ozone pollution
5. Traffic noise pollution
6. Increased risk of health issues living next to petrol stations
7. Petrol stations should not be built within a minimum of 50m from homes.
8. Risk of fire and explosions.
9. No benefit to the community.
10. Contrary to the Area Plan
11. Prominent in the landscape
12. Residents would find it difficult to walk up hill to use the facility.
13. Increased traffic
14. Existing services and fuel complex only 4 miles away in Camlough
15. Will damage Tully's shop / employment.
16. Risk to pedestrian safety.

Planning Policies & Material Considerations:

The Planning Act (Northern Ireland) 2011
 Regional Development Strategy
 Banbridge Newry and Mourne Area Plan 2015.
 Strategic Planning Policy Statement for Northern Ireland
 Planning Policy Statement 21
 Planning Policy Statement 3 / DCAN 15.
 Planning Policy Statement 2
 Planning Policy Statement 15
 A Planning Strategy for Rural Northern Ireland
 Parking Standards
 Building on Tradition

Consideration and Assessment:

Proposal seeks full permission for the erection of a petrol filling station with ancillary retail element, car parking, rear storage yard and all associated site and access works on lands opposite 3 Newtown Road, Belleek, Newry. The net retail floorspace is approximately 350 sqm. Approximately 100 sqm is dedicated to storage, staff area, kitchen prep, office and other ancillary uses. This takes the cumulative floorspace total to approximately 450 sqm. The proposed building is rectangular in shape, single storey with a hipped roof and has been sited gable ended to the public road. The site which is rectangular in shape is located at the roadside boundary with 2 access points, 4 fuel stations and 50 parking spaces.

The site is located just beyond the Development Limit for Belleek (towards Newtownhamilton) and within the open countryside. The site encroaches in a Local Landscape Policy Area (LLPA) under designation BL03.

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site as there is no viable pollution pathways for effects on any European site.

Regional Policy Context

The RDS 2035 provides a framework for strong sustainable economic growth across the region and recognises that a growing regional economy needs a co-ordinated approach to the provision of services, jobs and infrastructure. It provides Regional Guidance to ensure an adequate supply of land to facilitate sustainable economic growth (RG1). This means protecting zoned land and promoting economic development opportunities in the Hubs (SFG11).

In terms of the Hubs mentioned above, the Area Plan Strategic Plan Framework defines these areas by stating 'Economic development and employment in the Plan Area is concentrated within the main hubs of Banbridge and Newry. However, the towns of Dromore, Kilkeel and Warrenpoint/Burren also have a significant economic development / employment base.'

Whilst the RDS is not specific on petrol filling stations it remains a material consideration for the application.

The Banbridge Newry and Mourne Area Plan 2015.

The objectives of the Plan place a high emphasis on providing for the needs of each settlement in a sustainable manner, promoting compact urban forms, facilitating appropriate development within existing urban areas, and supporting and developing existing urban areas.

The Strategic Plan Framework is silent on this *sui generis* use and also silent on the retail element outside the development limit and therefore decision making on these issues will be deferred to the retained policies, explored further in this report.

The site is located outside the development limit of Belleek, as identified in the Banbridge, Newry and Mourne Area Plan 2015. The area plan continues to provide the statutory planning framework for the area until a replacement statutory area is in place. It is in the open countryside on a site not zoned for any specific purpose. The BNMAP designated the Settlement Limit of Belleek to retain the compact form of the Settlement whilst allowing for a limited amount of development. It is considered that the proposed development is contrary to Policy BL01 Of the Banbridge, Newry and Mourne Area Plan 2015 in that it would result in inappropriate development outside the statutory development limit for Belleek and would result in inappropriate urban sprawl. This issue is also considered against Policy CTY 15 of Planning Policy Statement 21 (PPS 21) below.

The proposed site also marginally encroaches Local Landscape Policy Designation BL 03. The application must be assessed against Policy CVN 3 of the Strategic Plan Framework. Policy CVN 3 states that Within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character, as set out in Volumes 2 and 3 of the Plan. Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

The part of the designation that applies to the application site is the 'localised rock outcrops and hills forming an attractive backdrop to the Settlement' The proposed development that will be sited on land in front of this attractive backdrop is considered to have an adverse visual impact on the landscape feature and detract from the distinctiveness of its character. The value of the natural feature providing an attractive back drop will be significantly reduced as a result of the development. This position is further exacerbated by the open nature of the site offering critical views on the approach to, and on exiting the settlement of Belleek.

As the proposal is outside the designated settlement limit of Belleek (Plan designation BL01) and also considered to adversely affect the intrinsic environmental value and character of the LLPA, the proposal is therefore contrary to the overall aims and objectives of the statutory plan by virtue of its location outside the designated settlement boundary of Belleek (Plan designation BL01) and Policy CVN 3.

Any departure from the prevailing Banbridge Newry and Mourne Area Plan must be done so in accordance with Section 6 (4) of the Planning Act (Northern Ireland) 2011 which states

"(4) Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Strategic Planning Policy Statement for Northern Ireland

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. This will be considered in detail below when other relevant policies are considered.

In addition to the proposed petrol station, the application includes a sizeable retail element. This aspect of the proposal must be assessed against the provisions of the SPPS.

The SPPS states that in the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. The petrol station element is defined as a *sui generis* use under the Planning (Use Classes) Order (Northern Ireland) 2015. I do not consider it to be necessarily a main town centre use particularly given the space requirements for its functionality and the absence of the same in most town centres. However, the retail element of the proposal I consider to be significant enough to warrant consideration against prevailing policy which is contained in the SPPS. This position is in agreement with para 4.6 of the Supporting Retail and Needs Assessment.

The net retail floorspace is approximately 350 sqm. Approximately 100 sqm is dedicated to storage, staff area, kitchen prep, office and other ancillary uses. This takes the cumulative floorspace total to approximately 450 sqm. The agent has confirmed the proposal includes a significant deli counter and small supermarket but states this is not a road side service facility but a petrol station, however the paragraph at 7.15 of the Supporting Retail and Needs Statement does describe it as a roadside service facility.

Mac Fuels which is a petrol station outside Newtowncloghoge on the Forkhill Rd has a floor area of approx. 217sqm. Hughes Filling Station Whitecross has a floor area of approx. 165sqm and Newry Road Filling Station (between Creggan and Crossmaglen) has a floor area of

62sqm. This small snapshot of petrol stations in the district points to much lower floor area which adds weight, in my opinion that the SPPS should be given material consideration regarding the retail floor space of the proposal.

The SPPS seeks to secure a town centre first approach for the location of future retailing and other main town centre uses. In terms of the food retail element of the proposal I consider this to fall within a main town centre use. The SPPS offers a sequential test for main town centre uses to be considered in order of preference. The proposal before the Planning Authority, due to the location outside the development limit of Belleek does not meet any of the sequential tests.

Paragraph 6.279 of the SPPS makes reference to retailing in the countryside which is applicable to this application due to the location in the countryside.

The SPPS states at paragraph 6.279 *'Retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. However, as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside of settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities'*

My interpretation of the above paragraph is that retailing (such as the food element of the proposal) should be directed to town centres and failing that, follow the sequential tests. However, there is an exception to this which include farm shops, craft shops and shops serving tourist and recreational facilities. While this list is not exhaustive the thrust of the policy is that it considers that only small-scale facilities that cater for a rural base enterprise are considered acceptable. I do not consider the small supermarket and significant deli counter to fall within these exceptions category. The policy goes on to note that where an application meets the exception category, retail facilities should be required to be located within existing buildings. This is not the case for this application in that the proposal is for a new build.

The SPPS goes on to state at paragraph 6.279 *'All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment and meet the requirements of policy elsewhere in the SPPS.'*

The agent has described the current shop/post office in Belleek as a very small shop and an accompanying post office that do not adequately meet the needs of the community in terms of scale, or the range of goods available for consumers. Reference has also been made to the village being included in re-development plans. However, at the time of writing this application has not been decided and in fact an objection remains due to the potential impact this proposal will have on the village shop. It has also noted that the village shop has since closed.

Whilst it is noted the existing shop is currently closed there remains an established retail use for the small settlement and therefore the extensive range of retail floor space proposed which will also include car fuel and the significant deli counter is likely to impact any future potential retail at the site of the former shop and within the wider settlement. On this basis, it is difficult to see how the proposal before the Planning Authority would not significantly impact the existing vitality and viability of the small settlement of Belleek.

I note in the agent's submission, fig 12 represents a significant overlap in catchments between Belleek and Whitecross. Whilst the agent has stated in real terms, the development is unlikely to affect Whitecross due to likely routes people take, alternatively it does not account for the route people might then chose to take in order to utilise the facility. It appears reasonable that the short drive from Whitecross to Belleek to get fuel and retail items is a likely scenario given the existing commercial offering of fuel and retail which amounts to a Petrol Filling Station with two pumps and a very modest retail floor area.

In conclusion of the above I find no policy provision within the SPPS to justify the siting of a retail facility outside the settlement limit in the open countryside. Whilst much has been made of the current arrangements in Belleek between lack of provision and siting availability which may have standing, however I concur with the comments from the Development Plan section in that the correct vehicle to address this is through the Development Plan process by way of representation and not the Development Management process – where a precedent can be set. This is evident in many of the small settlements across the district where there may not be the capacity within the development to absorb a petrol filling station and retail facilities.

Appraisal of Retail Information for Planning Application LA07/2021/1479/F Erection of Petrol Filling Station and Shop, Belleek, Newry by Braniff Associates has been considered in full and uploaded to be read in conjunction with this report. The agent's response to this report has also been uploaded for completion.

Overview of Braniff Associates appraisal of the application.

Catchment

- Catchments in rural areas for such developments typically extend further to 10 minutes' drive and even beyond.
- Demarcation of a larger catchment area would include other retail centres such as Camlough and Newtownhamilton. It would enable a more comprehensive assessment of retail need, as well as the consideration of retail impact on the convenience sectors in neighbouring settlements.

Catchment Population

- The O'Callaghan information incorrectly states that there is a population of 3,300 persons
- Analysis of NISRA figures for Camlough Ward, within which Belleeks is located, would tend to corroborate the 1,100 catchment population figure estimated by Turley.

Existing Floorspace

- No other convenience shops exist within the applicant's catchment; however, they are available nearby in other settlements. They include the following: • NiSA Extra filling station, Camlough • Gregorys Costcutters, Camlough • Hughes Costcutters, Whitecross • Mace store, Newtownhamilton • Park Butchers, Newtownhamilton • Mountview farm meats, Newtownhamilton

Expenditure

- The retailer's survey of available spend for convenience goods in the area estimates a figure of £107,000 per week. When this weekly spend is converted to a yearly spend figure by multiplying it by 52, then an annual per capita expenditure figure can be arrived at. This then enables the benchmarking of the applicant's figure with those from documented sources.
- Reference to Table 2 indicates that, based on the applicant's figure, the average spend per capita on convenience goods amounts to £4,955 person. This is an exceptionally high level of spend and is more than twice the UK average (£2,309 per person) cited by Experian, which is an authoritative source on retail expenditure.

Table 2

	Spend Per Week	Spend Per Year	Population 2025	Spend per Capita
Applicant	£107,000	£5,564,000	1,123	£4,955
Experian	£49,865.52	£2,593,007	1,123	£2,309

Online Shopping

- The applicant makes no reference to the impact of online shopping on expenditure levels. The latest Experian Briefing Note 2 indicates that the proportion of online spend on convenience goods (when adjusted to take into account deliveries from stores) will be 5.6% in 2025. This proportion of online spend needs to be subtracted from the expenditure figures outlined in the preceding Table 1.

Turnover

- The applicant equally does not provide any turnover figures for the proposal or for existing shops nearby. However, the turnover of the proposal can be estimated based on the approximate company average turnover per sqm for Spar stores documented by Mintel in its Retail Ranking publication. Table 2 indicates that it could amount to an annual turnover of £2.6m, based on a company average of £7,601 per net sqm.

Table 2

	Retail sales space	Turnover per sqm	Turnover of proposal
Experian	346.2	£7,601.00	£2,631,466

- This estimated turnover of £2.6m is equivalent in scale to all the convenience goods expenditure available in the catchment (£2.5m), based on the Experian UK average per capita expenditure figure outlined in Table 1. In other words, in order to sustain the turnover of the store, all expenditure within the applicant's catchment would be required. This is most unlikely to happen as people in this area would spend an appreciable proportion of their convenience goods expenditure on weekly shopping trips to the large foodstores in Newry and elsewhere.

Retail Impact Estimation

- The applicant did not attempt to estimate retail impact on Tullys Nearby Store (though apparently it has now closed) nor the other convenience stores nearby in Camlough, Newtownhamilton and Whitecross, all of which are within 10 minutes' drive from Belleeks. The estimation of retail impact is largely based on professional judgement while taking into account the like-on-like impact principle. The established convention is that other shops of similar size and format selling convenience goods will mainly be susceptible to retail impact, particularly those convenience outlets located nearest the proposal.

Cumulative Retail Impact

- Planning permission is still pending for the redevelopment of Riverside Filling Station in Camlough (Ref: LA07/2023/2195/F). It will provide 302 net sqm of convenience sales space.

Retail Need

- While the Banbridge, Newry and Mourne Area Plan 2015 is more recent than many other Departmental Development Plans in Northern Ireland it is still not a current and up-to-date Local Development Plan (LDP) prepared by the Council. Accordingly, a proportionate assessment of quantitative and qualitative need is required for the application. With the apparent closure of Tully's Nearby Store in Belleek the applicant is likely to cite its absence as underpinning a quantitative case for the proposed filling station shop. However, a quantitative needs assessment has to be undertaken on the basis of verifiable expenditure figures and this has not been carried out for this application.

Conclusion

- There is a lack of data submitted by the applicant in relation to expenditure, turnover and existing floorspace by which to substantiate the quantitative need for the proposal and to estimate the retail impact of its development. •
- The applicant's adoption of a 5 minutes' drive time catchment for this rural location is considered too small. A 10 minutes' drive time catchment would better capture trade patterns on the ground by encompassing shops in Camlough, Newtownhamilton and Whitecross. Their inclusion would thereby allow for a proper evaluation of the quantitative and qualitative need for it and enable consideration of its retail impact on the trade of similar shops in the surrounding area.
- The expenditure data that the applicant has submitted cannot be corroborated as it is not sourced from an authoritative body on retail statistics, such as from Experian. Genuine questions can therefore be asked of its veracity.
- When account is taken of Experian's expenditure per head figures for convenience retailing, as opposed to those of the applicant, all available expenditure within the applicant's catchment would be required to sustain the turnover requirements of this new filling station store. The prospect of this happening is unrealistic given that a considerable proportion of convenience goods expenditure within the catchment will typically be allotted to weekly shopping trips to the large foodstores in Newry and elsewhere.
- Notwithstanding the above, with the apparent closure of Tully's Nearby store in the heart of Belleeks, it would appear that there is now a need for an element of local convenience goods shopping to provide for the daily shopping needs of the settlement and its hinterland.
- Overall, based on the above, it has not been demonstrated from an evidential perspective that there is a quantitative need for a store of this size in Belleeks. By implication, therefore, it cannot be concluded that the proposal will not have an adverse impact on existing retailers in surrounding centres – though it must be acknowledged that retailers in Camlough, etc. have not objected to the application

Overview of the Agent's Response to Braniff Associates Report

- Braniff Associates provided an assessment (hereinafter referred to as "The Assessment") of the applicant's supporting retail submissions, dated 30th October 2024. O'Callaghan Planning would point out that The Assessment does not argue that planning permission should be withheld or that the application is contrary to the SPPS.
- The Assessment comments upon the proposal in the context of a "filling station shop". First and foremost, the proposal involves a "petrol filling station". The convenience store is ancillary to the main use of the premises: the retail sale of fuel for motor vehicles.
- The applicant relies upon a 5-minute "drive time" for the purposes of defining the proposal's catchment. The Assessment acknowledges this is "probably reflective of the primary, localised catchment for the proposal", yet it notes that catchments in rural areas "typically" extend further, to ten minutes and beyond. The Assessment's use of the word "typical" is significant: while this site lies outwith the settlement limit, it is situated immediately adjacent to it. It is distinguishable from a site in the open countryside, far removed from a settlement. This site has been chosen because of its location immediately adjacent to the settlement limit, with no available sites in the settlement. In that respect, it is different from the "typical rural" shop, hence a 10-minute drive time would not define this catchment.
- While The Assessment infers that additional information, further particulars or clarification could be required, this is dependent upon whether or not one accepts the applicant's definition of catchment is correct (and The Assessment suggests the applicant's definition is in fact "probably" correct). Furthermore, a number of salient points appear not to have been factored into The Assessment.
- Where The Assessment refers to a "typical" 10 minute drive time, it does not state whether this would apply to a convenience shop or a petrol filling station, as is the case here. The applicant contends that the 5 minute drive time is appropriate in this instance, and The Assessment concedes this is "probably" the appropriate course of action. If it is "probably" correct, it is unnecessary to extend the drive time assessment out to 10 minutes.
- The Assessment does not distinguish between proposals that are actually rural and those that are only "technically in the countryside" (it is conceded in The Assessment that this site is only "technically" in the countryside).
- The Assessment notes that no floorspace information was provided in relation to other shops selling convenience goods in the general area. The Assessment notes that the nearby Tully's store "would appear to have closed". In an email to the Council dating back to July 2024, it was confirmed that the nearby Tully's shop had in fact closed. It is therefore unnecessary to provide any floorspace breakdown on that premises, notwithstanding that it does not directly compare with the proposal (since it did not sell fuel for motor vehicles).
- The Assessment acknowledges that there are no other shops in the applicant's catchment (which it has already concluded is "probably" appropriate). As there are no other shops in the actual catchment, the assessment of retail impact is a straight forward matter of planning judgement.
- The Assessment points out that there are other shops within the ten minute drive time band. However, as the applicant's 5 minute drive time band is "probably" correct (as

acknowledged in The Assessment) the assessment of retail impact need not extend into the settlements of Camlough, Bessbrook, Whitecross or Newtownhamilton.

- The Assessment challenges the applicant's "available spend" data. The applicant's "available spend" was actually "potential spend", calculated by The Spar group. This data is specific to NI, unlike the "UK average" data collated by Experian and relied upon in The Assessment. It is therefore a matter for the decision-maker as to which source should be relied upon.
- The Assessment indicates that the applicant makes no allowance for the impact of online shopping on expenditure levels. The proposal is a petrol filling station. Its shop is ancillary. Online sales would have little appreciable impact upon this type of facility but even in a standalone convenience store a 5% impact (as anticipated in The Assessment) would not be significant nor would it undermine the veracity of the applicant's data.
- The Assessment indicates that the applicant does not provide any details of turnover for existing shops nearby, despite acknowledging that the nearby Tully's shop "appeared" to have closed (it actually has) so there is in fact no nearby shop to provide turnover details for.
- The Assessment does not confirm whether its Experian figures, on turnover per m2, relates to petrol filling stations or convenience retailing in general.
- The Assessment makes no comment upon the fact that the applicant has offered to discontinue the retail sale of fuel from his site opposite. In an email dated 11th July 2024 this practice specifically asked the Council to notify its retail consultant of the applicant's offer to discontinue trading fuel from his site (opposite). It is unclear whether that information was forwarded to the consultant but in any case The Assessment is silent in relation to the applicant's offer to discontinue retailing fuel from his site opposite. Further, the applicant is concerned that the Council has not progressed his application for a Certificate of Lawfulness in the interim hence we have requested an update on that application.
- Although the nearby Tully's shop has closed, in the aforementioned email to the Council, dated 11th July 2024 (notifying the Council that the Tully's shop had closed) the applicant specifically asked the Council to advise its retail consultant that there was no prospect of planning permission for any "intensified" use of the Tully's shop, due to roads safety concerns. It is unclear whether that information was forwarded to the consultant but in any case The Assessment is silent in relation to the lack of potential to upgrade or redevelop the Tully's site and indeed the lack of alternative site within the settlement.

A Planning Strategy for Rural Northern Ireland (Rural Strategy)

I accept the agent's assertion that the proposal does not represent a Roadside Service Facility however I note the policy (IC 15), which refers to applications for Roadside Service Facilities, also makes reference to Petrol Filling Stations which I contend is relevant to the application.

The policy notes that in normal circumstances, proposals for petrol filling stations, and roadside service facilities are unlikely to be acceptable in Greenbelts, AONBs and CPAs. I am mindful of the date this policy was written (circa 1993) when Greenbelts and CPA policy was

prevailing in the Rural Strategy. In today's Area Plan there are no Greenbelts or CPAs as the policy provisions of PPS 21 takes precedence over Greenbelts and Countryside Policy Areas (apart from noted exceptions). This site was previously part of the Greenbelt designation and therefore I do not share the view that because this site is not currently located within any of the above designations it follows that the development may be acceptable in the rural area.

Policy IC 15 goes on to say that on routes not forming part of the trunk roads network there will normally be no necessity to locate petrol filling stations or roadside services in the open countryside. Such facilities will normally be directed to existing settlements unless local circumstances indicate that such a policy would lead to undue hardship for the residents.

The site is not located along a Trunk Road and is within a 6 min drive time to Hughes' complex in Camlough. A Petrol Station is also located within an 8 min drive to Newtownhamilton and a 6 min drive to Whitecross. Policy sub text states that where a route is already adequately served by existing petrol filling stations the creation of entirely new service centres will not normally be acceptable and given the number of existing petrol filling stations in the locality, it is my opinion that Belleek is already adequately served. The agent has also referred to the applicant operating an established fuel retail business opposite and immediately west from the proposed site. Confirmation of the legitimacy of this would have to be tested against a CLEUD application (which is currently under consideration by the Council).

In terms of demonstrating undue hardship, as contained within Policy IC 15, "*Such facilities will normally be directed to existing settlements unless local circumstances indicate that such a policy would lead to undue hardship for the residents*" the agent has noted that site selection is due to no other sites being available within the village to accommodate the proposal and that the best has been chosen, closest to the village.

Regardless of the availability in the village, this consideration suggests that a petrol filling station must be facilitated somewhere in the village or close to the village. I find no policy support for this position particularly given the village is within a 6 min drive to Hughes' complex in Camlough. Whilst much has been made of the benefits of the development, I am not persuaded that the evidence produced demonstrates how the withholding of permission would result in undue hardship for the residents of Belleek.

Taking into consideration the above I conclude the proposal is contrary to policy IC 15 of the Rural Strategy.

Planning Policy Statement 21 (PPS 21)– Sustainable Development in the Countryside

Policy CTY 1 provides for 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. The policy makes provision for development in the countryside where it meets one of the listed types of development within the policy headnote or where there are overriding reasons why that development is essential and could not be located in a settlement, or is otherwise allocated for development in a development plan.

The proposed development does not fall within the range of types of development which are considered acceptable and listed within the policy.

In terms of the identification of "overriding reasons why the development is essential and could not be located in a settlement", the agent has noted the development is essential as there is no established petrol filling station in the village, to provide additional employment for the settlement and to provide an important service for those living in and passing through the village including those living in the surrounding countryside.

The agent has also included an appraisal of available land in Belleeks to demonstrate there is no availability within the settlement to accommodate the proposal.

Considering the essential test, I note many small settlements across the district do not have an established petrol filling station such as Altnamacken / Cortamlet, Ballymoyer, Creggan, Dorsey, Lislea, Mullaghglass, Tullyherron and Silverbridge and I find no support within policy or guidance that this is a required facility for small settlements.

I therefore conclude that this not an essential facility that each village or small settlement must have and given it is not considered essential, the availability of sites in Belleek is not engaged.

Whilst the generation of jobs for the area is encouraged the scale is likely to be low and unlikely to significantly boost the local economy. I understand the benefits of providing an important service to the village, however I am not persuaded this is essential. I therefore conclude that it has not been demonstrated that overriding reasons exist as to why this development is essential and could not be located in a settlement.

Having found no support in the above policy under CTY 1 for the development and no overriding reasons why the development is essential the proposal is considered contrary to policy CTY 1 of PPS 21.

I consider the proposal to be prominent in the landscape due to its size, commercial nature, and open roadside location. The site itself lacks long established boundaries and relies primarily on new landscaping for integration therefore contrary to part (a) (b) and (c) of policy CTY 13.

The design materials and vertical emphasis on the windows are acceptable for the rural area, however the design features of the building are not in keeping with the rural character of the area. The height of the proposed building measures approximately 8.7m with a length of 29m. The large, hipped roof is not considered a traditional design feature of the surrounding rural area, and this is further exacerbated by the lack of integration at the site. The associated ancillary works including two accesses, a large expanse of hardstanding and canopy are cumulatively not considered to integrate with their surroundings rendering the proposal contrary to part (d) and (e) of policy CTY 13. The proposal is also contrary to the principles established in the supplementary guidance contained within Building on Tradition in terms of siting, integration and design.

I have identified in the previous paragraph that due to the size, commercial nature and rural location the proposal is considered prominent in the landscape. When the proposed site is considered along side the dwelling and adjacent buildings opposite at No. 3 Newtown Road, the development would result in a suburban style build up of development with existing buildings. This is particularly sensitive given the location adjacent to the Settlement Limit where there should be a distinction between the settlement limit and the open countryside. The proposal is consequently considered contrary to parts (a) and (b) of policy CTY 14.

When the proposed site is considered with the shed and dwelling immediately SW of the site the proposed development would create a ribbon of development. The justification and amplification of policy CTY 8 at paragraph 5.33 states, 'buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.' In this case the forementioned buildings share a common frontage with the proposed development and qualify to be considered with regard to ribbon development. This renders the application contrary to policy CTY 8 and part (d) of policy CTY 14.

The associated ancillary works including two accesses, a large expanse of hardstanding and canopy are cumulatively considered to have an adverse impact on the surrounding area and damage rural character. For this reason, the proposal is contrary to part (e) of policy CTY 14.

Policy CTY 15 states that 'Planning permission will be refused for the development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. In the application before the Council the red line of the application site is approximately 19m from the boundary that defines the Settlement limit for Belleek. A band of mature trees are located along this boundary. One of the purposes of the Settlement Limit is to take account of the role of the settlement whilst protecting its natural setting. Under designation BL 01 of the Area Plan it is clear the Settlement Limit as designated was intended to protect a number of areas of significant landscape value. This invariably includes the localised rock outcrops and hills forming an attractive backdrop to the settlement as designated under the LLPA designation BL 03 and considered above.

The development of the site would involve the creation of development stretching along the southern side of the A25 that would result in the perception of an urban extension and ribbon development into the rural area thereby undermining the compact form of the settlement and the Settlement Development Limit.

If permitted the development will read as extension of the development of Belleek when traveling to and from the site and therefore mar the distinction of the Settlement Limit of Belleek and result in urban sprawl. The proposal is contrary to policy CTY 15 for these reasons.

The applicant proposes to dispose of foul waste using the mains network. NI Water has, through consultation, confirmed there is capacity at the WWTW and that an extension is required. NI Water has recommended approval subject to a negative condition which could be added to any approval notice. I consider this to be sufficient and satisfies the relevant provisions of policy CTY 16.

Planning Policy Statement 2

A Biodiversity Checklist was received from the agent and sent to NIEA for consultation. NIEA has responded deferring further consultation and/or decision making to the Planning Case Officer. Having visited the site and noting the significant ground works that have been recently completed there were no obvious indicators to protected habitats or species that would be adversely impacted by the proposal. The boundary with the public road consists of partial post and wire fencing and sparse low-level hedging that is intertwined with weeds. This appears to hold no ecological value. New Hawthorne hedging is proposed along the front of the site and cumulatively given the above, I am content the proposal is in general compliance with PPS 2.

Planning Policy Statement 3 / DCAN 15

Following extensive consultation and the provision of Private Streets Determination drawings, DFI Roads has confirmed it has no objection to the proposal subject to compliance with the attached conditions. The site development will include two accesses for safe ingress and egress, a new foot link and puffin crossing for pedestrians. The proposal has been considered against all relevant policy provisions of PPS 3 and DCAN 15 and is subsequently considered to be in general compliance.

With regard to the Parking Standards, the proposal has shown 50 spaces within the site layout. Even applying the highest standard of parking to the site (1 space per 14sqm) equates to 32 spaces leaving the proposed provision over and above. Ample room remains for a petrol

tanker and waiting space at the petrol pumps. I conclude there is enough parking provision to service the development.

Planning Policy Statement 15 – Planning and Flood Risk

With regard to PPS 15, policies FLD 1, FLD 2, FLD 4 and FLD 5 are not applicable to the application. Following the submission of confirmation of Schedule 6 Consent and a Drainage Assessment, DFI Rivers has confirmed the proposal to be in compliance with PPS 15. I concur with this position.

A Preliminary Risk Assessment (PRA) has been submitted by O'Sullivan Macfarlane Ltd (OSM) in support of this application. OSM identified no significant sources of contamination and no potential pollutant linkages. OSM deem the proposed development is of low risk to the water environment, so no further investigation was recommended. The Regulation Unit (RU) Land & Groundwater Team have no objections to the development subject to compliance with attached conditions.

Residential amenity has been considered during the processing of the application and Environmental Health has been consulted specifically on this issue. Conditions have been requested by EH to regulate equipment, opening hours, lighting, and delivery times to safeguard residential amenity. Conditions have also been recommended regarding land contamination and pollution prevention control. These conditions would be added to any potential decision notice which I consider to safeguard the residential amenity of neighbouring residents.

Response to Objections.

Areas of Objection

1. A Biodiversity Checklist has been submitted and NIEA has been consulted. I have also visited the site and noted the significant ground works. Cumulatively it has not been considered that the proposal will represent a significant adverse affect on flora or fauna and the environment in general.
2. DFI Roads has been consulted with regards to Roads Safety and following amended plans, have no objection, subject to compliance with the attached conditions.
3. Whilst this is a broad term, I have recommended refusal based on the adverse impact on the settlement of Belleek
4. A Preliminary Risk Assessment has been carried out and NIEA and EH has no objections. Negative conditions can be added to ensure proper regulation of unknown risks if the occur.
5. Opening hours would be restricted as per EH consultation response which helps ensure there will be no unreasonable noise pollution from traffic on neighbouring properties.
6. There are no policy criteria to prohibit petrol stations near residential properties and this arrangement is commonplace in many towns and villages across NI where petrol stations are located within or close to high residential areas.
7. There is no planning policy to reflect this stipulation.
8. Other legislation, standards and guide lines may be used to measure fire risk and explosion and the applicant will be expected to follow all necessary stipulations. However, for this application there is no policy to measure those risks against. Some of these risks may be considered by Building Control.
9. The impact on the community has been considered above.
10. I would agree the application is contrary to the Area Plan insofar it is outside the development limit and offends policy CTY 15 of PPS 21 and contrary to policy CVN 3.

11. I agree the proposal is prominent in the landscape. This has been dealt with above in this report.
12. This in and of itself would not be sufficient grounds to withhold permission.
13. Whilst there is likely to be increased traffic, DFI Roads has no objection to the proposal.
14. Reference has been made to this in the body of the report above.
15. Reference has been made to this in the body of the report above.
16. There is no evidence to suggest pedestrian safety is prejudiced with the proposal.

Recommendation:

Refusal, proposal contrary to the Area Plan, PPS21, SPPS and PSRNI.

Reasons:

1. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why the development must be located in this countryside location and not within a settlement.
2. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BL01 Of the Banbridge, Newry and Mourne Area Plan 2015, the statutory plan for the area, in that it would result in inappropriate development outside the statutory development limit for Belleek and would result in inappropriate urban sprawl.
3. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside parts in that the proposal would, if permitted, mar the distinction between the Settlement of Belleek and the surrounding countryside and result in urban sprawl.
4. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CVN 3 of the Strategic Plan Framework in the Banbridge Newry and Mourne Area Plan 2015 as the proposal would, if permitted, be liable to adversely affect the intrinsic environmental value and character of LLPA designation BL 03.
5. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside parts (a), (b), (c), (d) and (e) in that;
 - (a) it is a prominent feature in the landscape;
 - (b) the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building and associated infrastructure to integrate into the landscape; or
 - (c) it relies primarily on the use of new landscaping for integration;
 - (d) ancillary works do not integrate with their surroundings;
 - (e) the design of the building is inappropriate for the site and its locality;
6. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside parts (a), (b) and (d) in that;
 - (a) it is unduly prominent in the landscape;
 - (b) it results in a suburban style build-up of development when viewed with existing buildings;
 - (d) it creates a ribbon of development.

7. The proposed development is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside parts in that the proposal would, if permitted create a ribbon of development along Newtown Road.

8. The proposed development is contrary to paragraph 6.279 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and that the proposal does not meet the exceptional retail facilities which may be acceptable in the countryside, and it is considered the proposal will adversely affect the vitality and viability of Belleek.

9. The proposed development is contrary to paragraph 6.273 and 6.281 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and that the retail element of the proposal does not meet the sequential siting requirements.

10. The proposed development is contrary to policy IC 15 of A Planning Strategy for Rural Northern Ireland in that the proposed development is not sited on the trunk roads network, and it has not been demonstrated that undue hardship on the local residents of Belleek would result if permission was withheld

Case Officer: Ashley Donaldson 14.04.25

Authorised Officer: Maria Fitzpatrick 14.04.2025



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

Application Reference: LA07/2023/2274/F

Date Received: March 2023

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

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

1.0. Site Characteristics & Area Characteristics:

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

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

2.0. Site History:

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

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

3.0. Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015

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

4.0. Consultations:

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

4.2. The responses are summarised below.

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

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

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

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

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

5.0. Objections & Representations:

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

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

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

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

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

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

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

These included a number of matters which are not material planning considerations, for example, whether there was a need for the offices, querying why the council was building these offices, when it had existing offices in Downpatrick, cost to the ratepayer and the City Deal project team within Council. These are not relevant to the exercise of the 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 pursing 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

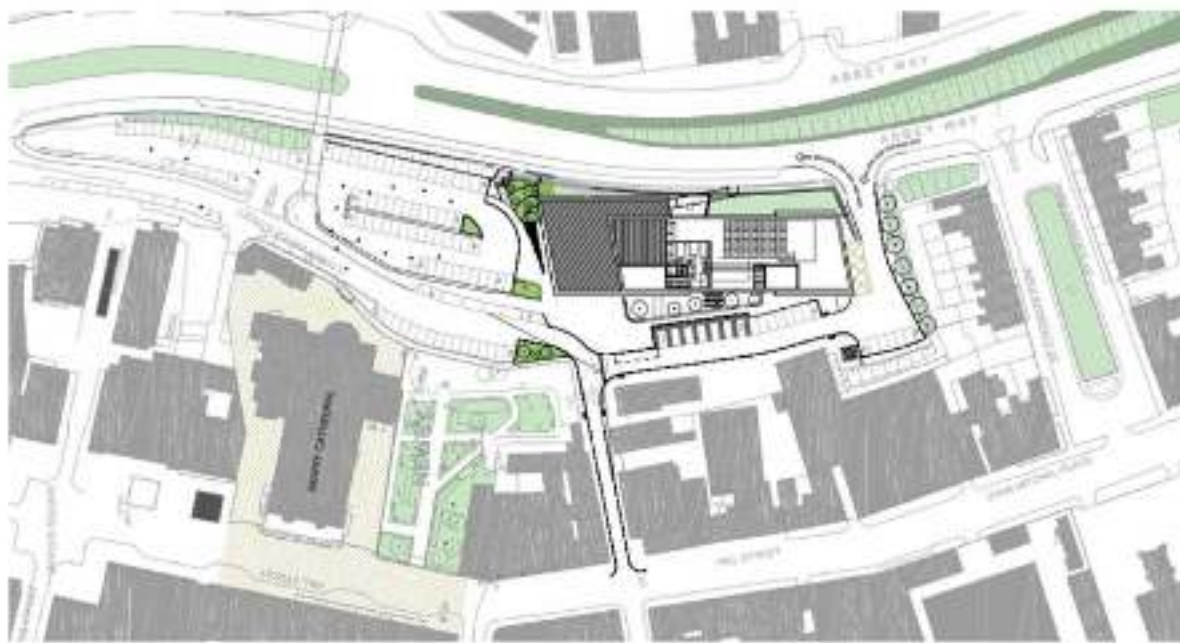
Appendix A. Extent of Application Boundary.



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 Council's 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.

<p>Case Officer Signature: M Keane</p> <p>Date: 29-11-24</p>
<p>Appointed Officer Signature: A McAlarney</p> <p>Date: 29.11.2024</p>



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

PRE-DETERMINATION HEARING.

Date: 9th April 2025

Development Management Officers Report

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

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

Associated application

Application Ref Number: LA07/2023/2275/DCA
Date Received: March 2023.
Proposal: Demolition of multi storey car park. Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.

1.0. Background.

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

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

Conclusion

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

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

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

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

M Keane

Senior Planning Officer.

26th March 2025.



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

PRE-DETERMINATION HEARING REPORT

Application Ref Number: LA07/2023/2274/F

Date Received: March 2023.

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

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

Associated application

Application Ref Number: LA07/2023/2275/DCA

Date Received: March 2023.

Proposal: Demolition of multi storey car park. Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park

A Pre Determination Hearing (PDH) for the above was held on Wednesday 9th April 2025. Those in attendance included representatives for the applicant (Mr Mark Priestly, Mr Kieran Carlin and Mr Stephen Livingstone) and third parties (Mr Andy Stephens, supported by Mr Simon Warke, Cannon Francis Brown and Mr Anthony Patterson). Representatives availed of speaking rights.

A number of issues were raised during the presentation by both parties, most of the issues raised were not new issues the majority of which had been raised and addressed during the processing of the planning application.

A summary of the main issues raised include the following:-

- Out of date information/reports being submitted,
- Timeline of Historic Environment Division response
- Extent of parking surveys undertaken by parties,
- The economic benefits of the proposal,
- The level of accommodation provided,
- The number of disabled spaces provided,
- Statement by 3rd party that further representation would be submitted in relation to impact of the proposal on the Listed Cathedral.
- Other matters.

Each of the above shall now be considered in full.

Out of date information/reports being submitted.

This is not a new matter but was raised and fully taken into account during the processing of the application.

Further supporting information was submitted by the agent in October 2024 including an updated Preliminary Ecological Appraisal, Flood Risk Assessment and Drainage Assessment. Consultation was undertaken with NIEA and DFI Rivers, who offered no objections. Both this information and subsequent consultee responses were fully assessed by the Planning Department in assessment of the proposal. The Planning Dept is content that it based its assessment of the proposed development on up to date information available to it at that time.

Inadequate publicity

This is not a new matter but was raised and fully taken into account during the processing of the application.

A revised application form with amended proposal description and site address, together with an amended Certificate and further detailed plans were received in October 2024.

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.

Timeline of Historic Environment Divisions comments/responses

Comments made in reference to the consultee response received from Historic Environment Division (HED) in December 2024 and the date published on the public portal.

By way of background, the final formal consultation response from HED was received on 26th June 2024, with no objections in principle to the proposals.

Following completion of the consultation process and assessment of the application, approval was recommended by the case officer on 29th Nov 2024 and was included on the schedule of the Planning Committee meeting on 18th December 2024.

Following recommendation, a further 6 representations were received from Matrix Planning between the 4th December and the 18th December 2024, this included a Listed Building Setting Assessment by Consarc Conservation.

Due to its late nature, the Planning Department forwarded the Listed Building Assessment to HED for comment via email. HED's response, while dated 9th December was forwarded to the Planning Department on 17th December 2024, following which it was published on the public portal on 19th December 2024.

The Planning Department had full regard to the contents of the HED response of 17th December 2024 before the Planning Committee meeting of 18th December 2024. At the Planning Committee meeting of 18th December 2024, the presenting officer made those present aware that HED had replied and provided a summary of their position. All third parties were present at that meeting.

The response from HED has been available to third parties to comment on since the 19th December 2024. No comments have been received to date.

The Planning Department consider no third party has been prejudiced in any way.

Extent of parking surveys undertaken by parties

This is not a new matter but was raised and fully taken into account during the processing of the application.

The matter of parking surveys undertaken by respective parties was raised.

Surveys by applicants were undertaken June 2021, Feb 2022, June 2022, and most recently Nov 2023.

Raw data has been provided from the Nov 2023 survey, which took place over 4 days (Thursday 16- Sunday 19th Nov) and which extended to include some 18 separate car parks.

Surveys by third parties were undertaken in May, Oct, and Nov 2024.

The data provided sets out that a survey was undertaken for 4 days (18th May, 24th Oct, 15th & 16th Nov), which covered 1 car park.

The most recent survey undertaken by the applicants (Nov 2023) was post COVID, DFI Roads accepted the methodology used by the applicant and data provided. It is noted 2 of the days (Thursday & Friday) were during the working week, while 2 (Saturday & Sunday) were over the weekend.

It is reasonable to expect the respective surveys undertaken at different times by respective parties would have different findings.

The Planning Dept has fully interrogated this matter and is content with the information provided. The issue of parking has been fully considered throughout the processing of this application. The Planning Department has considered all relevant factors and consider a case has been made demonstrating there is sufficient parking capacity within the town centre to accommodate the proposal, while the central and highly accessible location of the site from various modes of travel together with the active travel and measures proposed are also considered to fit with the requirements of PPS3, in relation to parking provision, subject to appropriate conditions.

The loss of existing car parking spaces has also been fully considered and has been justified.

The economic benefits of the proposal

This matter was raised in relation to the economic benefit of the proposed development to Newry City Centre.

The Planning Department note that the site is located within the town centre as identified in the Area Plan. Regional Planning Policy provided by the Strategic Planning Policy Statement (SPPS) advises that town centres provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand. The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the

appropriate first choice location of retailing and other complementary functions, consistent with the RDS.

The Planning Department consider the use of this site as a civic centre is appropriate and will complement existing uses whilst the creation of additional footfall will benefit local businesses with the aim of supporting and sustaining a vibrant City Centre.

The proposed development is considered appropriate to its primary role as a City within the settlement hierarchy. It is considered to comply with the Area Plan and relevant planning policies, including the Strategic Planning Policy Statement (SPPS).

There is no requirement in Regional Policy for a business case to be made to justify the proposed development and in this regard the Planning Department is content sufficient information has been submitted to make an informed decision on the proposed development.

The level of accommodation provided

The level of floorspace and its usage was queried by third parties.

The development proposes some 5680sqm of floor-space and is to accommodate some 215 staff who will be relocated from existing Council offices within Newry. The Council operate a hybrid (agile) working policy and will only provide desks for 162 staff.

The building comprises 3 floors of accommodation.

Ground floor- main entrance foyer, exhibition space, meeting/ceremony rooms, toilets, open plan office, bike/bin storage, and plant rooms,

First floor- open plan office, meeting rooms, break out areas, toilets.

Second floor- chamber, meeting rooms, chairperson's room, conference room, open plan office, toilets and plant rooms.

The agent advised during the PDH that some 275sqm of floorspace would be rented accommodation, however since the PDH, have clarified this was an error, and that there is no rental accommodation within the Civic Hub. An Innovation Hub is proposed on the ground floor (some 184sqm floor space). This is not additional floor area, it is public space and has been considered by the Transport Assessment. It is not lettable office space, but public space for local businesses and students to innovate and engage with emerging technologies, on an ad hoc basis.

The Planning Department consider this issue has been now clarified and requires no further interrogation.

The number of disabled spaces provided

The development proposed provides for 7 disabled spaces immediately adjacent to the proposed civic centre building.

This is compliant with Planning Policy.

Additional information to be received

The Officers Addendum Report was completed and signed off on 29th Nov 2024.

As outlined above since this date, further representations were received from Matrix Planning, while representation was also received from Ulster Architectural Heritage, Tom McEvoy and Paul Lennon, the content of which have all been fully considered.

During the PDH third parties advised of their intention to submit a further representation in response comments from HED received 17th December 2024 and uploaded 19th December 2024. Given the comments have been in the public domain since 19th December 2024, the agent has been requested to submit this information on or before 12pm Wed 16th April 2025 for full consideration by the Planning Department.

Other matters

As previously set out the application site is located within the boundary of the town centre and is also located within the boundary of the Newry Conservation Area. Section 104 of the Planning Act 2011 states 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.

The character of the Newry Conservation Area is informed by a mix of building types of varying architectural quality. The characteristic form of this part of the Conservation Area is Georgian as seen from the listed buildings on Castle Street and St Coleman's Park. This has influenced the strong rhythm of the proposed building facades. The proposed development respects the characteristics of adjoining buildings through the sculpted nature of the design of the building, which frames views through the site whilst ensuring it does not dominate in its immediate environs. The building is stepped in nature, reducing its overall dominance, leaving the Cathedral as the dominant feature in the Conservation Area. Although the proposed building is of horizontal mass, the elevational treatment with expressed structure helps to breakdown the overall mass, while reflecting the expressive structure of the Cathedral.

The height and massing of the building has been well-considered to ensure significant views and vistas of Newry Cathedral bell tower, the spire of St. Mary's Church and other important historic buildings are retained and framed to further enhance their significance within the city.

The proposed development will enhance visual connections between important landmarks and buildings through framing views of Newry Cathedral.

The proposal involves the demolition of the Multi Storey Car Park, an unattractive building within the Conservation Area, which currently detracts from the Conservation Area.

For these reasons the Planning Department consider the development proposed will both preserve and enhance the special character and setting of this Conservation Area for Newry.

Conclusion

The Planning Department has had full regard to the matters raised during the Pre Determination Hearing. The Planning Department is content that the majority of matters raised during the meeting were not new matters and had previously been addressed during the processing of the planning application. Any new issues which have arisen during the PDH have been addressed as above. In light of the above the Planning Department are content that the application can now progress towards determination with a recommendation to approve subject to conditions.

Case Officer Signature: M Keane 16-04-25

Appointed Officer Signature: A McAlarney 16-04-25

Committee Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2022/0951/F	Target Date:
Proposal: Demolition of existing dwelling and erection of 8 no. semi-detached dwellings and 2 apartments with associated site works	Location: 22 Belfast Road Newry BT34 1EB
Applicant Name and Address: Deirdre Quinn 22 Belfast Road Newry BT34 1EB	Agent Name and Address: O'Callaghans Planning 20 Castle Street Newry BT34 2BY
Date of last Neighbour Notification:	13 neighbours were notified of the application on 13 th August 2022. 2 neighbours were re notified on 13 th December 2023. 1 of those neighbours were notified of additional plans on 28 th February 2024. (Neighbours were re notified of additional plans upon receipt of representations outlined below).
Date of Press Advertisement:	The application was advertised in the local press in July 2022.
ES Requested: No	
Consultations: <ul style="list-style-type: none"> DfI Rivers accepts the Flood Risk Assessment's logic and has no reason to disagree with its conclusions (FLD 1). FLD 2 and 4 are not applicable to the site. DfI Rivers accepts the Drainage Assessment's logic and has no reason to disagree with its conclusions. The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible, however the Drainage Assessment states that the drainage design requires further detailed design, therefore Rivers Directorate requests that the Planning Authority includes the following Condition as part of its planning permission if granted. (FLD 3). 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. (FLD 5) DfI Roads offer no objections subject to conditions. SES, following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, 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. NI Water recommends refusal. A high level assessment has indicated potential network capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water is recommending connections to the public sewerage system are curtailed. The Applicant was advised to 	

consult directly with NI Water to ascertain whether an alternative drainage / treatment solution can be agreed whereby an Impact Assessment is required. The agent has engaged with NIW whereby a waste water impact assessment application has been submitted, and remains ongoing between parties.

While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions.

- HED Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPSS and PPS 6 archaeological policy requirements. The proposed scheme is east of the Newry Canal, a regionally important 18th century monument that is scheduled for protection under the Historic Monuments and Archaeological Objects Order (NI) 1995. Given the site layout and proposed/retained screening HED (Historic Monuments) are content the scheme will not adversely impact upon the setting of the canal.
- NIEA Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.
- Loughs Agency has considered the information provided and 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 and overloading of existing WWTW infrastructure. Subject to conditions, these impacts can be reduced and managed.


Representations:

Occupiers of No. 34 Ashgrove Road outline concerns regarding the removal of the mature trees and vegetation on the site and requested that as much of the greenery is preserved as possible.

Occupiers of No. 24 Belfast Road outline concerns regarding privacy whereby the existing natural screening along the site boundaries should be retained. Further correspondence with the occupiers of No. 24 Belfast raised concerns regarding separation distances, placement of windows, sections/levels, landscaping and boundary treatments.

Letters of Support	0
Letters of Objection	2
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0

Summary of Issues: Principle of development, character of area and design and proposed development, landscaping and hard surfacing, parking and access, flood risk, natural and built heritage, ancillary services, amenity of neighbours.

Site Visit Report
<p>Site Location Plan:</p> 
<p>Date of Site Visit: November 2023</p>
<p>Characteristics of the Site and Area</p> <p>The lands outlined in red form rectangular shaped site located with the settlement development limits of Newry. The site is accessed off Belfast Road (Protected Route) and comprises an existing single storey dwelling and open grassland. In terms of topography, the lands slope downwards from road level in a westerly direction, towards the watercourse along the western boundary. The western portion of the site lies within Newry Canal Local Landscape Policy Area. Extensive vegetation is planted throughout the site and along boundaries. Vacant lands abut the site to the south, whilst medium density house developments lie to the north of the site.</p>
<p>Description of Proposal</p> <p>The proposal involves the demolition of the existing dwelling and erection of 8 no. semi-detached dwellings and 2 apartments with associated site works.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <ul style="list-style-type: none"> • 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 7 – Quality Residential Environments • Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas

- PPS8 – Open Space, Sport and Outdoor Recreation
- PPS 12 – Housing in Settlements
- PPS 15 – Planning and Flood Risk
- Supplementary guidance including
 - o Creating Places
 - o Development Control Advice Note (DCAN) 8 - Housing in Existing Urban Areas
 - o Development Control Advice Note (DCAN) 15 – Vehicular Access Standards
 - o Parking Standards

PLANNING HISTORY

P/1997/0496 – 22 Belfast Road Newry – Extension to dwelling – Approved

Lands to south of site:

P/1975/1019 – Proposed site for residential development – Refused

P/1983/0717 – Proposed site for dwelling - Approved

P/1988/0127 – Site for dwelling – Approved

LA07/2021/1118/F - Proposed housing development containing 1no. 4 bedroom detached house, 2no. 4 bedroom semi-detached houses and 8no. 3 bedroom semi-detached houses, Total of 11 houses – Invalid application

EVALUATION

The Planning Act (NI) 2011

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

Banbridge / Newry & Mourne Area Plan 2015

The site is located within the development limit of Newry. The western portion of the site is within Newry Canal LLPA.

Those features or combination of features that contribute to the environmental quality, integrity or character of this particular LLPA are listed below:

- 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.

Units 5 and 6 are to be sited within the LLPA. However, the dwellings are sited at the eastern portion of the zoning, and the land closest to the river is to remain undeveloped, with the rear boundary of units 5 and 6 not extending any closer to Newry River than adjacent development within Laurel Grove. Existing mature hedgerows and trees are to be retained and supplemented.

Policy CVN3 of the Area Plan provides the criteria of development within an LLPA. Within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character, as set out above.

Where riverbanks are included within LLPAs, public access may be required to the river corridor as part of the development proposal.

Where proposals are within and/or adjoining a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

Public access to the riverbank will be retained given the existing tow path that runs along the western side of the river. The site layout plan shows the retention of existing trees and hedgerow. A 1.8m high timber fence is to be erected to the rear of units 5 and 6. A condition can be attached requiring additional planting to the outside of the timber fence to protect the environmental quality of the LLPA and to enhance the nature conservation interest.

The site is sufficiently separated from the other key features of the LLPA zoning.

The NI Regional Development Strategy 2035

RG8 of the Regional Development Strategy aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The principle of redeveloping this site within the urban footprint is in line with the regional policy of the RDS.

The Strategic Planning Policy Statement

The SPPS is material to all decisions on individual planning applications. However, a transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less perspective on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy. The Strategic Planning Policy Statement sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12. These planning control principles are addressed in Policy QD 1 of PPS 7.

PPS 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 neighbourhoods are important matters to consider. 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. Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

- 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;

Residential development is acceptable in principle on the site given its location within the SDLs of Newry and an ERA which includes detached, semi-detached and terraced dwellings (both single, 2-storey and 2 ½ storeys) and apartment blocks. Dwellings in this area display a range of designs and features including dormer windows, hipped, pitched and flat roofs, sandstone quoins, pillared porches, brick and rendered walls and differing roof and brick colours.

The proposal is for 8 No. semi-detached dwellings and 2 no. apartments on 0.34 hectares. Detached dwellings along Belfast Road (including the application site) and Ashgrove Road (backing onto Belfast Road) are set on large plots whereby the density is low at approximately 5 dwellings per hectare. The Department acknowledges that the proposed density is higher than this, however consideration must be given to the ERA in its entirety, and not simply consideration of the dwellings immediately adjacent the site. The density of adjacent housing developments along Belfast Road vary and include Laurel Grove (approximately 27 dwellings per hectare), Cloverdale (approximately 14 dwellings per hectare) and Rockmount Close (approximately 32 dwellings per hectare).

As such, the density of not higher than that found within the ERA and is considered acceptable.

Critical views of the site are from Belfast Road, travelling in a southerly and northerly direction whereby the site is screened by existing development and vegetation.

The layout of the development respects the existing pattern of development within the ERA including the set back from the road which generally in line with the existing building line, particularly the properties within Laurel Grove, the spacing between proposed and existing properties and the overall size and scale of the proposed buildings. The layout has been designed to ensure that all dwellings are located and orientated to present an attractive outlook facing onto all roads, particularly units 1 and 10. The proposed dwellings vary in form and type with appropriate use of materials and detailing to create a distinctive space. The split-level nature of units 5 and 6 respond to the sloping nature of the western portion of the site. Plots 7 and 8 comprise 2 no. apartments. The area plan does not preclude apartment developments in this area. The site is located within the settlement limits, whereby the height, scale, form, appearance and presentation of the development proposed is not considered to be out of keeping with the character of the area.

The access road and footpath link the development to existing road and public footpath networks. All dwellings are served by in-curtilage parking and pockets of grassed areas to the front of the properties. This, alongside the retention of trees and hedgerow along the boundaries of the site and proposed planting will break up the extent and appearance of hard-standing.

I am satisfied that the pattern of development would be in keeping with the overall character and environmental quality of the established residential area and conclude that it would comply with Criterion (a).

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

The proposed scheme is east of the Newry Canal, a regionally important 18th century monument that is scheduled for protection under the Historic Monuments and Archaeological Objects Order (NI) 1995. Given the site layout and proposed/retained screening HED (Historic Monuments) are content the scheme will not adversely impact upon the setting of the canal. The proposal complies with the relevant policies with PPS 6.

The site is adjacent to the Newry River, which constitutes Northern Ireland Priority Habitat. Furthermore, the Newry River discharges into Carlingford Lough Area of Special Scientific Interest (ASSI) and Special Protection Area (SPA). The site contains boundary hedgerow and mature trees.

A PEA and Bat survey has been submitted for consideration.

NED has assessed the PEA and Bat Survey, and notes that there are 2 buildings on site; both were classified as having "Negligible" suitability for roosting bats. Bats are a European protected species under the Habitats Regulations, and as such are subject to a strict level of Natural Heritage & Conservation Areas protection. NED is therefore content that demolition of the structures is unlikely to significantly impact bats. NED notes from the PEA and Bat Survey that all trees were subject to a Bat Roost Potential (BRP) survey. One tree, a mature oak, was classed as having Moderate BRP, and 4 trees were classed as having Low BRP. NED is content that the mature oak is to be retained. One of the trees with Low BRP, another mature oak, was subject to an emergence survey. NED notes that no bats were seen emerging from this tree and is content that the felling of this tree is unlikely to impact roosting bats, but notes that there was a moderate level of bat activity around the site, with 3 species recorded foraging. NED considers that the proposal may require lighting. Bats are nocturnal species and are highly sensitive to artificial lighting in their environments. This can have a significant adverse effect on their natural behaviour such as foraging or commuting, causing disturbance and/or displacement and affecting their ability to survive.

NED requires a lighting plan to be submitted showing wildlife friendly lighting and no direct illumination of boundary trees and waterbodies. All proposed lighting must conform to Bat Conservation Trust guidelines. The submission of a lighting plan can be controlled by way of condition, prior to the commencement of development.

NED notes the ecologist has identified an opportunity for habitat enhancement for bats through the introduction of a bat box. NED welcomes this habitat enhancement measures and recommends it is implemented.

NED notes from the PEA and Bat survey that, due to safety issues, it was not possible to survey 30m outside the red line boundary for evidence of otter. Otters are a European protected species under the Habitats Regulations. Rivers and their bankside vegetation are a Northern Ireland priority habitat and provide a valuable wildlife corridor that is likely to be used by foraging and commuting otters, bats and also nesting birds. NED therefore recommends

that removal of bankside vegetation is done with caution, and under the supervision of an ecologist or an Ecological Clerk of Works (ECoW). If any evidence of otter is encountered at any stage, cease all works immediately and contact NIEA Wildlife Team for advice. Akin to the otter survey, it was not possible for the ecologist to survey 30m outside the red line boundary for evidence of badger due to safety issues. Badgers and their places of refuge are protected at all times under the Wildlife (Northern Ireland) Order 1985 (as amended). NED notes from the PEA and Bat Survey that evidence of mammal was recorded on site, and particularly mammal trails. However, it was difficult to ascertain if they were made by badgers. NED therefore recommends that removal of vegetation is done with caution, and under the supervision of an ecologist or an Ecological Clerk of Works (ECoW). To protect badgers and other wildlife during the construction phase of the development, open excavation pits should be covered at night or fitted with a means of escape should a wild animal accidentally fall in. Soil mounds on site should be minimised to prevent excavations by badgers. As a dynamic species there is the possibility that a badger sett could appear within the site boundary, should this occur before or during the development phase all works should cease immediately and the applicant should contact their ecologist or the NIEA Wildlife Team for advice.

NED notes from the PEA and Bat Survey that 15 common bird species, including Dunnock (*Prunella modularis*), Song Thrush (*Turdus philomelos*) and House Sparrow (*Passer domesticus*), were recorded on site and some are likely to be breeding. Dunnock, Song Thrush, and House Sparrow are Northern Ireland priority species and are amber/red listed species of conservation concern in Ireland. NED would also highlight that all wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended). It is therefore advised that any tree/hedgerow/other vegetation clearance should be kept to a minimum and should not be carried out during the bird breeding season (e.g., between 1st March and 31st August). If this is not possible, a survey should be carried out by a qualified ornithologist prior to any construction/ vegetation removal.

NED notes from the PEA and Bat Survey that Giant Hogweed (*Heracleum mantegazzianum*) is present on site. Giant Hogweed is an invasive species listed under Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and measures must be taken to prevent its spread.

NED notes from the PEA and Bat Survey that evidence of fox was recorded on site. The applicant should be aware of the protection afforded to all animals under the Welfare of Animals Act (Northern Ireland) 2011.

NED considers any significant impacts to the biodiversity of the Newry River and designated sites can be mitigated by the implementation of a suitable buffer. NED recommends a buffer of at least 10m must be established and maintained between the watercourse and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, and storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills. All works must be carried out in accordance with all relevant Guidance for Pollution Prevention measures.

Therefore, based on the information provided to date, NED is content with the proposal, subject to compliance with conditions.

Given the proximity of the site to Newry Canal which discharges into Carlingford Lough SPA, consultation with SES has been carried out. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and

location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation.

Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 02/02/2024. This found that the project would not have an adverse effect on the integrity of any European site.

- 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;

This proposal involves the construction of 10 residential units. Regarding public open space, Policy OS 2 of PPS 8 states that the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. The policy goes on to advise that in smaller residential schemes the need to provide public open space will be considered on its individual merits. The proposal does not exceed the thresholds listed in OS 2 to be required to provide open space. Useable private amenity space has been shown on the site layout plan and is considered acceptable and in accordance with the guidance contained within Creating Places. Planted areas along all boundaries and to the front and side of the buildings and site will assist in its integration with the surrounding area.

- 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 and scale of the proposal, the developer is not required to make provision for local neighbourhood facilities. Nonetheless, the development is within an Established Residential Area and is close to facilities within Newry including schools, places of worship, GP surgeries and shops and restaurants.

- e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The proposed layout retains the pathway along the roadside boundary of the site and the proposed footpath extends to meet the existing pathway network. No existing public rights of way are affected.

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

As per Parking Standards, 23.5 spaces are required. There is adequate and appropriate parking provision in terms of in-curtilage and visitor parking spaces.

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

The residential area is characterised by detached, semi-detached and terraced dwellings (both single, 2-storey and 2 ½ storeys) and apartment blocks. Dwellings in this area display a range of designs and features including dormer windows, hipped, pitched and flat roofs, sandstone quoins, pillared porches, brick and rendered walls and differing roof and brick colours. As there is no distinct form, materials or detailing evident in the area I consider that the design of the development would not be at odds with the mixed character and design of the area.

- h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

The site abuts Nos. 24 Belfast Road and 21 and 23 Laurel Grove. There is approximately 8-10m between units 7-10 and the common boundary to the north with No. 24. These properties will be at a lower level than No. 24 (approx. 1/2m). Two upper floor windows are proposed on units 7/8 on the elevation facing No. 24. Five upper floor windows are proposed on units 9/10 on the elevation facing No. 24. The existing mature trees and boundary treatments along this boundary are to be retained. Given the sufficient separation distances, levels and retention of mature boundary trees, I am satisfied the proposal will not impact the amenity of No. 24 Belfast Road to an unacceptable level in terms of overlooking, loss of light, overshadowing. The representations received are acknowledged.

Unit 6 is approx. 4m from the common boundary with No. 23 Laurel Grove. No windows are proposed on the gable wall of Unit 6. Nos. 21 and 23 Laurel Grove are approx. 8m from the common boundary to the south. The existing mature vegetation along this boundary is to be retained. Given the window placement on the proposed dwelling, separation distance between Nos. 21 and 23 and the common boundary and existing mature boundary vegetation, I am satisfied the proposal will not impact the amenity of Nos. 21 and 23 Laurel Grove and the proposed dwellings to an unacceptable level in terms of overlooking, loss of light, overshadowing.

In terms of noise or other disturbances, it is likely that the building work will impact the existing properties. However, this is not to an unacceptable level given the temporary nature of the building work and the fact that it is likely confined to daytime hours.

Adequate space between the proposed units is shown which minimises the protentional for overlooking between future occupiers. Useable flat areas have been provided to the rear of the dwellings for use as private amenity space.

- i) the development is designed to deter crime and promote personal safety;

The amenity space is enclosed by different boundary treatments. Parking is overlooked by the proposed development, providing a suitable degree of surveillance. In summary, the proposal is considered to comply with QD 1 of PPS 7.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

Policy LC1 of the Addendum to PPS 7 states that planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria within Policy LC1 are met.

In recognition of the desirability of promoting increased density housing in appropriate locations, Policy LC 1 will not apply to:

- designated city centres, and designated town centres within large towns (including previously developed land / brownfield land – see Annex C for definition);
- along key and link transport corridors (including designated arterial routes) within cities and large towns; and
- sites adjacent to main public transportation nodes within cities and large towns.

The application site is located along Belfast Road which is a Protected Route and is within Newry City, therefore Policy LC 1 does not apply to this proposal.

PPS 3 – Access, Movement and Parking

The proposed development is to be accessed off Belfast Road which is a Protected Route.

Policy AMP 3 of PPS 3 states that planning permission will only be granted for a development proposal

involving direct access, or the intensification of the use of an existing access:

(a) where access cannot reasonably be taken from an adjacent minor road; or

(b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

There is an existing access into the site, off Belfast Road. A new access is to be created, and the existing closed up. DfI Roads issued a final response with no objections subject to conditions. Adequate parking is also proposed.

PPS 15 – Planning and Flood Risk

DfI Rivers accepts the Flood Risk Assessment's logic and has no reason to disagree with its conclusions (FLD 1). FLD 2 and 4 are not applicable to the site. DfI Rivers accepts the Drainage Assessment's logic and has no reason to disagree with its conclusions. The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible, however the Drainage Assessment states that the drainage design requires further detailed design, therefore Rivers Directorate requests that the Planning Authority includes the following Condition as part of its planning permission if granted. (FLD 3). 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. (FLD 5)

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval, subject to conditions.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby permitted shall take place in strict accordance with the following approved plans: P01A, P02G, P03G, P05C and P06C.
Reason: To define the planning permission and for the avoidance of doubt.
3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. P02G.
Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.
4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. P02G 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.
5. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.
Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.
6. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per dwelling.
Reason: To ensure adequate provision of in curtilage parking.
7. 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 commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number P02G. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be

carried out in accordance with an agreement under Article 3 (4C).

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

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

Reason: To ensure the appropriate foul and surface water drainage of the site and to ensure the project will not have an adverse effect on the integrity of any European site.

9. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No. 8 has 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 and to ensure the project will not have an adverse effect on the integrity of any European site.

10. 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 in writing 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 including an allowance for climate change and urban creep.

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.

11. A buffer of at least 10m shall be established and maintained between the watercourse along the western boundary of the site and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, and storage of machinery/material/spoil etc. Storage shall be on an impermeable surface to catch spills. No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials, shall take place within 10 metres of the Newry River.

Reason: To minimise the impact of the development on the biodiversity value of the Newry River and to protect otters and to ensure the project will not have an adverse effect on the integrity of any European site.

12. There shall be no external lighting on the site until a Lighting Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:

- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;

- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- d) Predicted illuminance on badger protection areas, wildlife corridors, retained trees/hedgerows to be less than 1 lux.

Reason: To minimise the impact of the proposal on bats and other wildlife.

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

Reason: To protect fisheries interests.

- 14. All hard and soft landscape works shall be carried out in accordance with the approved details drawing no. P03G and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of the dwelling it serves, unless otherwise agreed in writing by the Planning Authority. A hedgerow shall be planted to the outside of the timber fence along the rear boundary of units 5 and 6. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

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

- 15. The existing trees and hedgerow shown on the landscape plan drawing no. P03G shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Informatives:

- 1. The Private Streets (Northern Ireland) Order 1980 and the Private Streets (Amendment) (Northern Ireland) Order 1992

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

- 2. Separate approval must be received from Department for Infrastructure in respect of detailed standards required for the construction of streets in accordance with The

Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

3. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Department for Infrastructure Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact Department for Infrastructure, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 1980
4. 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.
5. The Road drainage works for this development are to be agreed with DfI Roads Private Streets section prior to commencement.
6. Street furniture to be placed to the back of footway.
7. The applicant should demonstrate best environmental practice when working close to watercourses as per environmental guidance in GPP 5: Works and maintenance in or near water.
8. The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.

9. BATS AND OTTERS

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, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

10. BADGER

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, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

11. ALL 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).

12. GIANT HOGWEED

The applicant's attention is drawn to Article 15 of The Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant included in Part II of Schedule 9 of the Order, which includes giant hogweed (*Heracleum mantegazzianum*). This highly invasive plant species has been recorded on site and control measures should be taken to ensure that any works do not cause it to spread either on or off the site. Giant hogweed also poses a public health risk as its sap can cause a phytophotodermatitic reaction, leading to blistering and burning of the skin, in humans and wildlife. Any soil containing giant hogweed plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002 (as amended). The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 (as amended) also places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of giant hogweed it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains giant hogweed as part of the waste transfer process. Please see the following link for further information: <http://invasivespeciesireland.com/species-accounts/established/terrestrial/giant-hogweed>. Further advice can be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028 905 69605. **ANIMAL WELFARE** The applicant's attention is drawn to the Welfare of Animals Act (Northern Ireland) 2011 which indicates that it is an offence to cause unnecessary suffering to any animal. There are wild animals such as foxes present on site. To avoid any breach of the Act through entombment or injury to animals on site the applicant should ensure that best practice techniques are applied during construction works. Advice on working with wildlife is available from the CIRIA online knowledge base at www.ciria.org.

13. POLLUTION PREVENTION

The applicant should refer and adhere to the precepts contained in DAERA Standing Advice Notes: Pollution Prevention Guidance, Sustainable Drainage Systems and Discharges to the Water Environment. Standing advice notes are available at: <https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>

Case Officer Signature: Eadaoin Farrell

Date: 26 March 2025

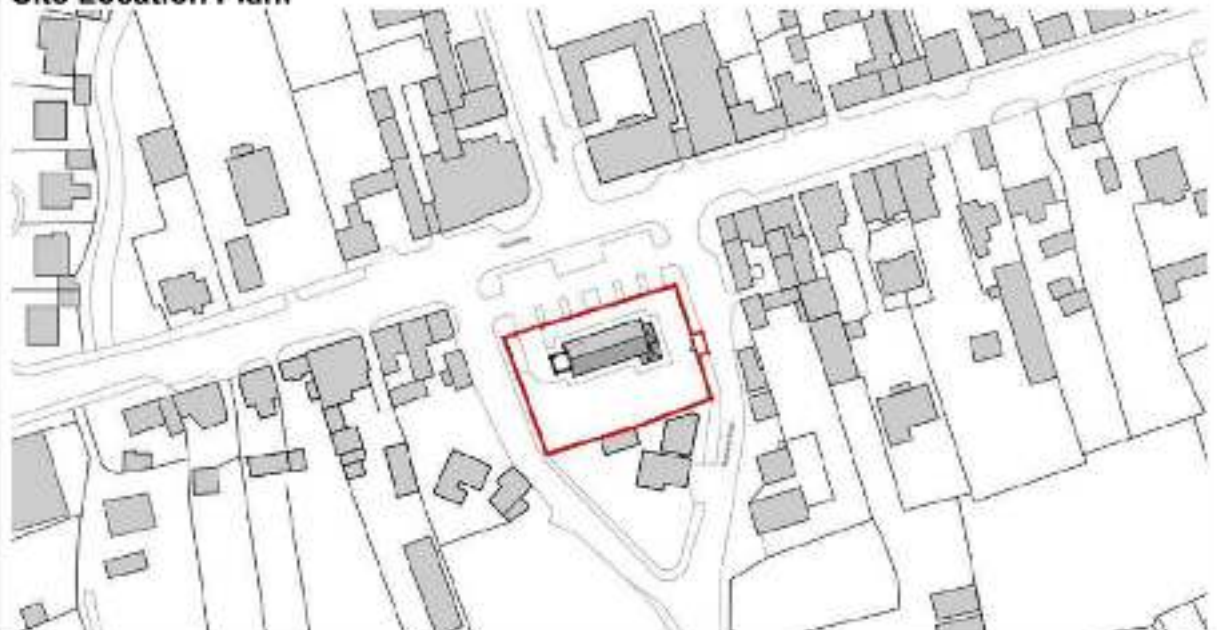
Appointed Officer Signature: M Keane

Date: 26-03-25

Delegated Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2022/1833/F	Target Date:
Proposal: Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access.	Location: Former St. Johns Parish Church Main Street Hilltown BT34 5UH
Applicant Name and Address: Clonduff Development Enterprise Carcullion House 25 Rostrevor Road Hilltown BT24 5TU	Agent Name and Address: James Grieve 4 Cromac Quay Belfast BT7 2JD
Date of last Neighbour Notification:	5 th March 2025
Date of Press Advertisement:	28 December 2022
ES Requested: No	
Consultations: DfI Roads offer no objections to the proposal on the basis that Planning are content with the proposed car parking. Environmental Health requested further information on the proposed underground sewage treatment tank including capacity of tank, mechanical elements, maintenance and vents. The foul disposal method has been amended to mains therefore this information has not been submitted. HED Historic Monuments is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. HED Historic Buildings advises that they are content with the proposal subject to conditions. NIEA WMU refers the Planning Department to standing advice. NI Water recommends refusal as the Wastewater Treatment Works which serves this catchment is currently operating over design capacity and as such, NI Water are obligated to curtail any new connections to the network. In response, the Agent submitted a letter dated February 2018 which outlines approval of a new connection to the public sewer. NI Water, in re-confirmed that the letter is no longer valid (expired after 3 months) and therefore cannot be used to support this proposal.	
Representations: One letter of support has been received from Dr Brown MLA. The letter outlines benefits of the proposal including the enhancement of community support and recreational services and the provision of a valuable community space, also allowing the opportunity for more Arts and Cultural events.	

Letters of Support	1
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: Appropriate use, impact on residential amenity, natural and built heritage, access and parking, archaeology, townscape character.	

Site Visit Report
<p>Site Location Plan:</p> 
<p>Date of Site Visit: February 2024</p>
<p>Characteristics of the Site and Area</p> <p>The application site is within the settlement development limits of Hilltown as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site is also within an Area of Outstanding Beauty, an Area of Townscape Character and an Area of Archaeological Potential.</p> <p>The red line boundary comprises St John's Church of Ireland Church and graveyard, which is a Grade B1 Listed Building, situated on a prominent crossroads within the town. A granite stone wall and modern metal railings enclose the site. A public car park abuts the site to the north and a dwelling house abuts the site to the south. The Church has been vacant from the 1980s.</p>
<p>Description of Proposal</p> <p>The proposal involves the change of use of the Church building including restoration works and interior reconfiguration to provide a flexible community space including a cafe and office space. Alterations to the external perimeter wall to facilitate pedestrian access are also proposed.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Regional Development Strategy Banbridge, Newry and Mourne Area Plan 2015 Strategic Planning Policy Statement PPS 2: Natural Heritage PPS 3: Access, Parking and Movement PPS 6: Planning, Archaeology and the Built Heritage PPS 6 Addendum: Areas of Townscape Character</p>

PLANNING HISTORY

- P/1992/1411 - Application for Listed Building Consent for alterations to boundary wall – Approved.
- LA07/2017/0412/LDP - Proposed mobile phone installation to 4no new radio antennae to installed behind louvers. New steel work to be provided internally to support this, to be fixed to existing walls. New antennae are to be installed as close as possible to back face of louver as possible. Existing louver slats to be removed and replaced with new GRP slats, coloured to match existing. New slated to be glued and screwed into existing frames. All slats to all upper louvers are to be replaced (to ensure continuity of weathering). Proposed 2no Ericsson 6102 radio cabinets and ISC cabinet on new steel deck. New lightening protection system to be installed at roof level – Refused.
- LA07/2022/1834/LBC - Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access – Under consideration.

EVALUATION

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

Volume 1 of the BNMAP 2015 makes general statements about health, community and cultural uses. In particular, it states that education, health, community and cultural uses play an important role in maintaining and creating sustainable and cohesive communities. The Plan Strategy and Framework also acknowledges that unforeseen demands for new community facilities may arise over the lifetime of the Plan.

The site lies within the settlement limit. Policy ECU 1 states, inter alia, that planning permission will be granted for education, health, community and cultural uses within settlement development limits provided all the following criteria are met:

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

Paragraph 6.271 of the SPPS lists a series of regional strategic objectives for town centres, including to secure a town centre first approach for the location of future retailing and other main town centre uses. Footnote 58 to paragraph 6.271 confirms that town centre uses include community facilities, retail, leisure, entertainment and businesses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date LDP. The proposal re-uses an existing vacant building. The last established use is sui generis according to The Planning (Use Classes) Order (Northern Ireland) 2015 and the proposal involves a change of use to Class D1. However, the church can be considered a community building. Whilst no town centre has been designated in Hilltown, the building is located along the main arterial route

through the village and is where a community building should be located, attracting footfall to the main street.

Other relevant retained policies include: Policy AMP 7 of PPS 3, Policy ATC 2 of APPS 7, Policies BH 4 and BH 8 of PPS 6 and PPS 2.

The proposal makes use of an existing historic building with internal reconfiguration of the footprint. The proposed change of use from a place of worship to a community centre will ensure the survival and upkeep of this listed building. Consultation with HED has been undertaken. Minor external alterations are proposed including external vents, alterations to the boundary wall to create a pedestrian access and repair works to the roof, windows, walls and rainwater goods. The external changes will be minimal. HED HB confirmed that they are satisfied the proposal meets the criteria of Para. 6.13 of the SPPS and Policy BH8 of PPS 6. There is an associated Listed Building Consent at this location (LA07/2022/1834/LBC). As such, given the minor external changes, subject to compliance with conditions stipulated by HED, the Department is satisfied that the proposal is in keeping with the size and character of the settlement and sensitive to the character of the area in terms of design, scale and use of material. The proposal is also compliant with Policies ATC 2 of PPS 6 Addendum and NH 6 of PPS 2 given the minor external alterations and appropriate use proposed.

The building is within an Area of Archaeological Potential. HED Historic Monuments is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. 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.

Consultation with Environmental Health confirmed no concerns regarding significant detrimental impact on amenity. There are no demolition works and landscape features that will be impacted by this proposal.

The Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on environmentally protected sites - Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also "in combination" impacts with other development. A precautionary approach applies when applying the HRA Regulations. The site is not hydrologically linked to any sites and the proposed use is noted whereby no airborne pollutants that may impact designated sites are thought to result from the development. Whilst consultation with NI Water has confirmed network constraints the Wastewater Treatment Works which serves this catchment is currently operating over design capacity and as such, NI Water are obligated to curtail any new connections to the network. In response, the Agent has submitted a Pre-Development Enquiry to NI Water. The engagement between the applicant and NI Water remains ongoing. While the position to date from NIW has been noted and is fully acknowledged and respected, the applicant has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and operation conditions. On this basis, Given the size, scale and nature of the proposal, it is considered unlikely that the proposal would have significant environmental effects. It has also not been necessary to consult SES or DAERA in this case.

The proposal does not prejudice the comprehensive development of surrounding lands. The change of use covers the entire church building. Adjacent uses are not impacted by this proposal.

No in-curtilage parking is proposed. The proposal will be served by on-street parking. Consultation with DfI Roads offered no objections as per PPS 3, subject to the Planning Department being satisfied with parking provision. A final Parking Statement was submitted in February 2025. As per the Parking Standards, 9 spaces are required to serve the proposal. A Parking Survey was carried out on 4 separate dates, in the morning, afternoon and evening. All 4 survey dates show that more than 9 Spaces are available using existing parking provision within the village. The Department is satisfied that there is adequate parking to serve the proposal as per Policy AMP 7 of PPS 3.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval, compliance with policies listed above.

Conditions:

1. The development hereby permitted must be begun within five 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: L000A, L001B, 102A, 103A, 104B, 105, 106, 107A, 109 and 110.
Reason: To define the planning permission and for the avoidance of doubt.
3. Prior to procurement, details of:
 - the environmental protective glazing
 - the proposals for the timber roof structure repairs
 - the proposals for the structural mezzanine insertion including mezzanine level details of enclosure to main space and flanks
 - the internal insulating lime plaster and reinstated corncicing shall be submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities.

Reason: To ensure that the essential character of the building and its setting are retained, and its features of special interest remain intact and unimpaired and that the works proposed make use of traditional and/or sympathetic building materials and techniques which match and are in keeping with those found on the listed building.
4. 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.

5. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 4.

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

6. 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 4. 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.

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

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

8. No part of the development hereby permitted shall be operation until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 7, 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.

Case Officer Signature: Eadaoin Farrell

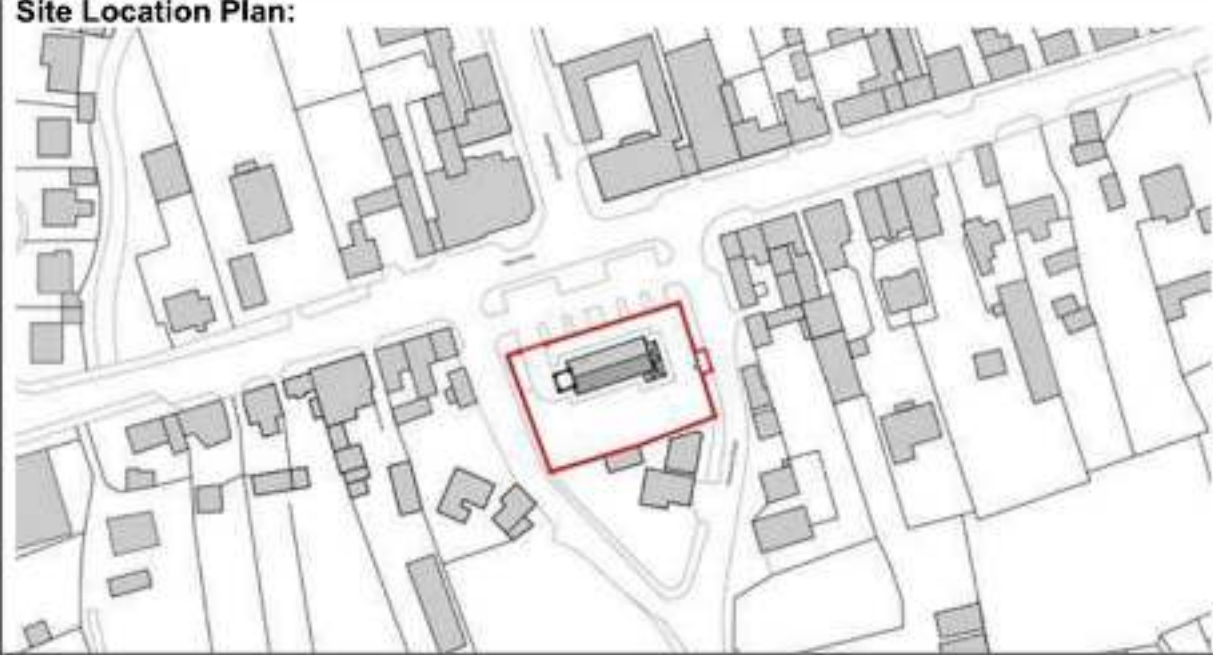
Date: 7th April 2025

Appointed Officer Signature: M Keane

Date: 07-04-25

Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2022/1834/LBC	Target Date:
Proposal: Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access.	Location: Former St. Johns Parish Church Main Street Hilltown BT34 5UH
Applicant Name and Address: Clonduff Development Enterprise Carcullion House 25 Rostrevor Road Hilltown BT24 5TU	Agent Name and Address: James Grieve 4 Cromac Quay Belfast BT7 2JD
Date of last Neighbour Notification:	Not required
Date of Press Advertisement:	28 th December 2022
ES Requested: No	
Consultations: Historic Environment Division (HED) Historic Buildings, has considered the impacts of the proposal on the listed buildings and based on the information provided, advises that we are content with the proposal subject to conditions. These comments are made in relation to the requirements of the Strategic Planning Policy Statement for Northern Ireland (SPPS) para. 6.13 and of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) Policy BH8 (Extension or Alteration of a Listed Building).	
Representations: One letter of support has been received from Dr Brown MLA. The letter outlines benefits of the proposal including the enhancement of community support and recreational services and the provision of a valuable community space, also allowing the opportunity for more Arts and Cultural events.	
Letters of Support	1
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: Change of use and works to a Listed Building.	

Site Visit Report
<p>Site Location Plan:</p> 
<p>Date of Site Visit: February 2024</p>
<p>Characteristics of the Site and Area</p> <p>The application site is within the settlement development limits of Hilltown as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site is also within an Area of Outstanding Beauty, an Area of Townscape Character and an Area of Archaeological Potential.</p> <p>The red line boundary comprises St Johns Church of Ireland Church and graveyard, which is a Grade B1 Listed Building, situated on a prominent crossroads within the town. A granite stone wall and modern metal railings enclose the site. A public car park abuts the site to the north and a dwelling house abuts the site to the south. The Church has been vacant from the 1980s.</p>
<p>Description of Proposal</p> <p>The proposal involves the change of use of the Church building including restoration works and interior reconfiguration to provide a flexible community space including a cafe and office space. Alterations to the external perimeter wall to facilitate pedestrian access are also proposed.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <ul style="list-style-type: none"> • Strategic Planning Policy Statement (SPPS) • Banbridge, Newry and Mourne Area Plan (2015) • PPS 6: Planning, Archaeology and the Built Heritage

PLANNING HISTORY

- P/1992/1411 - Application for Listed Building Consent for alterations to boundary wall – Approved.
- LA07/2017/0412/LDP - Proposed mobile phone installation to 4no new radio antennae to installed behind louvers. New steel work to be provided internally to support this, to be fixed to existing walls. New antennae are to be installed as close as possible to back face of louver as possible. Existing louver slats to be removed and replaced with new GRP slats, coloured to match existing. New slated to be glued and screwed into existing frames. All slats to all upper louvers are to be replaced (to ensure continuity of weathering). Proposed 2no Ericsson 6102 radio cabinets and ISC cabinet on new steel deck. New lightening protection system to be installed at roof level – Refused.
- LA07/2022/1833/F - Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access – Under consideration.

EVALUATION

Banbridge Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the development limits for Hilltown as designated under the Banbridge, Newry and Mourne Area Plan 2015. There are no specific policies in the Plan relating to the proposal which will be assessed against regional planning policy.

Strategic Planning Policy Statement for NI

Para 6.12 states that development proposals which impact upon listed buildings and their settings are assessed paying due regard to their special architectural and historic interest and the contribution they make to the character of the area.

The application building, St Johns Church of Ireland Church and graveyard, is a Grade B1 Listed Building (HB16/07/001), situated on a prominent crossroads within the town. A granite stone wall and modern metal railings enclose the site. A public car park abuts the site to the north and a dwelling house abuts the site to the south. The Church has been vacant from the 1980s. Listed Buildings are protected by Section 80 of the Planning Act (NI) 2011.

Para 6.13 states that "proposals should be based on a clear understanding of the importance of the building/place/heritage asset and should support the best viable use that is compatible with the fabric, setting and character of the building."

PPS 6: Planning, Archaeology and the Built Heritage

This proposal is subject to Policy BH 8- Extension or Alteration of a Listed Building.

Policy BH 8 states that:

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;

(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Policy BH 11 is also applicable:

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

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment; (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

HED Historic Monuments issued 4 responses in total. Additional information was requested in the first 3 responses. In the final response dated March 2024, HED advised Planning that based on the information provided, they are content with the proposal subject to conditions.

Given HED HB's response above, and subject to compliance with conditions, it is considered that the proposed development meets the policy requirements and accords with PPS 6.

Neighbour Notification Checked

N/A

Summary of Recommendation

Consent granted

Conditions:


1. The works hereby permitted shall be begun no 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: L000A, L001B, 102A, 103A, 104B, 106, 107A, 109 and 110.
Reason: To define the planning permission and for the avoidance of doubt.
3. Prior to procurement, details of:
 - the environmental protective glazing
 - the proposals for the timber roof structure repairs
 - the proposals for the structural mezzanine insertion including mezzanine level details of enclosure to main space and flanks
 - the internal insulating lime plaster and reinstated corncicing
 shall be submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities.
Reason: To ensure that the essential character of the building and its setting are retained, and its features of special interest remain intact and unimpaired and that the works proposed make use of traditional and/or sympathetic building materials and techniques which match and are in keeping with those found on the listed building.

Case Officer Signature: Eadaoin Farrell
Date: 7 April 2025
Appointed Officer Signature: M Keane
Date: 07-04-25

Committee Application

Development Management Officer Report	
Case Officer: Karen Bronte	
Application ID: LA07/2024/0537/O	Target Date:
Proposal: Housing development	Location: Junction of Chancellors Road/Watsons Road Newry and opposite Ashton Heights and Dunbrae housing developments
Applicant Name and Address: Felix O'Hare 88 Chancellors Road Newry BT35 8NG	Agent Name and Address: John Cole 12A Duke Street Warrenpoint BT34 3JY
Date of last Neighbour Notification:	21 May 2024
Date of Press Advertisement:	29 May 2024
ES Requested: No	
Consultations: DFI Roads consulted 20/05/2024. NIE consulted 20/05/2024. Replied 30/05/2024 - content - advice provided. DFI Rivers consulted 20/05/2024. Replied 26/06/2024 - content - recommended condition. NIW consulted 20/05/2024. Replied 28/05/2024 - approved with standard planning conditions. Shared Environmental Services consulted 20/05/2024. Replied 12.06.2024 - content. NIEA consulted 20/05/2024. Environmental Health consulted 20/05/2024. Replied 13/06/2024 – substantive response provided - recommended informatives. Foyle Carlingford & Irish Lights Commission (Loughs Agency) consulted 21/05/2024. Replied 05/06/2024 - content - recommended conditions and informatives.	
Re-Consultations: DFI Roads re-consulted 02/07/24, 30/09/2024 and 05/03/2025. Replied 28/09/2025 - no objections subject to submission of detailed plans at reserved matters stage. NIEA re-consulted 12/09/2024 and 04/10/2024. Replied 25/10/2024 - NED content subject to recommendations and informatives.	
Representations: As required by The Planning (General Development Procedure) Order (Northern Ireland) 2015, the application was advertised in the local press on 29 May 2024 and neighbouring properties were notified of the application on 21 May 2024.	

The statutory advertising period and neighbour notification period expired on 12 June 2024 and 5 June 2024 respectively, and no objections or representations were received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: N/A	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 14 June 2024	
Characteristics of the Site and Area <p>The site consists of c.3.2ha of farmland on the outskirts of Newry City. The site formerly comprised several small field parcels bounded by hedgerow vegetation however it has been cleared of internal hedges to form one large area of grassland. The site is bound to the north by agricultural grazing lands, to the east by Watsons Road and to the south and south-west by Chancellors Road. The site is within the development limit of Newry with the general area predominantly residential with an educational facility (primary school) and a number of commercial businesses found within the vicinity.</p>	
Description of Proposal <p>Housing development</p>	
Planning Assessment of Policy and Other Material Considerations <p><u>PLANNING POLICY AND GUIDANCE</u></p> <ul style="list-style-type: none">• The Regional Development Strategy 2035 (RDS)• The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)• The Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) - the site is within the development limits of Newry and zoned for housing (NY32: Watsons Road/Chancellors Road – Committed Housing)• PPS 2 – Natural Heritage• PPS 3 (and clarification) – Access, Movement & Parking	

- PPS 7 – Quality Residential Environments
- PPS 7 (Addendum) – Safeguarding the Character of Established Residential Areas
- PPS 8 – Open Space, Sport and Outdoor Recreation
- PPS 12 – Housing in Settlements
- PPS 13 – Transportation and Land Use
- PPS 15 (Revised) – Planning and Flood Risk
- A Planning Strategy for Rural NI (PSRNI) – Policy DES 2

- Creating Places: Achieving Quality Residential Environments
- DCAN 8 – Housing in Existing Urban Areas
- DCAN 10 (Revised) – Environmental Impact Assessment
- DCAN 15 – Vehicular Access Standards

PLANNING HISTORY

As indicated in the records below, outline planning permission was previously granted on the site for a housing development on 9 January 2013 (planning ref: P/2005/0486/O) and a further outline planning permission was granted on the site for a housing development (42 sites) on 27 March 2017 (planning ref: LA07/2015/0485/O). These permissions have now lapsed.

Enforcement

Application Number: LA07/2023/0487/CA Decision: Decision Date:
Proposal: Site clearance

Planning

Application Number: P/1994/6028 Decision: Enquiry: Other Letter Issued Decision Date:
Proposal: Housing Pound Street Damolly Row Chancellors Road Dorans Hill College Gardens

Application Number: P/1993/6025 Decision: Enquiry: Other Letter Issued Decision Date:
Proposal: Housing Development Watsons Road Newry

Application Number: P/1979/0784 Decision: Permission Granted Decision Date: 07 August 1979

Proposal: PROPOSED 11KV O/H LINE (DRAWING NO CRA 3463)

Application Number: P/2003/0272/Q Decision: Enquiry: Other Letter Issued Decision Date: 25 March 2003

Proposal: Sites for Day Care Centre

Application Number: P/2005/0486/O Decision: Permission Granted Decision Date: 09 January 2013

Proposal: Site for housing development (application site)

Application Number: LA07/2015/0485/O Decision: Permission Granted Decision Date: 27 March 2017

Proposal: Proposed Housing Development 42 sites (application site)

Application Number: LA07/2023/3655/O Decision: Application Invalid Decision Date: 12 December 2023

Proposal: Proposed housing development

Application Number: LA07/2024/0036/PAN Decision: Proposal of Application Notice is Acceptable Decision Date: 05 March 2024
Proposal: Proposed housing development and associated ancillary works to provide access to proposed site (application site)

LEGISLATIVE PRE-APPLICATION REQUIREMENTS

As this planning application is classified as a major development, owing to the site area, it has been preceded by a Proposal of Application Notice (PAN), as required by Section 27 of The Planning Act (Northern Ireland) 2011. The PAN was submitted on 18 December 2023 and considered acceptable to legislative requirements on 5 March 2024 (planning ref: LA07/2024/0036/PAN).

The current application was subsequently submitted following the required 12-week application notice/consultation period, with the application received on 4 April 2024. The application has been accompanied with a Pre-Application Community Consultation (PACC) report which confirms that community consultation has taken place in line with the statutory minimum requirements, with the following PACC steps undertaken:

- A public consultation event was held on 15 January 2024 from 10.00 to 14.00 in the boardroom of the Felix O'Hare & Co Ltd offices. The site plan and concept drawings were displayed for public viewing at this event.
- Individuals and groups were notified directly of the public event via email or letter including local councillors, local residents at Ashton Heights and the local primary school (St Moninna's Primary School).
- Four people attended the public event and were in support of the proposed housing development. No comments were received via email or post.
- A notice relating to the public consultation event was published in a local newspaper at least 7 days prior to the event (Newry Reporter – 3 January 2024). The advertisement provided information on the details of the event and how comments relating to the proposal could be made.

The details provided meet the legislative requirements (Sections 27 and 28) of The Planning Act (Northern Ireland) 2011.

EIA DETERMINATION - THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NORTHERN IRELAND) 2017

The proposal falls within the scope of Schedule 2 (Category 10(b) - urban development projects, including the construction of shopping centres and car parks where the area of development exceeds 0.5 hectare) of the above Regulations and as such, the Council is obliged to complete an EIA screening. Following completion of an EIA screening, the Council determined on 25 June 2024 that the proposal would not result in any significant environmental impacts and as such, an Environmental Statement is not required. Environmental matters can be appropriately dealt with through the planning application assessment, including the use of mitigation measures and the imposition of planning conditions, if necessary.

SUPPORTING DOCUMENTS AND DRAWINGS

The following submitted information (as amended) has been considered within this assessment:

Reports/Technical Assessments:

Pre-Application Community Consultation Report (prepared by: Cole Partnership Architecture & Project Management)

Drainage Assessment (prepared by IT Consulting, dated 26 July 2023)

Biodiversity Checklist and Preliminary Ecological Appraisal (prepared by: ATEC NI, dated 11 September 2024)

Biodiversity Checklist (no date)

Design and Access Statement (prepared by: Cole Partnership Architecture & Project Management)

Letter from agent dated 17 June 2024, re: amended location plan

Email from agent dated 25 June 2024, re: amended location plan, requirement for Transport Assessment and Biodiversity Checklist

Revised Biodiversity Checklist, dated 30 July 2024

Transport Assessment Form and Traffic Impact Assessment (prepared by: MRA Partnership, dated September 2024)

Addendum to Preliminary Ecological Assessment (prepared by: ATEC NI, dated 2 October 2024)

Email from agent dated 5 March 2025, re: amended plans

Drawings:

Location Plan (Dwg No: 3363 PL LP)

Location Plan (Dwg No: 3363 PL LP Rev A)

Proposed Road Improvements at Watsons Road and entrance to Liska Road/Watsons Road development (Dwg No: 3363 PL)

Proposed Road Improvements at Junction of Watsons Road and Chancellors and Improvements to Liska Road/Watsons Road (Dwg No: 3363 PL Rev A)

Concept Drawing (Dwg No: 3363 PL Concept Plan)

Concept Drawing (Dwg No: 3363 Concept 3)

EVALUATION

Summary of the Proposal

The proposal relates to an outline application for a residential development comprising between 66 (minimum) to 80 dwellings (maximum). The proposal is to provide a mix of dwellings including storey and a half, two storey detached and semi-detached with all dwellings to have not less than 9m rear gardens. It is proposed that the dwellings will front on to Chancellors Road and Watsons Road with two in curtilage car parking spaces provided to the three-bedroom dwellings and three in curtilage car parking spaces provided to the four-bedroom dwellings. On-street parking is to be provided for visitors.

It is proposed that a minimum of 70sqm of private amenity space will be provided to the dwellings and approximately 2500sqm of public amenity space is to be provided within the site and overlooked by the front of the dwellings. It is proposed to implement a 20m separation distance between any habitable first floor windows.

Two access are proposed into the site with one being from Chancellors Road and one from Watsons Road. Road improvements are proposed including the widening of Watsons Road to 6.5m from the junction of Watsons Road and Chancellors Road to the junction of Liska Road and Watsons Road. The Watsons Road/Liska Road junction is to be realigned. A 2m wide footpath is proposed to give a continuity of footpath from the existing footpath at Liska Road to the existing footpath on Chancellors Road. A 2m wide footpath is also proposed along the frontage of the site at Watsons Road and Chancellors Road.

As this is an outline application, further detailed information is to be reserved for subsequent approval including siting, number of units, design, external appearance and landscaping.

RDS 2035

The RDS provides an overarching strategic planning framework which aims to take account of the economic ambitions and needs of the Region, and put in place spatial planning, transport and housing priorities that will support and enable the aspirations of the Region to be met.

Of relevance to the proposal development, one of the aims of the RDS is to '*promote development which improves the health and well-being of communities*', for example, improved health and well-being can be derived from easy access to appropriate services and facilities. The Regional Guidance (RG) within the RDS is presented under the three sustainable development themes of Economy, Society and Environment. The Regional Guidance relevant to the proposed development includes 'RG6: Strengthen community cohesion' for example through encouraging mixed housing development. Furthermore, 'RG8: *Manage housing growth to achieve sustainable patterns of residential development*' promotes high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas.

SPPS

The SPPS sets out regional planning policies for developing land in Northern Ireland under the reformed two-tier planning system and its provisions are material to all decisions on individual planning applications.

Furthering sustainable development is at the heart of the SPPS and the planning system and means balancing social, economic and environmental objectives, all of which are considerations in the planning for and management of development.

The SPPS recognises housing as a key driver of physical, economic and social change in both urban and rural areas. In furthering sustainable development this means managing housing growth in a sustainable way, placing particular emphasis on the importance of the inter-relationship between the location of local housing, jobs, facilities and services, and infrastructure.

It is similarly important to successfully integrate transport and land use generally in order to improve connectivity and promote more sustainable patterns of transport and travel.

Of relevance to the proposed development, the core planning principles of the SPPS include *'improving health and well-being'*, for example by safeguarding residential environs through design and other amenity considerations, *'creating and enhancing shared space'*, for example through the delivery of good quality housing that supports the creation of more balanced communities and *'supporting good design'*.

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

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 application site is located within the development limit of Newry and is zoned for housing (NY32: Watsons Road/Chancellors Road – Committed Housing), as identified by BNMAP. As such, the principle of housing is considered acceptable on the site.

Overall the proposal complies with the site zoning in BNMAP and fits with the wider strategic objectives of the RDS and the core principles of the SPPS relating to housing as identified above.

Relevant retained planning policies are identified below and will be further considered at reserved matters stage when detailed information about the proposal is available.

Natural Heritage – SPPS, PPS 2, The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

Policy NH 1 - European and Ramsar Sites - International

The closest internationally designated site, Derryleckagh Special Area of Conservation (SAC), is located c4km east of the site.

A Habitats Regulations Assessment (HRA) Stage 1 assessment/screening has been completed for the proposal whereby it has been determined in consultation with SES that the application can be eliminated from further assessment because it could not have any conceivable effect on a European site as there are no environmental pathway links.

Policy NH 2 - Species Protected by Law

Policy NH 2 only permits development proposals that are unlikely to harm a European protected species or any other statutorily protected species and which can be adequately mitigated or compensated against.

Following consultation with DAERA NED, a revised Biodiversity Checklist and Preliminary Ecological Assessment was submitted in September 2024 and an Addendum to the Preliminary Ecological Assessment was submitted in October 2024. The results of these assessments showed the external site boundaries as offering some limited potential for foraging and commuting bats; the veteran ash trees with ivy along certain boundaries could be used by individual roosting bats (i.e. 'low' bat roosting potential); and, the boundary hedgerow vegetation and mature/veteran trees within the site would offer nesting potential for a variety of species of

birds. No evidence of badger activity was identified within a 30m radius of the application site and no suitable habitat for smooth newts was identified within the application site.

Having considered this information, in their consultation response dated 25 October 2024, DAERA NED advised the proposed development is unlikely to have any impacts on protected species, subject to conditions regarding lighting, as detailed at the end of this report.

Policy NH 3 – Sites of Nature Conservation Importance (National)

The closest nationally designated site, Carlingford Lough Area of Special Scientific Interest (ASSI), is located c2.5km south east of the site. Having reviewed the submitted information, DAERA NED considers it is unlikely that the proposal will have any significant impacts on any designated sites.

Loughs Agency, who have responsibility for protecting Carlingford Lough, have been consulted and advise in their consultation response dated 5 June 2024 that potential impacts from the proposed development include increases in silt and sediment loads resulting from construction works, point source pollution incidents during construction and overloading of existing WwTW infrastructure. They advise that all storm water from the site should not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures. The Drainage Assessment submitted with the application details the proposed storm water management system; DfI Rivers have reviewed this and are content. Furthermore NI Water have confirmed there is available capacity at Newry WwTW to serve the proposal.

Policy NH 4 – Sites of Nature Conservation Importance (Local)

The site is not located within or in proximity to a Site of Local Nature Conservation Importance (SLNCI) and therefore does not impact on such sites.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

Policy NH5 prohibits development which would result in an unacceptable adverse impact on: priority habitats, priority species, active peatland, ancient and long-established woodland, features of earth science conservation importance, features of the landscape which are of major importance for wild flora and fauna, rare or threatened native species, wetlands (includes river corridors); or other natural heritage features worthy of protection.

The submitted ecological information details that the development of the site will likely require the removal of hedgerow, which is a Northern Ireland Biodiversity Strategy Priority Habitat, along the roadside boundary in order to create a new access/sight lines. Therefore compensatory replacement planting and mitigation to protect the mature and veteran trees that occur within the external site boundaries during the development phase has been proposed. Having considered this information, DAERA NED advised the proposed development is unlikely to have any impacts on priority habitats, subject to conditions regarding landscaping, as detailed at the end of this report.

Access and Parking – SPPS, PPS 3, PPS 13, DCAN 15

Policy AMP 1 - Creating an Accessible Environment

To create a more accessible environment for everyone, Policy AMP 1 states that where appropriate, the external layout of development will be required to incorporate all or some of the following: facilities to aid accessibility; convenient movement along pathways and an unhindered approach to buildings; pedestrian priority to facilitate pedestrian movement within and between land uses; and, ease of access to reserved car parking, public transport facilities and taxi ranks.

Following consultation with DfI Roads a Transport Assessment Form (TAF) and Traffic Impact Assessment (TIA) was submitted in September 2024 and an amended concept drawing and road improvement drawing was submitted in March 2025. This information highlighted the sites good transport links to the city centre; its proposals for improved footway provision in the area for existing and future residents; the 4km cycle catchment to cover almost all of Newry town centre including access to the greenways on Newry Canal, and, the nearest bus stops to the site.

Furthermore, **General Principle 2 of PPS 13** encourages major housing developments to incorporate local neighbourhood facilities to reduce the overall need to travel by car and increase the vitality and overall sustainability of the development. Whilst there is no provision within the proposed development for such facilities there is a primary school, community, retail and ecclesiastical facilities within walking distance of the site.

Policy AMP 2 – Access to Public Roads

Policy AMP 2 states 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. Consideration will also be given to published guidance and other factors.

Accesses are proposed from both Watsons Road and Chancellors Road along with the proposed improvements to Watsons Road.

The submitted information details that the proposal is considered to have a minimal transport impact and the site accesses will be in accordance with DCAN15. The junction modelling carried out shows there is capacity at the Watsons Road/Chancellors Road junction and it does not require improvements. The internal layout will be designed to embrace Creating Places, which will includes turning heads at the end of cul-de-sacs, so the service vehicles can enter and leave in the forward gear. Internal routes will be traffic calmed, achieving lower safer speeds. These details are all the subject of a future reserved matters application.

Policy AMP 6 - Transport Assessment

In order to evaluate the transport implications of a development proposal Policy AMP 6 states that the Department will, where appropriate, require developers to submit a Transport Assessment.

The submitted information details that the threshold where a detailed Transport Assessment may be necessary is 100 residential units or 100 trips in the peak hour. This application is below these published thresholds; therefore, no detailed Transport Assessment is required.

Policy AMP 7 - Car Parking and Servicing Arrangements

Policy AMP 7 states development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements and that 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. The junction modelling carried out shows there is capacity at the Watsons Road/Chancellors Road junction and it does not require improvements.

A future reserved matters application will detail the parking appropriate to the housing mix proposed on the site. This parking will be in accordance with Creating Places and DOE Parking Standards.

Having considered this information DfI Roads advised in their consultation response dated 28 March 2025 they had no objections in principle to the proposal subject to the submission of detailed plans at reserved matters stage.

Sewerage and Water Supply

The proposal seeks to connect to the NI Water public water supply, public foul sewerage and surface water sewer. In their consultation response dated 28 May 2024, NI Water recommended approval with standard planning conditions, as detailed at the end of this report.

In relation to the public foul sewerage system, NI Water confirmed that there is available capacity at Newry WwTW.

In relation to connecting to the public foul sewer, the public surface system and the public water supply, NI Water confirmed that there is the necessary infrastructure within 20m of the proposed development boundary which can adequately serve the proposals and the relevant applications to NI Water will be required to obtain approval to connect. In relation to the public surface water sewer, connections will be restricted to a Greenfield Runoff rate of 10 litres/second/hectare.

This information in NI Water's response is valid for a maximum period of 18 months from the date of their response. After this period, a re-consultation will be required to review availability and to confirm NI Water's recommendation of this development proposal.

Drainage and Flooding – SPPS, Revised PPS 15

Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains

The DfI Rivers Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

Policy FLD 2 - Protection of Flood Defence and Drainage Infrastructure

Under this policy it is essential that a working strip of minimum width 5m is retained, but up to 10m where considered necessary. In their consultation response dated 26 June 2024 DfI Rivers advise that a working strip is shown on the site layout drawing.

In addition, perspective purchasers whose property backs onto any watercourses should be made aware of their riparian obligations to maintain the watercourses under Schedule 5 of the Drainage Order Northern Ireland 1973.

Policy FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

The proposed development has the potential to result in an increase in surface water run-off rates and volumes in comparison to the existing pre-development scenario.

DfI Rivers reviewed the submitted Drainage Assessment and advised that the design and construction of a suitable drainage network is feasible. In order to ensure compliance with Revised PPS 15, DfI Rivers request that the potential flood risk from exceedance of the drainage network, in the 1 in 100 year event, with an additional allowance for climate change (10%) and urban creep (10%) is managed by way of a condition, as detailed at the end of this report.

Open Space – SPPS, PPS 8

Policy OS 2 - Public Open Space in New Residential Development

This policy states planning permission will be granted for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. A normal expectation will be at least 10% of the total site area however the site and its context will be taken into account.

The Design and Access Statement submitted with the application states 2500 sqm of open space will be provided within the site which is less than the 10% expectation. However the information submitted suggests there are public playing fields, a basketball court and play area adjacent to the site which would allow for a decrease in the open space within the site.

Design and Residential Amenity Considerations – SPPS, PSRNI Policy DES 2, PPS 7 (and Addendum) and PPS 12

PPS 7 Policy QD 1- Quality in New Residential Environment

Policy QD 1 states all residential proposals will be expected to confirm to criteria including respecting the surrounding context; protecting built heritage features; providing public and private open space; provision of local neighbourhood facilities; provision for walking and cycling and links to public transport; adequate parking provision; design that is respectful of local tradition; a design and layout that will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and the development is designed to deter crime and promote personal safety.

This criteria will be assessed at reserved matters stage as further design information is available however the Design and Access Statement submitted with this application outlines general compliance with this policy where possible:

- The proposed dwellings will have a rear garden depth of not less than 9m. Any garages within the curtilage of these dwellings will be positioned 6m from the road edge. Dwellings on corner sites will be dual elevation dwellings.

- There are no built heritage features identified to incorporate into the proposed development.
- Adequate private space will be provided in line with Creating Places which states 40 sqm at a minimum to be provided. The proposal aims to provide 70 sqm of private amenity space per dwelling. 2500 sqm of open space will be provided within the site. There are public playing fields, a basketball court and play area adjacent to the site.
- The site is located within walking distance of established necessary local facilities. There is a primary school adjacent to the site and a supermarket and other shops located on the Dublin Road.
- The movement pattern of the proposal is to support walking, cycling and meets the needs of people whose mobility is impaired. The surface of the approach to dwellings will be firm enough to support the weight of wheelchair users and smooth enough to permit easy manoeuvre. The width of the approach, excluding space for a parked vehicle, will take account of the needs of a wheelchair user, or a stick or crutch user. The approach should be clear of any parking space.
- Two in curtilage car parking spaces will be provided for each three-bedroom dwelling and three in curtilage parking spaces for four-bedroom dwellings. On-street parking will be provided for visitors.
- The design of the development will draw upon best local traditions of form, materials and detailing.
- The proposed development and layout of development will not have any effect on surrounding dwellings. A separation distance of 20m between any habitable first floor windows will be implemented as per Creating Places.
- The proposed concept layout deters crime and antisocial behaviour. The central open space will be overlooked by houses.

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

This policy states that in established residential areas planning permission will be granted for new housing where additional criteria are met including the proposed density is not significantly higher than that found in the established residential area; the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and, all dwelling units and apartments are built to a size not less than those set out in Annex A.

Whilst the number of dwellings will be provided at reserved matters stage, the information submitted suggests between 66 (minimum) to 80 (maximum) dwellings could be provided on the site as per the density bands in BNMAP. This is comparable to the densities in the surrounding area with Ashton Heights having 56 dwellings on 3.03ha and Dunbrae having 32 dwellings on 2.63ha.

Ashton Heights and Dunbrae are typified by detached/semi-detached form of one and a half/two storeys with private gardens and in curtilage parking. External finishes is brick or render finish with concrete roof tiling. The proposed development should respect the surrounding context.

Design detail including dwelling size and overall layout will be considered at reserved matters stage.

Further design and amenity considerations to be considered under the **SPPS, PPS 7 (and Addendum), PSRNI Policy DES 2 and PPS 12** include:

- High quality landscaping – the existing natural and established boundaries of the site should be utilised and incorporated into the scheme to soften visual impact and assist with integration. To ensure this, a condition relating to landscaping is recommended, as detailed at the end of this report.
- House types and design – Policy HS 4 – House Types and Size in PPS 12 states planning permission will only be granted for new residential development of 25 or more units, or on sites of one hectare or more, where a mix of house types and sizes is provided. This will be considered further at reserved matters stage when information on house types and design is available.
- Overlooking – given the site is separated from adjacent residential developments via the Chancellors Road and Watsons Road and via the proposed footways it is not anticipated that overlooking from the proposed development will be a concern. Furthermore the proposed dwellings will be set back from existing properties to avoid overlooking or loss of privacy. The separation distances recommended comply with the guidance in Creating Places.
- Noise – the development may cause disturbance during the construction stages such as dust and noise, though given the timing of such impacts during normal working hours, the effects should not be significant. By introducing increased numbers to the site (residents) during occupation the development also has the potential to increase noise levels in the longer term. Environmental Health have been consulted and in their response dated 13 June 2024 have no objection in principle to the application. This will be considered further at reserved matters stage.
- Visual impact - the proposal will result in a higher density of buildings in the locality and this will impact on the visual character of the streetscape along Chancellors Road and Watsons Road, with the area currently appearing as semi-rural in character. It is anticipated however that this can be addressed sympathetically through a good quality design and will be further considered at reserved matters stage.
- Social housing – the site has not been identified within BNMAP requiring social housing provision.

RECOMMENDATION: Approval subject to conditions

Neighbour Notification Checked	Yes
Summary of Recommendation The site is zoned within the current area plan as committed housing within the development limits of Newry. The site also benefits from a planning history of outline planning permission for housing under planning refs: P/2005/0486/O and LA07/2015/0485/O.	

Taking into account the land zoning, planning history and requirements of planning policy it is recommended that the application is approved subject to conditions.

Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

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

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

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

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 02 and 03 shall be submitted in writing to the Council.

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

5. A landscape management and maintenance plan, including long term design objectives, performance indicators, management responsibilities and maintenance schedules for all landscaped area including areas of communal open space and planting shall be submitted to and approved by the Planning Authority prior to the occupation of the development.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.

6. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1. Access, sight visibility splays and forward sight distance (where applicable) are a pre-commencement condition.

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

7. At reserved matters, a Landscaping Plan shall be submitted to the Planning Authority. No development activity, including ground preparation or vegetation clearance, shall commence until the Plan has been approved in writing by the Planning Authority. The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include details of:

- a. Retention and protection measures for existing trees and hedgerow on the site boundaries in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*.
- b. Planting Schedule to include details of sufficient compensatory planting for the removal of hedgerow from the site, and details of all new planting, with appropriate numbers of native trees/shrubs species.
- c. Details of the aftercare of all planting on the site.

Reason: To protect priority habitats and minimise the impact of the proposal on the biodiversity of the site.

8. At reserved matters, a Lighting Plan shall be submitted to the Planning Authority. The Plan shall include specifications of lighting to be used across the site and a map showing predicted light spillage across the site, indicating a light spill of 1 Lux or less on boundary vegetation.

Reason: To minimise the impact of the proposal on the biodiversity of the site.

9. No development shall be commenced 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.

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.

10. A formal water / sewer connection application must be made for all developments [prior to occupation], including those where it is proposed to re-use existing connections.

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.

11. Development shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interest of public health.

12. Development shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

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

13. Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council 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 with an additional allowance for climate change (10%) and urban creep (10%).

Reason: In order to safeguard against surface water flood risk.

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

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

Conditions/Reasons for Refusal:

Case Officer Signature: Karen Bronte

Date: 16 April 2025

Appointed Officer Signature: Patricia Manley

Date: 16 April 2025

Development Management Consideration

Details of Discussion:

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

Group decision:



D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2024/0185/F	Target Date:
Proposal: PROPOSED CONVERSION AND REUSE OF EXISTING STONE BARN (INCORPORATING NEW ROOF, RECONSTRUCTION OF PART EXTERNAL WALL AND NEW FIRST FLOOR STRUCTURE AND INTERNAL LAYOUT)) TO CREATE A NEW DWELLING (Amended Proposal Description)	Location: 30M NORTH OF 43 BALLYCOSHONE ROAD, HILLTOWN, NEWRY, BT34 5XE
Applicant Name and Address: ROISIN McMANUS 43 BALLYCOSHONE ROAD HILLTOWN NEWRY BT34 5XE	Agent Name and Address: MARTIN BAILIE 44 Bavan Road Mayobridge Newry BT342HS
Date of last Neighbour Notification:	12 February 2025
Date of Press Advertisement:	26 February 2025
ES Requested: No	
Consultations: Consultations have been carried out with the following bodies <ul style="list-style-type: none">DfI RoadsNorthern Ireland WaterDfC Historic Environment DivisionEnvironmental Health NMDDC	
Representations: No representations or objections have been received from neighbours or third parties of the site.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0

Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report
Site Location Plan:

Date of Site Visit: 21st November 2024
Characteristics of the Site and Area
<p>The site is located along the minor Ballycoshone Road Hilltown and is comprised of a 0.2 hectare portion of land that contains the remains of a former stone barn structure (pictured below). The site lies immediately adjacent Ballycoshone House and is surrounded by agricultural fields. The site is accessed via an agricultural entrance shown below and defined at that the roadside by mature hedgerows and trees.</p>

<p>The site is located within the rural area, outside any settlement limit as designated in the Banbridge Newry and Mourne Area Plan 2015.</p>
Description of Proposal

PROPOSED CONVERSION AND REUSE OF EXISTING STONE BARN (INCORPORATING NEW ROOF, RECONSTRUCTION OF PART EXTERNAL WALL AND NEW FIRST FLOOR STRUCTURE AND INTERNAL LAYOUT)) TO CREATE A NEW DWELLING (Amended Proposal Description)

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Application Number: P/2012/0041/O
 Proposal: Site for dwelling and domestic garage
 Decision: Appeal Dismissed
 Decision Date: 23 August 2012

Application Number: LA07/2021/1287/O
 Proposal: Site for infill Dwelling and Garage
 Decision: Permission Granted Decision Date: 30 November 2021

Application Number: LA07/2022/0172/O
 Proposal: Proposed site for replacement dwelling and garage
 Decision: Permission Granted Decision Date: 16 January 2024

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Concept Statement
- Design and Access Statement
- Site Analysis
- Archaeological Impact Assessment
- BioDiversity Checklist
- Bat Roost Potential
- Site location Plan
- Site Layout Plan
- Existing Plans
- Proposed Plans

CONSULTATIONS

- | | |
|-------------------------------------|---------------|
| • DfI Roads | No Objections |
| • Northern Ireland Water | No Objections |
| • DfC Historic Environment Division | No Objections |
| • Environmental Health NMDDC | No Objections |

REPRESENTATIONS

In line with statutory requirements neighbours were notified 12/03/2024 and again following amendment to the proposal description on 12.02.2025. The application was advertised in the Mourne Observer on 20.03.2024 and 26.02.2025. No letters of objection or representation have been received in relation to the proposal to date.

EVALUATION

The proposal seeks full planning permission for the conversion and reuse of an existing stone barn (incorporating a new roof, reconstruction of part external wall and new first structure and internal layout) to create a dwelling.

Section 45 (1) of the Planning Act (NI) 2011 requires the Planning Authority, in dealing with an application, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge Newry and Mourne Area Plan 2015 (ADAP) operates as the local development plan for the area where the appeal site is located. The site is located outside any settlement development limit within BNMAP and is within the countryside. The BNMAP has no material policies for dealing with the proposal.

The Strategic Planning Policy Statement for Northern Ireland (SPPS, published in September 2015) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. It cites an example whereby the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy and states that in that instance the SPPS should be accorded greater weight in the assessment of individual planning applications.

The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21, published June 2010).

Policy CTY 1 of PPS 21 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 including the conversion of a non-residential building to a dwelling in accordance with Policy CTY 4. Policy CTY 4 states that planning permission will be granted to proposals for the sympathetic conversion, with adaption if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals are required to be of a high design quality and to meet a number of identified criteria.

Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.

When looking at the emphasised wording of Policy CTY 4 and that contained in paragraph 6.73 of the SPPS, it is apparent that there is a conflict between the retained policy and the SPPS in terms of the conversion and re-use of existing buildings for residential use. Under the identified transitional arrangements in paragraph 1.12 of the SPPS, the SPPS should therefore be accorded greater weight in the assessment of this proposal.

The proposal seeks permission for the conversion and reuse of an existing stone barn with new roof, reconstruction of external wall and installation of new first floor to create a dwelling.

The existing stone barn as pictured above is set slightly back from the roadside, sitting gable end onto Ballycoshone Road.



It is currently accessed via an agricultural field gate which provides access to the field beyond the site and the applicants dwelling adjacent at No 43 Ballycoshone Road.

The structure consists of 3 walls, one entire side wall is vacant and open allowing views into the former building. The structure has no roof and there are no internal divisions

apparent, the internal space of the structure is overgrown with vegetation as shown below. All window / door openings are missing.

Officers consider the structure is derelict in ruinous state of repair and do not consider it to be a 'building' as per the dictionary definition – a structure with a roof and walls'



As discussed above the SPPS requires buildings for conversion to be "locally important", whilst this is not defined in the SPPS, officers consider that if the structure were to be considered a building, it should be of some merit or importance in the local context which would make it worthy of retention.

It is acknowledged that the structure is old, the Archaeological assessment produced by Gahan and Long advises that the now derelict building is evident from at least 1830, however, they consider the heritage value of the site to be relatively low. It is noted in their report that they state the building retains a sense of character of the industrial / agricultural past, however, officers do not consider that it is of such merit that it should be retained.

Further to this the substantial nature of the changes proposed to the structure (which will be discussed further below) would eliminate any interest which the structure may present. The proposal will therefore be recommended for refusal on this basis.

CTY 4 – Conversion and Re-use of existing buildings states that Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling.

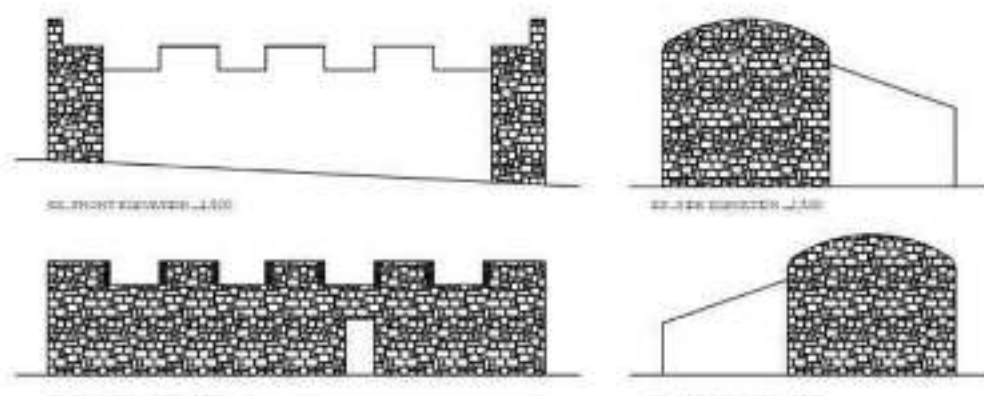
where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

- (a) the building is of permanent construction;
- (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;
- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;
- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

In assessment of the above, officers consider that the remains of the structure on site are of permanent construction.

Criteria B however requires the reuse or conversion to maintain or enhance the form, character and architectural features, design and setting of the existing and not have an adverse effect on the character or appearance of the locality.

As shown in the photos above the current structure on site appears in plan form as below. It is essentially a shell of building.



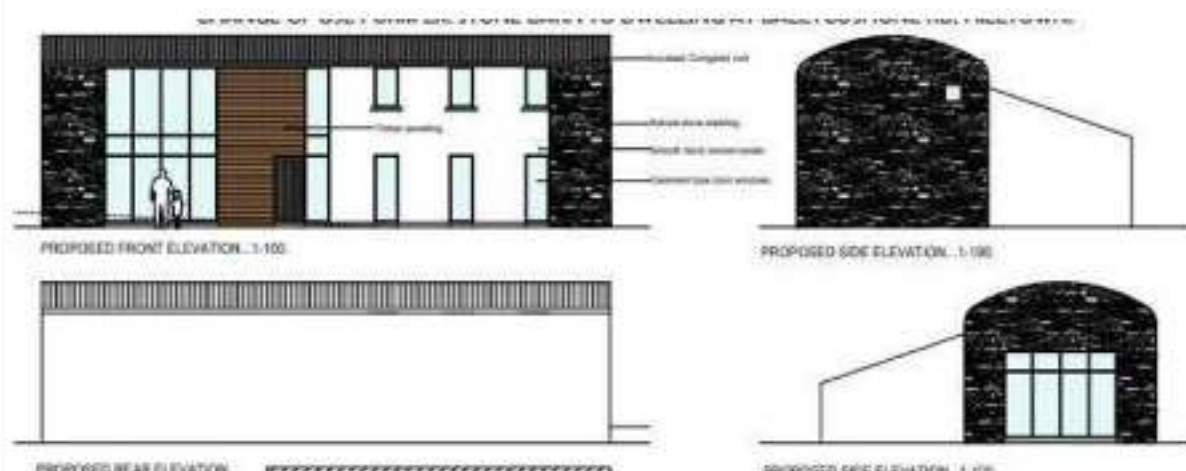
It is envisaged that the building once had a roof with four high level openings and a doorway to the rear elevation. There is no evidence as to what the missing front elevation may have appeared when intact.

The proposed plans below, show the extent of the works required to bring the structure into use.

The entire front elevation is to be rebuilt and openings to the rear are to be enclosed with a blank rendered wall. Officers consider that the proposal with its mix of materials, the lack of proportion and variation in the glazing with excessive floor to roof glazing bears no resemblance or linkage to that either that currently existing or what the proposal may have looked like in the past. For this reason the proposal will be recommended for refusal.

Criteria C, D and E are not applicable to the proposal.

It is considered that the proposal would, if permitted, be compliant with the requirements of Criteria F and G in that all necessary services could be provided without significant adverse impact on the environment or character of the locality and the proposed access to the public road will not prejudice road safety.



The proposal fails to meet the requirements of the SPPS and CTY 4. It does not fall within any of the other types of development that are acceptable in principle in the countryside under Policy CTY 1. No overriding reasons were presented as to why the development is essential. The proposal will be recommended for refusal on this basis also.

Policy CTY 13 – Integration and Design of Buildings in the Countryside.

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and 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.

In assessment of the above, officers do not consider that the proposal will be a prominent feature in the landscape. The Ballycoshone Road, is a relatively minor road, which benefits from mature roadside vegetation in both directions to and from the site. The structure is not visible when travelling along this road until within a few metres of its entrance.

While some roadside vegetation will have to be removed to facilitate the required visibility splays for the development, the loss would not result in a lack of integration. Officers note that the proposed site layout plan shown below indicates that new planting is proposed to rear of the splays which is acceptable in this case, given the very short critical views of the site. Overall the proposal is considered to be acceptable in terms of integration.

PPS 2 Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

The applicant engaged an ecologist to carry out a Bio-diversity Checklist and Bat Roost Potential Assessment. The report confirmed that the site is not located within an internationally or nationally recognised designated sites. The report advised that a systematic search was carried out for protected species such as badger, otter, pine marten, red squirrel, smooth newt or common lizard, with no evidence present on site.

With regard to the Bats the report advises that no evidence of bats or bat activity was identified during the external inspection of the structure, no staining, droppings or feed remains. Due to the high suitability of the surrounding habitat and the potential roosting features observed in the ruin's walls, the structure is considered to offer low roosting potential, the exposed nature of the structure concludes that roosting potential would not be considered higher than low.

It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

PPS 3 – Access, Movement and Parking

The application seeks to access onto Ballycoshone Road by creating a new access. Policy AMP 2: Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

(A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic

(B) The proposal does not conflict with Policy AMP3 Access to Protected Routes Category A is applicable.

It is proposed to formalise the existing field gate thereby providing a new entrance to serve the conversion proposal. DfI Roads have indicated in their consultation response that they have no objections to the proposal.

On this basis, it is considered that the proposal is compliant with the requirements of PPS 3.

PPS 6 Planning Archaeology and the Built Heritage

The site is within the vicinity of known archaeological sites. In assessment of the impact this proposal would have on the monument, if approved, a consultation was carried out with Historic Environment Division (HED).

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to archaeological policy requirements.

Drawings

The drawings considered as part of this assessment are

- 2562 – L – Site Location Plan
- SP01B - Site Layout Plan
- EX01 - Existing Plans
- PL01 - Proposed Plan

Summary of Recommendation

Having assessed the proposal against the various planning policies and material considerations which apply to the application it is determined that the proposal is unacceptable in planning terms.

Recommendation : REFUSAL

Reasons for Refusal:

The proposal is contrary to the SPPS, Policies CTY 1 and CTY 4 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that the building proposed for conversion is not considered as locally important and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Case Officer Signature: C Cooney

Date: 27 March 2025

Appointed Officer Signature: M Keane

Date: 27-03-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/3277/F	Target Date:
Proposal: Farm dwelling & attached carport	Location: 285M NORTH OF 40 BALLYHORNAN ROAD DOWNPATRICK DOWN BT30 6RH
Applicant Name and Address: Thomas Turley 11 STRUELL WELLS ROAD STRUELL DOWNPATRICK DOWN BT30 6RL	Agent Name and Address: Brigin Byrne 24 BALLYCLANDER ROAD BALLYCLANDER UPPER DOWNPATRICK DOWN BT30 7DZ
Date of last Neighbour Notification:	2 March 2024
Date of Press Advertisement:	4 October 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> Northern Ireland Water (NIW) DfI Roads NMDDC Environmental Health DAERA 	
Representations: 40 BALLYHORNAN ROAD	
Letters of Support	0.0
Letters of Objection	1
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: <ul style="list-style-type: none"> Concerns raised about ownership and visibility splays 	

Site Visit Report

Site Location Plan:



Date of Site Visit: 7th October 2024

Characteristics of the Site and Area

The site is comprised of a 0.65 hectare portion of land north of Nos 38 and 40 Ballyhornan Road Downpatrick. The site is located on elevated land accessed via a private lane serving farm buildings. A plateau area has been cut out of the surrounding rock, creating an open flat space within which the proposed dwelling is to be sited.

The boundaries of the site are comprised of gorse hedges to the south, west and north with the eastern boundary open along its southern portion with more mature hedges and a few trees to its northern section.



The area is rural in character and predominantly agricultural in use. A number of detached single dwellings and farm holdings are dispersed throughout the area. The landscape is typically drumlin in form.

The site is located within the Strangford and Lecale Area of Outstanding Natural Beauty as designated in the Ards and Down Area Plan 2015.

Description of Proposal

Farm dwelling & attached carport

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

Application Number: R/1981/0666

Proposal: REPLACEMENT BUNGALOW

Decision: Permission Granted

Decision Date: 22 January 1982

Application Number: R/1989/0320

Proposal: 2 Offices

Decision: Permission Granted

Decision Date: 27 June 1989

Application Number: R/1997/0628

Proposal: Extension to office accommodation

Decision: Permission Granted

Decision Date: 22 September 1997

Application Number: R/2005/1452/F

Proposal: Proposed extension to office accommodation

Decision: Permission Granted

Decision Date: 11 February 2006

Application Number: LA07/2019/1697/O

Proposal: Farm dwelling and garage

Decision: Withdrawal

Decision Date: 23 November 2020

Application Number: LA07/2020/1843/F

Proposal: Retention of existing agricultural shed for wintering cattle

Decision: Permission Granted

Decision Date: 20 December 2021

Application Number: LA07/2021/1097/F

Proposal: Demolition of the Existing single Storey office Unit and Construction of a Replacement Office Unit and associated Car Parking spaces on the existing concrete forecourt.

Decision: Permission Granted

Decision Date: 21 March 2022

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application form
- P1c Form
- Design and Access Statement
- Supporting Statement
- Farm Maps
- Site Location Plan
- Access Details
- Site Layout
- Elevations and Floor Plans

CONSULTATIONS

Consultations were carried out with the following bodies

- DFI Roads
- DAERA
- Northern Ireland Water (NIW)
- Environmental Health

REPRESENTATIONS

Owner / Occupier of 40 Ballyhorgan Road, has raised concerns about landownership and visibility splays.

EVALUATION

Ards and Down Area Plan 2015

Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Ards and Down Area Plan 2015 as the Council has not

yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

The SPPS states in paragraph 1.10 that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the retained policies together with the SPPS, along with an relevant supplementary and best practice guidance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The proposal seeks full planning permission for the erection of a farm dwelling within the countryside.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is therefore applicable. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

There is no conflict between the SPPS and Policy CTY 10 of PPS 21, therefore it provides the policy context for the proposal

Policy CTY 10 of PPS 21 – Dwellings on Farms

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion, it is noted that the applicant has provided a DARD business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) have been met.

The applicant has stated on the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has not revealed any history for this farm holding other than listed above in the planning history. The proposal therefore complies with Criteria B.

In consideration of Criteria C the proposed dwelling is to be sited north of the applicants' farm buildings circled below.



When travelling along the lane serving the site and buildings the proposed development site appears detached from those buildings given its position beyond the area of gorse between the site and the buildings. The site does not therefore readily appear visually linked or sited to cluster with established buildings, however, it is necessary to travel past these buildings to get to the site. Further to this the site can be read in conjunction with the established buildings when viewed from surrounding roads. While there may be other locations along this lane whereby a dwelling would more readily group with the existing buildings, officers consider a refusal based on this criterion could not be sustained..

The site is considered to be visually linked or sited to cluster with established buildings on the farm.

CTY 10 also requires proposals to comply satisfactorily with both CTY 13 and 14.

CTY13 – Integration and Design of Buildings in the Countryside

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

A new building will be unacceptable where:

- (A) It is a prominent feature in the landscape
- (B) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (C) It relies on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality
- (F) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.

Given the elevated nature of the site, officers consider the site to be prominent in the landscape. The site occupies a position at the top of a sloping landscape, whereby, an area of land has been cut and excavated of rock creating a flat site as pictured above. The applicant has submitted drawings, including levels which indicate to officers that the proposed dwelling, if permitted, will break the skyline. Drawing No 53/A1/03 details the finished ground level of the proposed dwelling to be 11.65, with a maximum ridge height of 19.76. The lands to the rear of the dwelling are shown to be tiered with a maximum level of 14.54. The lands beyond this garden and to the west of the site are shown to have a maximum height of no more than 18.66 (as per the elevational drawing). This would result the roof of the dwelling devoid of backdrop and thereby breaking the skyline.

Officers acknowledge that views will be limited to short distances along Ballyhornan and Slievegrane Roads, however, their briefness would not out-weigh the detrimental impact such siting would have on the rural character of the area. On this basis the application will be recommended for refusal.

In terms of, design, while the dwelling is traditional in form and has good solid to void ratio along with appropriate materials, the proposed height is considered unacceptable for the chosen site. Its two-storey nature on an elevated portion of land is not appropriate for the site or locality a lower elevation dwelling may have avoided this issue and enabled a dwelling to integrate into this difficult landscape more successfully.

Officers note that in assessment of the previous application for a farm dwelling on this site, the case officer stated that *"The proposal would satisfy the requirements of criteria Policy CTY 13 of PPS 21, subject to conditions being attached in relation to ridge height and levels of under build permitted"*. This clearly suggests to current officers that there is concern about the levels of the site and care will have to be taken to ensure any dwelling integrates successfully. The proposal before the Planning Authority in this application has not taken note of that and the application will also be recommended for refusal on grounds of design.

CTY14 – Rural Character

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

A new building will be unacceptable where:

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

In assessment of this policy and further to that discussed in CTY 13, the Planning Authority consider that the proposal does not comply satisfactorily with CTY 14, given it would be unduly prominent in the landscape as discussed above.

Further to this, officers consider that the proposal would if permitted result in ribbon development. Policy CTY 8 clarifies that a ribbon does not necessarily have to be severed by individual accesses nor have a continuous or uniform building lines. Buildings sited back, staggered or at angles with gaps between can represent ribbon if they have a common frontage or they are visually linked.

In this case the site shares a common frontage with the agricultural buildings to the south. While there are gaps between the buildings and the site, the linear positioning of the proposed dwelling in relation to the agricultural buildings, with which it seeks to cluster, would result in the creation of ribbon development along the lane which serves the site.

Creation of ribbon development is detrimental to rural character and continues to be resisted. While the proposal may visually link with buildings on the farm and thereby comply with the criteria of CTY 10, such compliance, does not permit the creation of ribbon development. Determining weight cannot be given to the compliance of CTY 10 when the proposal will have a detrimental impact on rural character, on these grounds the proposal must also be recommended for refusal.

PPS 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. The site is located 6 miles from Strangford Lough ASSI and SPA. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

In consideration of protected and priority species / habitat, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which states that;

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

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) the proposal respects:

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

Based on the assessment above, considering the context, siting, design and landscaping of the proposal, it is considered that it does not comply satisfactorily with the requirements of Policy NH 6. As discussed above, the two-storey nature of the dwelling on this elevated site has not provided a scheme which in terms of siting and scale is sympathetic / appropriate for the character of the AONB. For this reason the proposal will also be refused.

Neighbour Notification Checked

Yes

Summary of Recommendation

REFUSAL

Reasons for Refusal:

1. The proposal is contrary to the SPPS 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 SPPS and Policies CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted, result in the creation of ribbon development.
3. The proposal is contrary to the SPPS and Criteria (a) of CTY13 Planning Policy Statement 21, Sustainable Development in the Countryside in that it would if permitted be a prominent feature in the landscape and Criteria (e) in that the design of the dwelling is inappropriate for the site and its locality.
4. The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality

Case Officer Signature: C COONEY

Date: 6 December 2024

Appointed Officer: A.McAlarney

Date: 19 December 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Addendum to Case Officers Report

LA07/2023/3277/F

Farm Dwelling

285M NORTH OF 40 BALLYHORNAN ROAD DOWNPATRICK

This application was recommended for refusal by case officers on 19.12.2024 on the grounds that it was contrary to the SPPS and Policies CTY 1, 8, 13 and 14 of PPS 21 and Policy NH 6 of PPS 2.

The application appeared on the delegated list week commencing 20th January 2025 and was subsequently Called In and actioned to Committee.

The proposal however, was removed from the Agenda of the March Planning Committee to enable officers to further consider the representation made by the neighbouring property at No 40 Ballyhornan Road.

This neighbour raised issues regarding the safety of the proposed access and use of his land for visibility splays. He furnished the Planning Department with copies of maps showing the ownership of his land. These plans do indicate that the visibility splays to be used by the applicant in this current application are within the ownership of the neighbouring property.

As such the Planning Authority requested that the applicant amend their ownership certificate from a signed certificate A to C ensuring that all relevant owners of the required splays were notified of the proposal. The agent subsequently served notice on Nos 34, 36 38 and 40 Ballyhornan Road on 13.03.25.

In assessment of the access proposed, officers consulted with DfI Roads, who advised in their consultation response of 22nd July 2024 that they would offer no objections to the proposal subject to conditions that the vehicular access, including visibility splays and forward sight distance are provided in accordance with the approved drawings PRIOR TO THE COMMENCEMENT OF DEVELOPMENT.

It follows therefore in the event of an approval, the developer / applicant will be required to put in place the necessary access, splays etc prior to commencing the development of the dwelling. Planning permission would not confer title, therefore, the developer/applicant must have control / permission from the relevant owner of the land required for the access and splays to do so.

Notwithstanding the above, the proposal remains unacceptable in principle and with regard to the issues of ribbon development, integration and rural character as set out in the case officers report.

Recommendation : REFUSAL

The refusal reasons are repeated below for the convenience of readers.

1. The proposal is contrary to the SPPS 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 SPPS and Policies CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted, result in the creation of ribbon development.

3. The proposal is contrary to the SPPS and Criteria (a) of CTY13 Planning Policy Statement 21, Sustainable Development in the Countryside in that it would if permitted be a prominent feature in the landscape and Criteria (e) in that the design of the dwelling is inappropriate for the site and its locality.

4. The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality

Case Officer: C Cooney

Date 09.04.2025

Authorised Officer: Brenda Ferguson

Date: 10.04.25

Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2024/0055/O	Target Date:
Proposal: Erection of a farm dwelling	Location: 20m SE of 15 Drummond Road Cullyhanna Newry BT35 0LN
Applicant Name and Address: Gary McCooley 15 Drummond Road Cullyhanna BT35 0LN	Agent Name and Address: Ryan Milligan 32A Bryansford Avenue Newcastle
Date of last Neighbour Notification:	3 April 2024
Date of Press Advertisement:	31 January 2024
ES Requested: No	
Representations: No objections or representations have been received.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The application will be considered against all relevant planning policies and any relevant material considerations.	

Site Visit Report
<p>Date of Site Visit: 30/08/2024</p>
<p>Characteristics of the Site and Area</p> <p>The application site is located outside any settlement limits as defined within the Banbridge /Newry and Mourne Area Plan 2015.</p> <p>The site is an area of agricultural land on the edge of the public road, the site is part of a large agricultural field. The site slopes quite steeply from the road edge to the north east, the site then becomes relatively flat in the north eastern portion. The roadside boundary and boundary with No 15 are defined by mature hedges, the remaining boundaries are undefined. The site is adjacent to No 15 a modest detached dwelling, adjacent and west of No 15 a few agricultural buildings are set within a small farm yard, the buildings and No 15 form the farm holding.</p> <p>The site is located within a rural area, although there are a few other properties in close proximity to the site the character of the area remains rural at present.</p>
<p>Description of Proposal</p> <p>Erection of a farm dwelling.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The following policy documents provide the primary planning context for the determination of this application:</p> <ul style="list-style-type: none"> • 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 <p>PLANNING HISTORY</p> <p>No relevant planning history on the application site.</p> <p>CONSULTATIONS</p> <p>NI Water – No objections.</p> <p>DFI Roads – No objection.</p> <p>DAERA – Farm number has been in existence for at least 6 years and subsidies have been claimed for each of the last 6 years.</p> <p>NIEA (Water Management Unit) – No objections raised, the response refers to standing advice.</p>

REPRESENTATIONS

The application was advertised on 31/01/2024, two neighbours were notified on 17/03/2023, no representations or objections have been received.

EVALUATION**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 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. PPS21 states that planning permission will be granted for dwellings on farms in accordance with policy CTY10.

Policy Consideration

Policy CTY10 outlines the criteria that must be met for planning permission to be granted for a dwelling house on a farm.

DAERA has confirmed the Business ID submitted with the application has been in existence for more than 6 years with subsidies claimed in each of the last 6 years. The proposal meets the policy requirements of CTY10a.

The farmland has been checked for any potential development opportunities being disposed of, the Council are content from the information available that no development opportunities have been disposed of from the holding and so the proposal meets criteria CTY10b.

The application site is located adjacent and east of associated farm buildings which form the farm holding, it is considered that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm given the existing buildings adjacent to the site. The proposal meets CTY10c in that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm. Policy states that access should be from an existing lane, an existing lane does not provide access to the site, any access points are off the public road with the closest being a residential access to No 15, it would not be considered feasible to provide access to the site via No 15 as this would have an unacceptable impact on the amenity of No

15, in this case there is no suitable existing access to be utilised for the proposed development.

The principle of a dwelling under CTY 10 is considered acceptable given that all criterion are met, policy CTY10 does however state that other relevant policy must be met including CTY13 and CTY14.

CTY 13

Policy CTY 13 states that a new building will be unacceptable where any of the criteria (a) – (f) are met.

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

When travelling west along the public road the site sits on the edge of the road, a section of the roadside boundary will be removed to allow access with the remaining roadside hedge offering little minimal screening to the site. The site is roadside however given the sloping nature of the site it is considered that a modest dwelling located on the lower section of the site could be designed and positioned to ensure it is not prominent.

(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 is very open due to a lack of established natural boundaries with the result being that a suitable degree of enclosure is not provided to allow a dwelling to integrate. Although when travelling east along the public road the existing buildings on the farm holding will screen the site the opposite will be evident when travelling west as any dwelling on the site will be open to views given the lack of existing natural boundaries and so will not integrate.

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

As outlined above the application site lacks established natural boundaries, to allow any dwelling to integrate the site would rely primarily on the use of significant new landscaping.

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

Ancillary works would be in the form of a new access, it is considered that a sympathetic access including driveway could be designed in a way that would not visually impact on the character of the area, this would be subject to good design on the part of the applicant / agent.

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

This is an outline application and as such design details are not provided, it is considered that with the including of conditions such as a ridge height restriction to reflect the

adjacent single storey properties a suitable designed building appropriate to the site and locality could be provided.

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

Design details are limited at this stage, again it is considered that a suitably designed dwelling could blend with the landform including the sloping nature of the site.

- (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.

As previously outlined it is considered that a dwelling on this site would be visually linked and sited to cluster with an established group of buildings on the farm.

For the reasons outlined above the proposal is considered to fail criterion b and c, this is due to the site lacking established boundaries that would allow a dwelling to integrate. Any dwelling would be a prominent feature and would require new boundaries to allow integration.

CTY14

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area.

A new building will be unacceptable where

- (A) It is unduly prominent in the landscape; or

As outlined within the consideration of CTY13 a modest well-designed dwelling could be positioned in the lower area of the site to ensure it is not prominent in the landscape.

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

The site is adjacent to No 15 and associated farm building, when viewed along with these buildings the proposal would result in a suburban style build-up of development. No 15 and the adjacent farm buildings have separate vehicle entrances, the proposed development would see the creation of a further new access, this would further result in a suburban style of development with the cumulative appearance of vehicle accesses.

- (C) It does not respect the traditional pattern of settlement exhibited in that area; or

The traditional pattern of development in the vicinity are detached dwellings close to the road edge, the proposal would respect the traditional pattern exhibited in the area.

(D) It creates or adds to a ribbon of development; or

The position of the application site adjacent to No 15 which has a frontage to the road and associated farm buildings which have frontage to the road would add to a ribbon of development along Drummond Road. The site is not considered to be an infill opportunity under CTY8 as it is not a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage.

The agent for the application was advised that the Planning Department had concerns that the proposal would add to ribbon development along the public road.

The agent responded that the potential of contributing to ribbon development in association with farm buildings should be evaluated under the principles of CTY10 in conjunction with CTY8. Their response referred to appeal 2019/A0016 where the commissioner established that while the proposal technically contravened Policy CTY8 by contributing to ribbon development along a common frontage, the overriding considerations of Policy CTY10 namely clustering and preserving rural character must also be taken into account. The commissioner also outlined that the proposal would not lead to a detrimental change or erosion of the rural character, as its design and positioning are consistent with the established group of buildings.

Although the Planning Department acknowledge the comments within the above appeal decision it is also noted that this is one appeal decision made by a single commissioner and as such this does not remove the need for applications to adhere to policies CTY 13 and 14 as is clearly outlined as part of CTY10.

A more recent PAC decision 2022/A0114 which is very similar to this case with the site being on the road edge adjacent to farm dwelling and associated farm buildings. The commissioner in this case takes a different view when considering a proposed farm dwelling against CTY14.

The PAC decision states in paragraph 15,

"Travelling in both directions along Cargin Road towards the appeal site there would be transient views of these existing buildings and the appeal development, with a sequential awareness of the development fronting the road evident. Irrespective of the positioning of the appeal development within the site itself, it would create ribbon development along this part of the road as it would visually link with No. 74 Cargin Road and the group of agricultural buildings. As a result, it would add to the suburban style build-up of development at this part of the Cargin Road and accordingly it would cause a detrimental change by eroding the rural character at this location within the countryside. For these reasons, the Council's second reason for refusal based on Policies CTY 8 and CTY 14 of PPS 21 and the related provisions of the SPPS is sustained."

A further example of a decision taken within a PAC decision is within appeal 2019/A0184 which states in paragraph 14,

"Policy CTY10 does not contain an absolute guarantee that a dwelling will be approved on a farm. The policy is permissively worded but it makes it clear that approval will be conditional upon certain criteria being met. Compliance with policy CTY10 does not provide an exemption from compliance with other policies. CTY10 refers to the need for a proposal to meet the tests of policies CTY13 and CTY14 and the latter states that development creating ribbon development will be unacceptable. Whilst there is some entitlement for a dwelling on a farm implied in CTY10, it is not absolute or overriding."

The Planning Department have considered the information submitted by the agent, however it is still considered that the proposed development will add to a ribbon of development and is contrary to policy.

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

The main ancillary works would relate to a new access, as such the ancillary works would not damage the rural character.

For the reasons outlined above it is considered that the proposal fails to comply with policy criterion b and d. The proposal would be unduly prominent, result in a suburban style build up and add to a ribbon of development which would result in a detrimental change to the rural character of the countryside.

Neighbour Amenity

A dwelling within the site will not result in an unacceptable impact on any surrounding properties outside the farm holding given the separation distance.

CTY16

Any approval would require the inclusion of negative condition for the applicant to provide the Council with the consent to discharge before any work commences, the proposal is in general compliance with policy CTY16.

PPS2

The proposal would not result in a significant area of mature vegetation being removed with part of the roadside hedge needing removed to provide a new access. Any new dwelling would include the planting of new boundaries which would benefit biodiversity in the area, it is considered that the proposal would not have a detrimental impact on biodiversity.

Neighbour Notification Checked	Yes
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Summary of Recommendation

The application has been considered against relevant planning policies along with material considerations and for the reasons outlined would be considered unacceptable.

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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, if permitted, it would add to ribbon development along Drummond 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 CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for buildings to integrate into the landscape and the proposal relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
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 buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Case Officer Signature: Wayne Donaldson

Date: 25th March 2025

Appointed Officer Signature: M Fitzpatrick

Date: 26.03.2025

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2800/O	Target Date:
Proposal: Detached dwelling and garage	Location: Lands to the rear of 24 Downpatrick Road Strangford Down BT30 7LZ
Applicant Name and Address: Mr B Cassidy 24 Downpatrick Road Strangford Down BT30 7LZ	Agent Name and Address: Mr Gerry Tumelty 11 Ballyalton Park Downpatrick BT30 7BT
Date of last Neighbour Notification:	21 July 2023
Date of Press Advertisement:	26 July 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> Northern Ireland Water DfI Roads 	
Representations: NONE	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is located at the junction of The Links accessing off the Downpatrick Road and is comprised of a portion of ground cut out of the residential curtilage associated with no 24 Downpatrick Road. It fronts onto The Links and contains within it a detached flat roofed single storey garage / outhouse. the

The site is defined by block walls to the northern, southern and eastern boundary with the eastern boundary, the roadside boundary having a low wall rendered to match and physically attached to no 24. There is an access lane running between the eastern boundary and no 2A The Links. The site is fully visible from the road.



The site is located within the settlement development limits of Strangford as defined in the Ards and Down Area Plan 2015 and it is also within the Strangford and Lecale Area of Outstanding Natural Beauty. The site has been identified as being within the scale of influence of an Archaeological Site and Monument being a bronze age settlement and mound. The site is within an existing housing development and in close proximity to the local shop, pub and school.

<p>Description of Proposal</p> <p>Detached dwelling and garage</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>None</p> <p>None</p> <p><u>PLANNING HISTORY</u></p> <p>Planning</p> <p>LA07/2021/0976/O Site to rear of 24 Downpatrick Road, Strangford Proposed two storey dwelling with associated off-street parking to replace the existing shed and retention of vehicular access to site. Refused 28.09.2022</p> <p>R/2011/0619/F 22 Downpatrick Road, Strangford Retrospective raising of existing roof ridge level by 400mm and re-opening of existing window to side gable Granted 14.12.2011</p> <p>R/2011/0567/F 2A The Links, Strangford Single storey extension to rear of property – Granted 29.02.2011.</p> <p>R/2010/0923/F 22 Downpatrick Road, Strangford Refurbishment of existing dwelling including replacement of existing 2 storey rear – Granted 20.05.2011</p> <p>R/2002/0285/F 2A The Links, Strangford, Proposed storey and half extension to dwelling and sun room to rear Granted</p>

24.05.2002

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Design and Access Statement
- Site Location Plan / Indicative site layout

CONSULTATIONS

Northern Ireland Water (NIW) – No objections

DfI Roads - No objections

REPRESENTATIONS

No objections or representations have been received from neighbours or third parties of the site.

EVALUATION

Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP).

Until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. There is no conflict between the provisions of the SPPS and PPS 7 therefore PPS 7 is given consideration.

Policy QD1 Quality in New Residential Development is given consideration and it is noted that planning permission will only be granted where it is demonstrated that the proposal will create a quality and sustainable residential environment. In order for development to be considered acceptable it must conform with all the criterion set out below.

(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 pattern of development within the area is quite dense with the majority of buildings being two storey terraced or semi-detached buildings.

A clear building line is evident running both sides of the road from 2A to 2F The Links.

While the proposal seeks outline planning permission, the applicant has provided an indicative layout which shows a detached dwelling, with 4 car parking spaces to the front.

Officers consider such a layout would be appear at odds with that immediately adjacent and therefore out of character in the surrounding context in terms of layout, appearance and hard surfacing.

(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.

While there are built heritage interests within Strangford there are none in close enough proximity to the site to be considered to be likely to be impacted as a result of this proposal.

The site has been identified as being within the sphere of influence of an archaeological site and monument however the site is a previously developed piece of ground currently used as a garden serving an existing dwelling. There is nothing to suggest that the proposal will have any detrimental impacts on any architectural assets.

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

The indicative layout provided by the applicant is shown below.



The proposal seeks outline planning permission for a dwelling within the curtilage of an existing property, therefore an acceptable level of private open space must be provided for each dwelling.

In assessment of that proposed, officers note that if the new dwelling were to be permitted the existing dwelling No 24 Downpatrick Road, would be left with a private amenity area of approx. 102 sqm, which is acceptable.

However, the new dwelling if positioned as indicated above would have a very small private amenity space to the rear of the dwelling of approximately 10sqm. Such provision is unacceptable and significantly below the minimum standard as set out in the guidance document Creating Places.

The proposal therefore offends this criterion and will be recommended for refusal on this basis.

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

Given this development is for a single dwelling it is not considered that there is a need to provide any local neighbourhood facilities. Similarly, it is not considered that this proposal would have any negative impacts on the existing 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 movement pattern existing within the development will not be impacted as a result of this development. A vehicular access running to the side of the site between the site

and no 2A The Links will not be impacted as a result of the works. There will be an acceptable pattern of movement for the proposed dwelling and existing dwelling no 24 Downpatrick Road.

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

The indicative layout shows that 2 car parking spaces will be provided to the front of the new dwelling. These spaces will facilitate the existing dwelling at No 24 and the new property within the garden area.

While DfI Roads are content with the parking arrangement in terms of road safety, officers do not consider that a large area of hardstanding to the front of the new property would be in keeping with the character of the area.

While the provision is adequate in terms of the numbers provided, the proposed layout is not appropriate and the proposal will be recommended on this basis also.

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

Given the outline nature of the proposal the design of the proposed dwelling is not before the Planning Authority.

(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.

Officers consider the contrived siting of a new dwelling within the garden of No 24 as shown on the indicative plan would result in unacceptable adverse effects on both the existing occupants at No 24 and the proposed occupants of the new dwelling.

This is due to the fact that both No 24 Downpatrick Road and No 2a The Links would overlook the new development from their respective rear and side gable windows. The limited private amenity space to the rear of the dwelling will be overlooked and result in a consequential lack of privacy.

In addition, there is potential for the new dwelling to overlook and impact on the privacy of the private amenity space of No 24, given the close proximity and separation distance between the existing and proposed measuring at 12m.

Such an arrangement is unacceptable and not in keeping with the character surrounding area and the proposal will be recommended for refusal on this basis also.

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

An appropriately designed development would not offend this criteria.

Addendum to PPS 7 Safeguarding the Character of Established Residential Areas.

As this is a proposed development within an existing and well established residential area Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is applicable.

Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas states that permission will only be granted for the redevelopment of existing buildings or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7. Taking account of the assessment above it is considered that the proposal does not meet with all the requirements of QD1 and therefore cannot be considered to comply with policy LC1.

Notwithstanding this the remainder of the policy is given consideration below.

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

It is not considered that a dwelling at this site would significantly impact on the density found in the established residential area given the existing density of the surrounding development.

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

The existing pattern of development comprises a mix of terrace dwellings and semi detached dwellings. The majority of dwellings that face onto The Links have a small element of amenity space to the front. Dwellings 2A to 2F all sit back slightly further and have both front amenity and parking provision within the curtilage of the site.

The proposed dwelling does not follow that pattern of development as there is not sufficient room to the front of the dwelling to provide anything but the proposed parking spaces. Further to this the proposed parking arrangement to the front of the proposed dwelling is not in keeping with the established character. The limited size of the site fails to adequately accommodate a dwelling which respects the existing character whilst meeting residential standards.

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

Given the outline nature of the proposal the size of the dwelling is not before the Planning Authority.

As the site sits within the Strangford and Lecale Area of Outstanding Natural Beauty the

application is given consideration against PPS 2 Natural Heritage, NH6 Areas of Outstanding Natural Beauty. NH6 states that planning permission will be granted for new development within an AoNB where it is of an appropriate design, size and scale for the locality and providing the criteria set out below is met:

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

As this is an outline development the information available is limited but given the proposal is considered to offend the provisions of QD1 it would follow it would also detrimentally impact on the locality of the site within the AONB.

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

The proposal is not considered to harm any particular features either man made or heritage features within Strangford.

c) the proposal respects:

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

Given the outline nature of the proposal the above details of the dwelling is not before the Planning Authority.

PPS 3, Access, Movement and Parking

Policy AMP2 Access to Public Roads is applicable. In considered of this policy a consultation with DFI Roads was carried out .

DFI Roads have advised that they have no objections to the proposal.

Drawing

The Drawing considered in this assessment is as follows

A200 REV A – Site location plan with existing and proposed layout.

Conclusion

Officers note that this the second time the applicant has applied for a dwelling on this site. The alteration to the layout from that previously refused have not persuaded officers to amend their recommendation and consider the proposal differently.

Taking into consideration the existing character of the established residential area, the difficulties with the size of the site and likely impacts of overlooking onto both the existing and proposed dwellings it is not considered that the application can be considered acceptable and refusal is recommended.

Neighbour Notification Checked

Yes

Summary of Recommendation

REFUSAL

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that it has not been demonstrated that the development respects the surrounding context and is appropriate to the character of the existing area in terms of the site layout, landscaped and hard surfaced areas.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria C of Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that it has not been demonstrated that adequate provision of private amenity space can be made for the proposed dwelling;
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria H of Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that it has not been demonstrated that the proposed dwelling will not conflict with adjacent land uses in terms of unacceptable overlooking and loss of privacy.
4. The proposal is contrary the Strategic Planning Policy Statement (SPPS) and Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity, Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, in that the pattern of development in terms of site layout is not in keeping with the overall character of the residential area.
5. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH 6 Areas of Outstanding Natural Beauty of PPS 2 Natural Heritage, in that the siting of the proposal is not sympathetic to the special character of the Strangford and Lecale Area of Outstanding Natural Beauty and the proposal does not respect the existing architectural patterns and traditional boundary layouts associated with The Links, Strangford.

Case Officer Signature: C COONEY

Date: 13 March 2025

Appointed Officer Signature: Brenda Ferguson

Date: 14/03/25

Development Management Consideration

Details of Discussion:

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

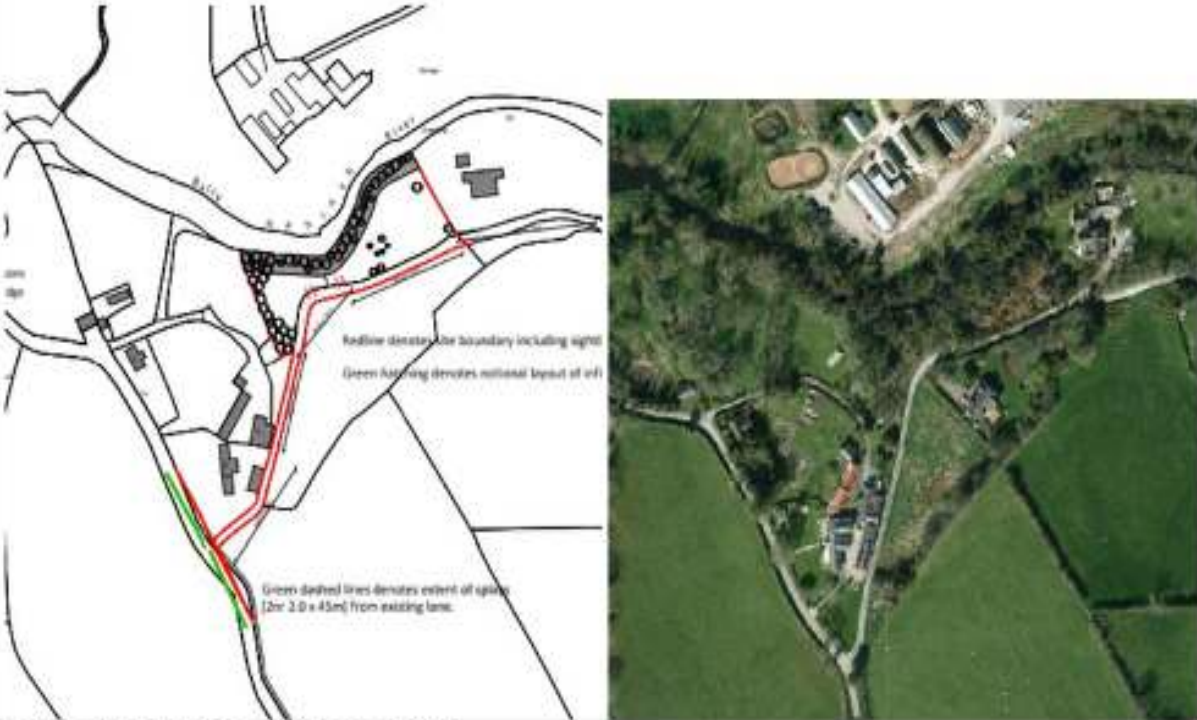
Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/3476/O	Target Date:
Proposal: Proposed infill for two dwellings, garages and associated site works	Location: Lands between 12 and 20 [on private lane] off Raleagh Road, Crossgar, BT30 9JG
Applicant Name and Address: David Graham 48 Raleagh Road Crossgar BT30 9JG	Agent Name and Address: William Wallace 9 Crossgar Road, Dromara Dromore BT25 2JT
Date of last Neighbour Notification:	27 March 2024
Date of Press Advertisement:	1 November 2023
ES Requested: No	
Consultations: see report	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report
<p>Site Location Plan: The site is located at lands between 12 and 20 [on private lane] off Raleagh Road, Crossgar.</p>  <p>Red line denotes site boundary including right of way Green hatching denotes national layout of land Green dashed lines denotes extent of site (2m 2.0 x 45m) from existing lane.</p>
<p>Date of Site Visit: 1st July 2024</p>
<p>Characteristics of the Site and Area</p> <p>The site is located along a private lane off Raleagh Road, Crossgar. It is comprised of a 0.38 hectare site, which is currently covered in a number of trees and vegetation and has a wooded appearance. The site abuts the Ballynahinch River to the rear. The land to the immediate north and south of the site is characterised by agricultural land while to the east and west of the site there are noted to be a number of single detached dwellings and associated ancillary buildings.</p> <p>The site is located within the rural area as designated in the Ards and Down Area Plan 2015.</p>
<p>Description of Proposal</p> <p>Proposed infill for two dwellings, garages and associated site works.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.</p> <p>The following planning policies have been taken into account:</p>

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 15 Planning and Flood Risk

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character
- Policy CTY 16 Development relying on non mains sewerage.

Ards and Down Area Plan 2015.

PLANNING HISTORY

Planning

Application Number: LA07/2019/0482/O

Decision: Permission Refused

Decision Date: 13 June 2019

Proposal: Proposed infill for two dwellings and garages

Location: Lands between 12, 18 and neighbouring house on Private Lane, Raleagh Road, Crossgar

Application Number: LA07/2019/1184/O

Decision: Appeal Dismissed

Decision Date: 21 May 2020

Proposal: 2 infill dwellings and garages

Location: Lands between 12, 18 and neighbouring house on Private Lane, Raleagh Road, Crossgar

Consultations:

NI Water – Statutory response – private treatment pack being used

DFI Roads – No objections subject to RS1 form (2m x 45m visibility splays)

DFI Rivers – Part of the site lies within the 1 to 200 yr coast flood plain – see report

Historic Environment Division (HED) – No objections

Shared Environmental Services – No objections

NIEA Natural Environment Division (NED) – No objections (10-01-2025)

Objections & Representations

In line with statutory requirements neighbours have been notified on 07.03.2024. The application was advertised in the Mourne Observer on 21.01.2024 (Expiry 07.02.2024). No letters of objection or support have been received to date.

Consideration and Assessment:

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

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

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

Policy CTY8- Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site

sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The agent considers that the site is such a gap site, falling within a substantial and continuously built-up frontage. For the purpose of the policy a line of 3 or more buildings along a frontage without accompanying development to the rear is required.

The site comprises an irregular shaped plot which fronts onto the private lane just off Raleagh Road which serves a number of dwellings. The dwellings at No 12, No 18 and No 20 all have frontage to the laneway because the plots upon which they sit abut the laneway. For the purposes of this policy a road frontage includes a footpath or private lane. The substantial and continuously built up frontage therefore comprises three buildings as specified in the policy.

As per the high court judgement – Gordon Duff v Newry, Mourne and Down District Council [2022] (NIQB37) and the subsequent court of appeal judgement - Gordon Duff's Application (Re. Glassdrumman Road, Ballynahinch) [2024] NICA 42, Policy CTY8 refers to a small gap site within an otherwise substantial and continuously built-up frontage, that is to say, which is continuously built up (in line with the policy) but for a 'small gap site' which is under consideration for development.

On considering that Judicial Review (JR) as referred to above, the restrictive nature of Policy CTY8 was further reinforced. The Judge had noted that:

"An exception to the prohibition against ribbon development can only be established if all of the conditions underpinning the exception are made out. Absent fulfilment of any of these conditions, the very closely defined exception cannot be made out. In construing and applying the exception, the decision-maker must bear in mind the inherently restrictive nature of the policy, the principal aim of which is to prevent the spread of ribbon development in rural areas".

Paragraph 5.34 of the amplification text of Policy CTY8 states that "many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and produce a design solution to integrate the new buildings."

Paragraph 5.34 infers that for the purposes of the policy, the 'gap' is between buildings. The gap in this case between the two dwellings is approximately 157 metres wide. In assessing whether that gap is 'small' and thus compliant with the policy, one must assess it in the context of the existing pattern of development along the frontage in terms of size, scale, siting and plot size. While consideration of an infill is not a mathematical exercise it does serve to inform the assessment of the proposal.

The following frontages have been observed:

No 18 - 62m (approx.)

No 12 - 50m (approx.)

No 20 - 78m (approx.)

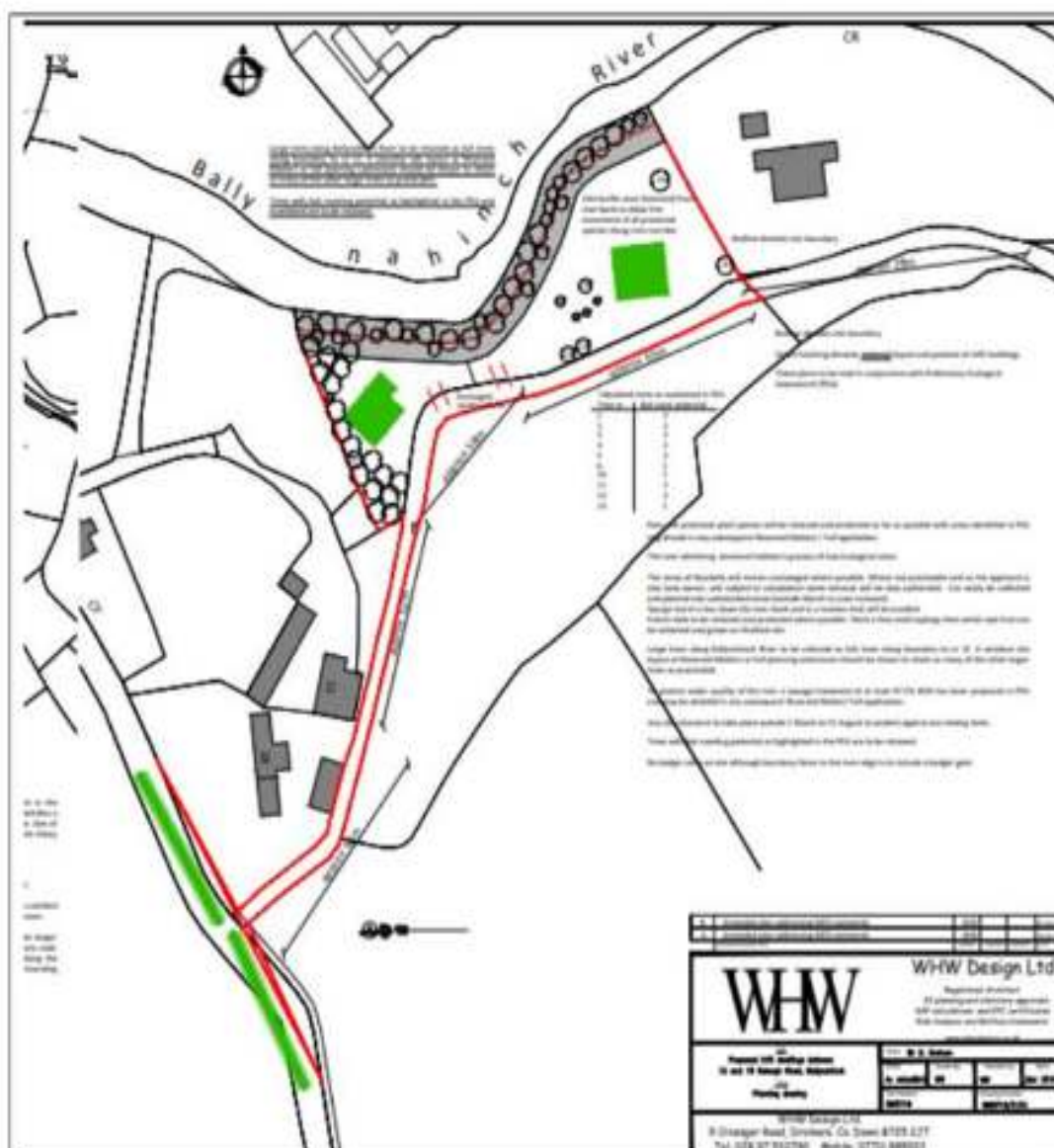
Average plot frontage is 63m

Total site frontage = 116m approx

Gap is 157m approx.

Building on Tradition (BoT) states that where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill. It goes on to say that when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots. The guidance states that a gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon. From the figures observed above, the average plot frontage width is 63m with the total site frontage for two dwellings 116m (58m each). Factoring this in and given that the width of the gap is approximately 157 metres, the gap is more than twice the length of the average plot width at around 63 metres. This aspect of the proposal would not be acceptable.

In terms of the plot sizes the plot at No 12 would be approx. 0.2ha, No 18 would be 0.3ha, the site would be 0.39ha approx (for two dwellings) and No 20 would be 0.5ha. There is a variation in the plots sizes.



Indicative site layout as proposed

Notwithstanding the above, when account is taken of the trees and vegetation that have to be retained as part of the condition from Natural Environment Division (NED) the indicated plot of the site (on LHS) would have a much smaller plot size and depth (narrowing to only 8m in depth). Therefore while there is a small gap site within an otherwise substantial and continuously built up frontage, the proposed site would not respect the existing development pattern along the frontage.

Further to this, officers consider that while the proposal is located within a substantial and continuous built-up frontage (as identified above) the gap between Nos 12 and 20 due to its wooded appearance provides an important visual break and contributes to the rural character of the area.



View of site on LHS (no 20 is not visible)

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character.

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

CTY 13 requires to be considered as part of the assessment of the proposal. As the application is for outline permission, no specific details of house type or design have been submitted. Policy CTY 13 states that a new building will be unacceptable where it is considered a prominent feature in the landscape and where the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. It is noted that a significant proportion of the vegetation that encloses the site will be retained, especially the along the boundary with the river. On this basis it is deemed that the proposal would comply with CTY 13.

CTY 14 – Rural Character

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a

new building would be unacceptable. Development of the site would be visually linked with the adjacent buildings at No 12 and 18 and would read as a ribbon of development from this aspect. In doing so it would conflict with criterion d of PPS 14 (read as a whole and the related provisions of the SPPS), which would cause a detrimental change to the rural character of the area.

CTY 16 – Development relying on non mains sewerage. While the agent has ticked the use of a septic tank on P1 form NED would highlight the use of package treatment plants has been recommended within the PEA, given the slope of the site. NED therefore recommend that plans at RM show the type and positioning of the treatment systems in order to protect the adjacent watercourse. There would be sufficient room within the land in red for a package treatment works. The grant of planning permission does not negate the need for a consent to discharge outside of the planning process.

PPS 2 – Natural Heritage

The site is hydrologically connected to Strangford Lough SAC/SPA/Ramsar site which is of international importance and is protected by the Habitats Regulations.

Policy NH1: European and Ramsar Sites – International of PPS 2 is therefore applicable which states that planning permission will only be granted for a development proposal that either individually or in combination with existing and / or proposed plans and projects, is not likely to have a significant effect on:

- A European Site (SPA, proposed SPA, SAC, candidate SAC and SCI or
- A listed or proposed Ramsar Site

Shared Environmental Services were consulted as part of the application. Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 08/08/2024. This found that the project would not be likely to have a significant effect on any European site. The proposal would comply with NH 1.

Policy NH 2: Species Protected by Law, states that Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- there are no alternative solutions; and
- it is required for imperative reasons of overriding public interest; and

- there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- compensatory measures are agreed and fully secured.

The local area is described as being productive for bats due to the presence of mature gardens, and the site itself contains a number of trees considered to have Bat Roost potential.

In consideration of the above, Natural Environment Division have been consulted. Natural Environment Division (NED) NED acknowledge receipt of amended plans (drawing no. WW0719/P/01Rev B) which demonstrate the positioning of the trees with Bat Roost Potential (BRP) in relation to proposed buildings and note that these are shown to be retained. NED are content that the retention of these trees will lessen the likelihood of negative impact to bats, however, would highlight the recommendations of the ecologist regarding the protection of trees and the use of sensitive lighting. NED are therefore content subject to conditions. As such, the proposed development would be in accordance with Policy NH2.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance 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 known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. Officers note that the response from NED states that the application site contains species protected by the Wildlife (Northern Ireland) Order 1985 (as amended) and is used by priority species, includes priority habitats and in part acts as an ecological corridor in a wider ecological network. Its function as a network makes it a natural heritage feature

worthy of protection. NED note that signs of protected species utilising the site were recorded during walkover surveys. NED are content that the 10m buffer shown on plans adjacent to the watercourse will retain a dark corridor for foraging mammals (subject to mitigation). The proposal would comply with NH 5 subject to conditions.

PPS 3: Access, Movement and Parking

Policy AMP2 – Access to public roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification if the use of an existing access onto a public road where:

(A) Such an 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

In assessment of this policy DFI Roads have been consulted and have no objections subject to the RM application being in compliance with the attached RS1 form. It is noted that the access is indicated as being a paired access likely due to the road alignment and this would not be deemed to be acceptable, however, a condition could ensure that this would not be the case at RM stage.

PPS 6: Planning Archaeology and the Built Heritage

HED Historic Buildings has been consulted and advises that the proposal 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.

PPS 15: Planning and Flood Risk

The site is positioned immediately adjacent to the Ballynahinch River.

In consideration of this landscape feature, Rivers Agency have been consulted and have advised the Planning Authority the following:

FLD1 - Development in Fluvial and Coastal Flood Plains - Flood Maps (NI) indicate that the area of the site along the northern boundary lies within the 1 in 100 fluvial flood plain of the Ballynahinch River, which has been modelled in detail. The approximate Q100 flood level at the site is 41.22mOD.

The submitted site layout drawing indicates that the location of the proposed dwellings is not within the flood plain. Hence, Rivers Directorate would have no objection to the

proposal. It should be a condition of planning that the area of flood plain, if designated as open space by the Planning Authority under FLD 1(f) of PPS 15, should not be raised or the flood storage capacity and flood conveyance routes reduced by unsuitable planting or obstructions.

Considering the close proximity of the flood plain and adopting the precautionary approach embodied by PPS 15, Rivers Directorate recommends that the finished floor levels of the proposed dwellings and garages are set with a minimum freeboard of 600mm above the Q100 flood level.

Rivers Directorate also recommends that the Applicant ensures that the proposals take into consideration measures to improve the resilience of new developments in flood risk areas by the use of suitable materials and construction methods. Further details of Flood Proofing – Resistance & Resilience Construction can be found in revised PPS 15 Annex E.

In terms of the Flood Risk in the Climate Change Scenario- Rivers Directorate advises the planning authority that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps (see attached), indicate that areas of the site lie within the 1 in 100-year fluvial Q100 climate change flood plain. The predicted Q100 climate change level is approximately 41.4mOD.

Fluvial Flood Plain Q100 Climate Change

Rivers Directorate considers, in accordance with the precautionary approach, that part 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.

In response to this DfI response, in terms of FLD 1 the policy is silent in relation to the climate change modelling scenario. However, Planning would still need to take a precautionary approach as advised by DfI Rivers by checking the extent of the climate change floodplain within the site. From the latest Fluvial Flood Plain Q100 Climate Change Map supplied by DfI Rivers (below), it is evident that the floodplain would not be encroaching onto the built form (as indicated by the indicative layout given this is an outline application). Similarly, if as advised by DfI Rivers, finished floor levels of the proposed dwellings and garages should be set with a minimum freeboard of 600mm above the Q100 flood level. On this basis planning are content and could not sustain a refusal based on FLD 1.



Under FLD2 Protection of Flood Defence and Drainage Infrastructure, a maintenance strip of minimum 5m needs to be left clear to provide access and egress at the rivers' edge at all times. This could be subject to a condition and shown at RM stage if planning are minded to approve.

The Planning Authority do not deem the proposal to exceed any of the thresholds under FLD 3 (Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) and on this basis a Drainage Assessment would not be required.

FLD 4 – Artificial Modification of watercourses - Not applicable to this site based on information provided. In the event of an undesignated watercourse being discovered, Policy FLD 4 may apply.

FLD 5 - Development in Proximity to Reservoirs – Not applicable to this site.

Conclusion

While there is history on the site this is a material consideration and it is noted that while the two previous refusals did not cite CTY 8 as a reason for refusal, the principle of development still needs to be established. Determining weight must therefore be given on the circumstances now prevailing. Therefore, for the reasons given above, the proposal fails to satisfy the requirements of Policies CTY 8 and CTY 14 of PPS 21 and the related provisions of the SPPS. No overriding reasons have been presented to

demonstrate how the proposal would be essential in the countryside, thus it is also contrary to Policy CTY 1 and the related provisions of the SPPS.

Recommendation:

Refusal

The plans to which this refusal relate include:
site location plan and site layout - WW0719 P01b

Refusal Reasons:

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 the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as its development would not respect the existing development pattern along the frontage, resulting in the loss of an important visual break and would, if permitted, result in the addition of ribbon development along this private laneway off Raleagh Road.

Neighbour Notification Checked	Yes
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Summary of Recommendation - refusal
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Case Officer Signature: C. Moane	Date: 06 February 2025
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Appointed Officer Signature: Brenda Ferguson	Date: 06/02/25
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Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____



NOTICE OF OPINION
The Planning Act (Northern Ireland) 2011

Application No: **LA07/2023/2275/DCA**

Date of Application: **17 March 2023**

Site of Proposed Development: **Abbey Way Car Park, Abbey Way, Newry**

Description of Proposal: **Proposed Demolition of existing split deck/multi-storey car park**

Applicant: Newry Mourne and Down District Council

Address: Newry Office
Monaghan Row
Newry
BT35 8DJ

Drawing Ref: 01

In pursuance of its power under section 88(7) of the above-mentioned Act, the Department for Infrastructure HEREBY GIVES NOTICE that consent to demolish in a Conservation Area in accordance with your application **SHOULD IN ITS OPINION BE GRANTED** subject to compliance with the following conditions which are imposed for the reasons stated:

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.

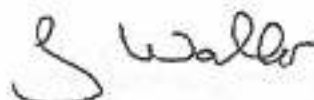
Reason: As required by section 105 of the Planning Act (Northern Ireland) 2011.

2. This consent is granted subject to the implementation of the scheme as approved under planning application LA07/2023/2274/F.

Reason: To ensure the implementation of a satisfactory scheme in the interests of Newry Conservation Area.

Dated: 02 April 2025

Signed:



Authorised Officer
for Regional Planning Policy and Casework



NOTICE OF OPINION
The Planning Act (Northern Ireland) 2011

Application No: **LA07/2023/2225/DCA**

Date of Application: **17 March 2023**

Site of Proposed Development: Town Hall, 1 Bank Parade, Newry, BT35 6HR

Description of Proposal: Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade, Newry.

Applicant: Newry Mourne and Down District Council	Address: Newry Office Monaghan Row Newry BT35 8DJ
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Drawing Ref: 01

In pursuance of its power under section 88(7) of the above-mentioned Act, the Department for Infrastructure HEREBY GIVES NOTICE that consent to demolish in a Conservation Area in accordance with your application **SHOULD IN ITS OPINION BE GRANTED** subject to compliance with the following conditions which are imposed for the reasons stated:

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 105 of the Planning Act (Northern Ireland) 2011.

2. This consent is granted subject to the implementation of the scheme as approved under planning application LA07/2023/2193/F.

Reason: To ensure the implementation of a satisfactory scheme in the interests of Newry Conservation Area.

Dated: 02 April 2025

Signed:

A black rectangular box redacting the signature of the authorised officer.

Authorised Officer
for Regional Planning Policy and Casework

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial unit comprising creche and associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	M Fitzpatrick	Readvertisement Aug 24 following amended proposal description. Under consideration.	N
PLANNING COMMITTEE MEETING 13 DECEMBER 2023					
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Belleek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works	Defer for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit.	M Fitzpatrick	Deferred for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit. Agent contacted to advise retail info received and under consideration. Site visit arranged 17/02/2025 – awaiting legal advice	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				To be tabled at 30 April Committee	
PLANNING COMMITTEE MEETING 7 FEBRUARY 2024					
LA07/2022/1712/O	Lands between 51 and 53 Dundrinne Road, Castlewellan - 2no. infill dwellings and garages	Deferred – to allow applicants to submit amendments	B Ferguson	In progress	N
PLANNING COMMITTEE MEETING 5 FEBRUARY 2025					
LA07/2022/1602/F	To the rear and immediately NE of 7-9 Queen Street Warrenpoint - Proposed 4 no. 3 bedroom semi- detached dwellings with in curtilage parking with access onto Queen Street	Deferred to allow the agent to work with Planning Department to provide further information	M Keane		N
PLANNING COMMITTEE MEETING 5 MARCH 2025					
LA07/2023/3476/O	- Lands between 12 and 20 (on private lane) Raleagh Road, Crossgar - Proposed infill for 2 dwellings, garages and associated site works	Deferred to be considered at future committee date	B Ferguson	To be tabled at 30 April committee meeting.	Y
PLANNING COMMITTEE MEETING					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
2 APRIL 2025					
LA07/2021/0869/F	NE of 81 Ardglass Road, Ballywooden, - Downpatrick - Proposed 5 No. glamping pods, associated car parking and site works with hard and soft landscaping.	Deferred for a site visit	P Manley	Site visit attended 11/03/25. To be tabled at June Committee	N